

Minutes

DVD No. 427

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, November 5, 2018. Mayor Peggy Dunn presided.

Councilmembers Present: Lisa Harrison, Chuck Sipple, Andrew Osman, Debra Filla, Julie Cain, James Azeltine, Jim Rawlings and Mary Larson

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
Chris Claxton, Parks & Recreation Director
David Ley, Public Works Director
Mark Tepesch, Info. Services Specialist III
April Bishop, Cultural Arts Coordinator
Nic Sanders, Human Resources Director
Debra Harper, City Clerk
Patty Bennett, City Attorney
Chief Dave Williams, Fire Department
Ross Kurz, Info. Services Director
Chief Troy Rettig, Police Department
Dawn Long, Finance Director
Cindy Jacobus, Assistant City Clerk

Others Present: Alice Hawk, Leawood Foundation Chair and Historic Commission Member
Bruce Martin, Historic Commission Chair
Janet O'Neal, Historic Commission Vice-Chair
Charles Lusk, Historic Commission Member

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn stated the agenda had been amended to continue Special Business Agenda Item 6.A. to November 19, 2018, the next regularly-scheduled Governing Body meeting.

A motion to approve the amended agenda was made by Councilmember Harrison; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.

3. CITIZEN COMMENTS – None

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.

4. PROCLAMATIONS

Small Business Saturday, November 24, 2018

Mayor Dunn read portions of the proclamation into the record. She stated the proclamation had been mailed to the requestor.

Turn your Porch Lights On, November 11, 2018

Mayor Dunn stated in 2012 the Leawood Historic Commission had revived this past World War II tradition of a symbolic way for soldiers to “find their way home”, and she read the proclamation into the record. She presented the proclamation to Mr. Bruce Martin, Historic Commission Chair, thanking him for attending tonight’s meeting.

Mr. Martin thanked the Governing Body for the honor of accepting the proclamation on behalf of veterans.

World Kindness Day, November 13, 2018

Mayor Dunn read portions of the proclamation into the record. She stated the proclamation would be mailed to the requestor.

5. PRESENTATIONS/RECOGNITIONS Certificate of Appreciation to Alice Hawk for 25 Years of Service On Leawood Historic Commission

Mayor Dunn stated Alice Hawk is no stranger in the City, but rather than speaking about the Leawood Foundation, the all-inclusive playground, or numerous other private-public funded partnership projects she has lead, the Certificate of Appreciation was for special recognition of Ms. Hawk’s years of service on the Leawood Historic Commission from 1993 to 2018, being part of the commission since its inception. Mayor Dunn presented the certificate to Ms. Hawk with sincere thanks, indebtedness and deep gratitude.

Ms. Hawk thanked the Governing Body, stating the work had been enjoyable with interesting people, with all meeting documentation placed in the archives. She acknowledged the hard work of many others such as Mr. Martin, Mr. Lusk, Ms. O’Neal and Ms. Bishop.

Ms. Claxton announced Ms. Hawk and the Leawood Foundation had been awarded the Distinguished Public Service Award from the Kansas Recreation & Parks Association, whose members are local agencies, after being nominated by the City’s Parks & Recreation Department. The award is scheduled to be presented in February 2019 in Hutchison, Kansas. Ms. Claxton stated if Ms. Hawk was unable attend to attend the award ceremony, she would be happy to accept the award on behalf of Ms. Hawk.

Ms. Hawk confirmed to Councilmember Rawlings that she had chaired hundreds of meetings. Meeting attendees gave a standing ovation to honor Ms. Hawk.

6. SPECIAL BUSINESS

- A. **Ordinance No. 2911**, authorizing and providing for the acquisition of lands or interests therein by condemnation for the 143rd Street Improvement Project between Windsor Lane and Kenneth Road [Project # 80129] [ROLL CALL VOTE] – *CONTINUED TO THE NOVEMBER 19, 2018 GOVERNING BODY MEETING*

- B. **Resolution No. 5061**, adopting the 2019 Fee Schedule for fees not specifically provided for in the Code of the City of Leawood, 2000, [Code] in accordance with § 1-701 of the Code and rescinding Resolution No. 4861

Ms. Harper reviewed proposed changes to fees detailed in memoranda provided in the meeting agenda documentation from the Police and Parks & Recreation Department, and from Troon Management-Ironhorse Golf Club.

Mayor Dunn questioned how the alarm non-registration fee would be imposed. Chief Rettig stated the Police Department responds to many alarms that are not registered, and fees would be charged to residents thereafter.

A motion to approve Agenda Item 6.B. was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

Mayor Dunn thanked Ms. Harper for the concise presentation in a Council meeting rather than a Work Session.

7. **CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2018-41, 2018-42 and 2018-43
- B. Accept minutes of the October 15, 2018 Governing Body meeting
- C. Accept minutes of the October 15, 2018 Governing Body Work Session
- D. Accept minutes of the September 13, 2018 Sustainability Advisory Board meeting
- E. Accept minutes of the June 7, 2018 Leawood Foundation meeting
- F. Accept minutes of the May 31, 2018 Ironhorse Golf Advisory Board meeting
- G. Approve Massage Establishment License to Opulent Massage, located at 13160 State Line Road, in accordance with Code § 5-510
- H. Approve Massage Establishment License to Bodywork by Jeni located at 8012 State Line Road, in accordance with Code § 5-510
- I. Approve 4th and Final Pay Request in the amount of \$10,025.10, to S & W Waterproofing, Inc., pertaining to the Leawood Justice Center parking deck repairs [Project # 74084]
- J. Approve purchase in the amount of \$32,050.00 to Turnn-Key Mobile, Inc., for the purchase of [10] Panasonic Win 10 Pro Computers and docking stations
- K. Approve Change Order No. 3, in the amount of \$57,212.46, to Kissick Construction for stormwater infrastructure repairs at 9800 Sagamore, 9820 Sagamore, and 2016 W. 95th Street, pertaining to the 2018 CMP Replacement Program [Project # 80255]
- L. Approve Change Order No. 1, in the amount of \$8,140.60, to K & W Underground, Inc., for installation of fiber optic connections at Fire Station No. 3, and Ironhorse Golf Course, located at 14801 Mission Road and 15400 Mission Road, respectively [Project # 76048]
- M. **Resolution No. 5062**, calling for a Public Hearing to be heard on Monday, December 3, 2018, at 7:30 P.M., or as soon thereafter as may be heard, regarding amendments to the 2018 Fiscal Budget for the City of Leawood, Kansas

- N. **Resolution No. 5063**, approving and authorizing the Mayor to execute a Reciprocal Investigation Interlocal Agreement between the City and the Eastern Kansas Multi-County Task Force to assist respective personnel in fire and explosion investigations
- O. **Resolution No. 5064**, approving and authorizing the Mayor to execute a Professional Engineering Agreement in the amount of \$225,155.00, between the City and Brungardt, Honomichl & Company, P.A., [BHC Rhodes], pertaining to the Lee Boulevard Improvement Project from 95th Street to 103rd Street [Project # 72066]
- P. **Resolution No. 5065**, approving and authorizing the Mayor to execute an Interlocal Agreement between the City and Board of County Commissioners of Johnson County, Kansas [BOCC] pertaining to the Preliminary Engineering Study for the Stormwater Improvement Project North of I-435, between Mission Farms and Lee Boulevard from north of I-435 to South of 105th Street, [SMAC Project # IC-04-040] [Project # 73004]
- Q. **Resolution No. 5066**, accepting a Temporary Construction Easement from Grantor DC Group 1, LLC, for property located at 14300 Kenneth Road, Tract 20, Lot 1, Camden Woods Subdivision, Third Plat, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- R. **Resolution No. 5067**, accepting a Permanent Storm Sewer Easement from Grantor DC Group 1, LLC, for property located at 14300 Kenneth Road, Tract 20, Lot 1, Camden Woods Subdivision, Third Plat, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- S. **Resolution No. 5068**, accepting a Temporary Construction Easement from Grantor Christ Community Evangelical Free Church, for property located on the northwest corner at 143rd Street and Kenneth Road, Tract 19, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- T. **Resolution No. 5069**, accepting a Permanent Utility Easement from Grantor Christ Community Evangelical Free Church, for property located on the northwest corner at 143rd Street and Kenneth Road, Tract 19, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- U. **Resolution No. 5070**, accepting a Permanent Storm Sewer Easement from Grantor Christ Community Evangelical Free Church, for property located on the northwest corner at 143rd Street and Kenneth Road, Tract 19, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- V. **Resolution No. 5071**, accepting a Deed of Dedication for Right-of-Way from Grantor Christ Community Evangelical Free Church, for property located on the northwest corner at 143rd Street and Kenneth Road, Tract 19, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- W. **Resolution No. 5072**, accepting a Permanent Utility Easement from Grantors Mark A. and Linda A. Blomeyer, for property located at 3520 W. 93rd Street, pertaining to the Mission Road Improvement Project between 84th Street and 95th Street [CARS Project # 72074]
- X. **Resolution No. 5073**, accepting a Permanent Utility Easement from Grantors Robert M. Grabowski and Megan E. McDermott, for property located at 3537 W. 92nd Terrace, pertaining to the Mission Road Improvement Project between 84th Street and 95th Street [CARS Project # 72074]
- Y. **Resolution No. 5074**, accepting a Permanent Utility Easement from Grantors Frank P. Begley Revocable Trust, for property located at 3539 W. 92nd Place, pertaining to the Mission Road Improvement Project between 84th Street and 95th Street [CARS Project # 72074]

- Z. **Resolution No. 5075**, accepting a Deed of Dedication for Right-of-Way from Grantor Leawood Land Company, LLC, for property located on the southeast corner at 151st Street & Mission Road, pertaining to the Arterial Mill and Overlay Project [Project # 72068]
- AA. **Resolution No. 5076**, accepting a Temporary Construction Easement from Grantor Leawood Land Company, LLC, for property located on the southeast corner at 151st Street & Mission Road, pertaining to the Arterial Mill and Overlay Project [Project # 72068]
- BB. **Resolution No. 5077**, accepting a Permanent Utility Easement from Grantors Michael B. Field and Ann Christine Field, for property located at approximately 103rd & Mission Road, Leawood East Subdivision, Lot 7
- CC. **Resolution No. 5078**, accepting a Temporary Construction Easement from Grantor Leawood South Townhouse Association, Inc., for property located north of Condolea Drive and west of Overbrook Road, Leawood South Subdivision, Area 3, Tract C-1, Tracts E & F, pertaining to the 2018 CMP Replacement Project [Project # 80255]
- DD. **Resolution No. 5079**, accepting a Temporary Construction Easement from Grantor Leawood South Townhouse Association, Inc., for property located north of Condolea Drive and west of Overbrook Road, Leawood South Subdivision, Area 1, Tract C-1, Tract F, pertaining to the 2018 CMP Replacement Project [Project # 80255]
- EE. **Resolution No. 5080**, accepting a Permanent Storm Sewer Easement from Grantor Leawood South Townhouse Association, Inc., for property located north of Condolea Drive and west of Overbrook Road, Leawood South Subdivision, Area 3, Tract C-1, Tracts E and F, pertaining to the 2018 CMP Replacement Project [Project # 80255]
- FF. **Resolution No. 5081**, accepting a Permanent Storm Sewer Easement from Grantor Leawood South Townhouse Association, Inc., for property located north of Condolea Drive and west of Overbrook Road, Leawood South Subdivision, Area 1, Tract C-1, Tract F, pertaining to the 2018 CMP Replacement Project [Project # 80255]
- GG. **Resolution No. 5082**, accepting a Permanent Storm Sewer Easement from Grantor Leawood South Townhouse Association, Inc., for property located at the southwest corner at the intersection of Condolea Drive and Overbrook Road, Leawood South Subdivision, Area 4, Tract F, pertaining to the 2018 CMP Replacement Project [Project # 80255]

Councilmember Azeltine requested Consent Agenda Item 7.P. be pulled.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 8-0.

- 7.P. **Resolution No. 5065**, approving and authorizing the Mayor to execute an Interlocal Agreement between the City and Board of County Commissioners of Johnson County, Kansas [BOCC] pertaining to the Preliminary Engineering Study for the Stormwater Improvement Project North of I-435, between Mission Farms and Lee Boulevard from north of I-435 to South of 105th Street, [SMAC Project # IC-04-040] [Project # 73004]

Mr. Ley confirmed to Councilmember Azeltine the cost of the preliminary engineering study would come from the same fund used for actual construction. The study should be complete by the end of the month.

A motion to approve Consent Agenda Item 7.P. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

8. MAYOR'S REPORT

- A. Request a moment of silence for families and friends of victims in the recent shooting at the Tree of Life Synagogue in Pittsburgh, Pennsylvania.
- B. Much appreciation to Arts in Public Places Chair Anne Blessing, Cultural Arts Coordinator April Bishop and Parks & Recreation Director Chris Claxton for organizing a great dedication of "Dancers." We were delighted to have Sculptor Ewerdt Hilgemann and his wife Antoinette in town from The Netherlands for the dedication. All Councilmembers and members of the Art Selection Committee, Arts Council and the Planning Commission were present. Inclement weather prevented a visit to the site, which is just north of City Hall along Roe. The sculpture consists of two 20 ft. columns, one made of Cor-Ten steel and one made of stainless steel. Mr. Hilgemann stated the sculpture represented a Native American and a Frontiersman dancing, and was pleased the piece had been located in the Midwest.
- C. Congratulations to Leawood Stage Company and Chair Mike Blinn, Cultural Arts Coordinator April Bishop and all involved with the production of "MAME." From the talented cast and orchestra, the volunteers, including "popcorn popper extraordinaire" Mary Tearney, all were truly exceptional. One real standout was Councilmember James Azeltine who played Beauregard Jackson Pickett Burnside. It was a marvelous musical and very well done!
- D. Participated in the Leawood Chamber of Commerce ribbon cutting for Health Resources by Humana at Walgreens, located across the street from City Hall. Humana has developed a new free service to make access to health resources easier and more convenient by being located at your neighborhood Walgreens. Councilmembers Jim Rawlings and Mary Larson also attended.
- E. Congratulations are in order for recent recognition by WalletHub ranking Leawood the Best Small City in America for 2018. The study compared more than 1,200 cities with populations between 25,000 and 100,000 across 40 key indicators of livability such as housing affordability, economic health, quality of life, safety and education. Our resident education levels are paramount, most having a high school education or above. Leawood a great number of restaurants per capita which was also important.
- F. The November issue of 435 Magazine showcased the 10 Happiest Dog Parks in Kansas City with a great feature on Leawood's Leawoof. The magazine will be passed for your review.

9. COUNCILMEMBERS' REPORT

Councilmember Filla – Request for extension of time line for Community Garden Task Force

Councilmember Filla stated the Community Garden was a one-year pilot project at 96th & Lee Boulevard that had been extended for a second and third year. Redevelopment of the site is planned in regard to construction of a new Fire Station and future disposition of the garden had not been discussed with the Parks & Recreation because of the department's workload in regard dealing with two 500-year flood events in 2017. She asked for a one-year extension of the Task Force, consisting of approximately five members, to look at alternative garden sites such as the Church of the Resurrection, at a school or on WaterOne property.

Mayor Dunn pointed out the timeline had ended September 1, 2018. A one-year extension to the first Governing Body meeting in November 2019 was agreeable.

A motion to approve the Task Force extension and report to Governing Body to November 4, 2019 was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION – None

13. OLD BUSINESS – None

14. OTHER BUSINESS – None

15. NEW BUSINESS

- A. Schedule a Special Call Governing Body meeting on Monday, November 12, 2018 at 7:00 P.M., for a Public Meeting- residents' comments on possible relocation of former City Hall Building, from 9615 Lee Boulevard, to be located adjacent to current City Hall at 4800 Town Center Drive

Councilmember Osman stated the meeting had been publicized through various social media platforms, and a large number of Wards One and Two residents should be expected to attend. Mayor Dunn confirmed this was a Special Call Governing Body meeting that would be held in Council Chambers rather than the Main Conference Room, with a 7:00 P.M. start time.

Councilmember Azeltine stated for the benefit of the audience which included many students that Agenda Items 15.A. and 15.B. relate to the original City Hall building located at 96th and Lee Boulevard. The building is approximately 60 years old and served as the former Police Station. A park and how to best utilize the site has been discussed for several years, and a suggestion to move the original City Hall to the west of the current City Hall had been made.

Councilmember Filla thanked everyone for community outreach to notify residents. The Leawood Homes Association [HOA] is a major HOA of 1,500 homes in Ward One, and Leawood Estates HOA has 1,400 homes across Ward One and Two. Neither of these HOAs has an electronic database of residents. The proposed public meeting is listed on the City's website and was publicized in the Shawnee Mission Post.

Mayor Dunn stated Mr. Lambers had been quoted many times in the Shawnee Mission Post article and she would be happy to share the article.

A motion to approve Agenda Item 15.A. was made by Councilmember Osman; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- B. Schedule a Governing Body Work Session on Monday, December 3, 2018, at 6:00 P.M., for Continued Discussion of Redevelopment Plan for 96th and Lee Boulevard *[Tentative]*

Mayor Dunn stated the City Administrator had proposed Governing Body meeting as tentative, pending results of the November 12, 2019 Special Call meeting.

A motion to approve Agenda Item 15.B. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 8-0.

ADJOURN

There being no further business, the meeting was adjourned at 8:08 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk