

Minutes

DVD No. 433

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 Tuesday, January 22, 2019. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Jim Rawlings

Staff Present: Patty Bennett, City Attorney
Chief Troy Rettig, Police Department
Chris Claxton, Parks & Recreation Director
Mark Tepesch, Info. Services Specialist III
David Ley, Public Works Director
Ross Kurz, Info. Services Director
Debra Harper, City Clerk
Cindy Jacobus, Assistant City Clerk

Others Present: Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by a Tenderfoot Rank Boy Scout from Troop 449 and a Life Rank Boy Scout from Troop 92, who were working on their Communication Badges.

2. APPROVAL OF AGENDA

Mayor Dunn stated the agenda had been amended to withdraw Agenda Items 15.A. and 15.B. as requested by Staff.

A motion to approve the amended agenda was made by Councilmember Harrison; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

3. CITIZEN COMMENTS

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.**

Mayor Dunn stated the citizen signed in to speak on Agenda Item 6.A would be called upon when the topic was discussed.

4. PROCLAMATIONS – None

5. **PRESENTATIONS/RECOGNITIONS** – None

6. **SPECIAL BUSINESS**

- A. **Ordinance No. 2925**, authorizing and providing for the acquisition of lands or interest therein by condemnation for the Patrician Woods Stormwater Project located at approximately 127th Street and Catalina in Leawood, Johnson County, Kansas [SMAC Project TM-04-006] [Leawood Project # 77018] [ROLL CALL VOTE]

Mr. Ley stated the number of easements needed had dropped in the last two weeks from three to two. Communication with property owners has continued and he was expecting a response from the two remaining property owners this week, but the City needs to proceed with the proposed ordinance to keep the project on schedule.

Mr. Leroy Tom Messenger, 12515 Delmar, President, Patrician Woods Home Owners Association, thanked the Council and City Engineering Staff for their continuous support of the drainage project. The neighboring home owners association may not be pleased, but someday they may need something that Patrician Woods could provide.

Councilmember Azeltine stated for the record and future reference, the City needs to move much quicker on similar projects involving numerous households having a small minority of non-support. He respects that the United States was founded on property rights. In the past the City took the time to communicate and convince property owners, something Overland Park does not do. The City needs to move quickly so the process is not elongated.

A motion to pass Agenda Item 6.A. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 7-0.

- B. **Resolution No. 5114**, approving and authorizing the Mayor to execute an Amended Independent Contractor Agreement between the City and Van Booven Tree Care, for an amount not to exceed \$15,000.00, for storm debris removal, related to the January, 2019, winter snow storm [Project # 74102]

Mayor Dunn offered tremendous appreciation to Mr. Ley for his leadership and his crews on their outstanding work during the recent snow storm, which was reported to be the worst storm in 30 years. KCP&L did their best as well. She had received only positive comments. Mr. Ley stated crews had to deal with debris as well as snow, and Parks & Recreation Department Director Chris Claxton has offered her crew to assist with clearing City property in the future, so the Public Works Department can focus on streets. Councilmember Azeltine stated the snow storm was an extraordinary event and City effort to address was the best he has seen. Councilmember Cain stated she had received some negative comments. Meeting attendees offered a round of applause.

Mr. Ley clarified details of the planned City-wide debris pick-up. Pick-up was originally planned for today, January 22, 2019, by two vendors contracted for \$7,500.00 each using the City Administrator's spending authority. In anticipation of additional storms, pick-up date was changed to Monday, January 28, 2019 and contract amounts increased to \$15,000.00 each. City trucks and crews will be used, with contractors providing knuckle boom trucks for loading. One pass through the City will be made and maps depicting status would be prominently featured on the main page of the City's website by end of next week, as pick-up will likely take two to four weeks. Status information would also be posted on NextDoor social media app. Limb debris from entire yard, not just from street trees, should be placed near the curb. Residents do not need to call to schedule pick-ups, but access to private-entry communities will be needed. The City will proactively make access requests, if contact information has been provided to the City.

Mayor Dunn noted that Overland Park is not offering pick-up. She thanked Mr. Ley and Ms. Claxton for a wonderful job.

A motion to approve Agenda Item 6.B. was made by Councilmember Osman; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

- C. **Resolution No. 5115**, approving and authorizing the Mayor to execute an Amended Independent Contractor Agreement between the City and Arbor Masters Tree & Landscape, for an amount not to exceed \$15,000.00, for storm debris removal, related to the January, 2019, winter snow storm [Project # 74102]

A motion to approve Agenda Item 6.C. was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

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. 2018-53, 2018-54 and 2019-1
- B. Accept minutes of the January 7, 2019 Governing Body meeting
- C. Accept minutes of the November 13, 2018 Historic Commission meeting
- D. Accept minutes of the August 27, 2018 I-Lan Sister City Committee meeting
- E. Approve payment in the amount of \$59,225.00 to Leawood Chamber of Commerce pertaining to that certain Service & Funding Agreement dated February 2, 2015, between the City and the Leawood Chamber of commerce to provide funding for certain economic development services
- F. Approve renewal of Cereal Malt Beverage [CMB] License to Hen House, located at 11721 Roe Avenue
- G. Approve 2nd and Final Payment in the amount of \$94,854.82, to McConnell & Assoc. Corp., pertaining to the 2018 Tennis Court Renovation Project, located at City Park, 10601 Lee Boulevard [Project # 71025]
- H. Approve Change Order No. 1 in the amount of \$960.00, to Total Electric Contractors, Inc., pertaining to the Installation of Traffic Signals at Mission Road and Lee Boulevard [Project # 72081]
- I. Approve 3rd and Final Payment in the amount of \$6,728.65, to Total Electric Contractors, Inc., pertaining to the Installation of Traffic Signals at Mission Road and Lee Boulevard [Project # 72081]

- J. Approve Change Order No. 2 in the amount of \$65,522.00, to Bruner Contracting, pertaining to the Public Works Maintenance Facility Expansion Project, located at 14303 Overbrook Road [Project # 76050]
- K. **Resolution No. 5116**, approving and authorizing the Mayor to execute a Service Agreement between the City and Great Plains SPCA for animal impoundment and other related services
- L. **Resolution No. 5117**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$43,636.00, between the City and Gunter Construction Company, pertaining to the 119th Street and Mission Road Retaining Wall Project [Project # 82065]
- M. **Resolution No. 5118**, approving and authorizing the Mayor to execute a Non-Finance Governmental Roll-Out Agreement in the amount of \$99,828.00, between the City and KC Bobcat for [2] Bobcat Skid Steer Loaders
- N. **Resolution No. 5119**, accepting new Public Infrastructure [storm sewer] in connection with the Bi-State Centennial Park Development, located at 1900 W. 142nd Street, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets [2018 GASB-34 Inventory of Assets]
- O. **Resolution No. 5120**, accepting new Public Infrastructure [New Development Permit/storm sewer] in connection with Brookwood Elementary School, located at 3411 W. 103rd Street, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets [2018 GASB-34 Inventory of Assets]
- P. **Resolution No. 5121**, accepting new Public Infrastructure [storm sewer/ROW] in connection with Leawood Pines Development, located at northwest corner of 103rd & Lee Boulevard, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets [2018 GASB-34 Inventory of Assets]
- Q. **Resolution No. 5122**, accepting new Public Infrastructure [traffic signal] in connection with the Lee Boulevard and Mission Road Intersection Improvement Project, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets [2018 GASB-34 Inventory of Assets]
- R. Declaration of Surplus Property, [2] Bobcat Skid Steer Loaders; Asset # 02243 [Unit # 475]; and Asset # 02244 [Unit # 476]
- S. Police Department Monthly Report
- T. Fire Department Monthly Report
- U. Municipal Court Monthly Report

Councilmember Filla requested Consent Agenda Item 7.A. be pulled.

Councilmember Cain requested Consent Agenda Item 7.B. be pulled.

Councilmember Sipple requested Consent Agenda Items 7.L., 7.Q. and 7.S. be pulled.

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

7.A. Accept Appropriation Ordinance Nos. 2018-53, 2018-54 and 2019-1

Councilmember Filla noted Check #99358, payable to Johnson County Mental Health Center for “Co-Responder – 4th Qtr” on Appropriation Ordinance 2018-54, and she inquired if the program was beneficial. Chief Rettig stated the program underwent big changes in its first year. He is planning to place a “Memorandum of Understanding” on the February 4, 2019 Governing Body agenda, as Johnson County has been notified of the City’s desire to be released from the prior agreement. In the future, Leawood will partner with Prairie Village and Mission Hills. Overall the program went well, but is currently on hiatus as the Co-responder assigned to support Leawood left for another position with Johnson County Mental Health at the end of December and there was not another Co-responder available. Johnson County Commissioners will be working on approval and hiring another Co-responder later this month.

Councilmember Sipple inquired if cost would be pro-rated, since assigned Co-responder has left and it is now into 2019, and for the number of Co-responder calls. Chief Rettig stated he has inquired about the fee, but has not received a response. There were a large number of calls and the Co-responder is a valuable resource.

Councilmember Azeltine suggested adding the number of Co-responder calls to the monthly Police Department Report.

Councilmember Sipple stated he would recuse from voting as his wife is listed as a payee. She is a subcontractor providing services to the Parks & Recreation Department.

A motion to approve Consent Agenda Item 7.A. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved by unanimous vote of 6-0; recusal by Councilmember Sipple for reason stated.

7.B. Accept minutes of the January 7, 2019 Governing Body meeting

Councilmember Cain requested revision of the draft minutes to add her name to attendee list.

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

7.L. **Resolution No. 5117**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$43,636.00, between the City and Gunter Construction Company, pertaining to the 119th Street and Mission Road Retaining Wall Project [Project # 82065]

Councilmember Sipple asked if the KCP&L cabinets would be visible from Mission Road and if the location of the boxes had been discussed with adjacent property owners. Mr. Ley stated the equipment would be in the right-of-way as far away from sidewalks as possible and on the City’s side of fence, and locations had been discussed with property owners. Some trees removed at 119th Street and Mission to accommodate the project. Boxes will have some landscaping provided by the City and there is potential to offer residents a credit to landscape on their own.

Councilmember Cain stated the large corner at 119th Street and Mission Road has always been unsightly and she inquired about the height of the proposed retaining wall. Mr. Ley stated the existing radius natural stone retaining wall on the southeast corner is 2 ft. in height and the new wall would be 4 ft. in height and 80 ft. in length.

A motion to approve Consent Agenda Item 7.L. was made by Councilmember Sipple; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

- 7.Q. **Resolution No. 5122**, accepting new Public Infrastructure [traffic signal] in connection with the Lee Boulevard and Mission Road Intersection Improvement Project, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets [2018 GASB-34 Inventory of Assets]

Mr. Ley clarified to Councilmember Sipple the total GASB inventory value of the new infrastructure signal was \$179,927.58, which consists of \$116,333.00 for construction paid to Total Electric as shown in Consent Agenda Item 7.L., plus engineering, design and inspection costs. Signals were purchased in advance by Johnson County Wastewater.

Councilmember Azeltine requested the funding source, noting it had been omitted. Mr. Ley and Mayor Dunn confirmed the funding source was shown as Project 72081, 13020 Street Improvement, on Consent Agenda Item 7.L., for the third and final pay request to the contractor.

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

- 7.S. Police Department Monthly Report

Councilmember Sipple noted the number of drug possession violations had doubled from 7 in November to 13 in December, and inquired if the reason for the increase was known. Chief Rettig stated there was no specific reason. There had been no target operations in December and 13 reports is high.

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

8. MAYOR'S REPORT

- A. Councilmembers Jim Rawlings and Chuck Sipple joined City Administrator Scott Lambers and me at the Leawood Chamber of Commerce Legislative Luncheon where all of Leawood's State Representatives and Senator John Skubal served on a panel discussion. A copy of the Chamber's 2019 Legislative Priorities is included in your packet for your information.
- B. The next day, Councilmembers Jim Rawlings and Chuck Sipple joined me at the Convener's Reception held at Johnson County Community College. Representative Jan Kessinger is this year's head of the Johnson County Delegation. Also included in your packet is the 2019 Johnson County Public Policy Council's Kansas State Legislative Platform distributed that evening.
- C. Attended retirement receptions for Johnson County Commissioners Ron Shaffer and Jason Osterhaus as well as Prairie Village Mayor Laura Wassmer. We thank them for their outstanding public service and wish them all much future success.

- D. Police Chief Troy Rettig and Captains Dale Finger and Brad Robbins joined me at the Martin Luther King Legacy & Scholarship Awards Committee Dinner last evening co-sponsored by NAACP representing Olathe, Overland Park and Leawood. This annual event is chaired by Leawood resident Henry Lyons.
- E. Congratulations are in order for Police Sergeant Jordan Couturier who will be traveling in late February to the United Arab Emirates as part of the Law Enforcement Torch Run final leg consisting of over 100 law enforcement officers from 24 countries. In the United States, one law enforcement runner was chosen from each state. The torch run has expanded to all 50 states and another 40 countries around the world, and raised over \$40 Million for Special Olympics programs worldwide. There is no cost to him personally to attend, but he is doing a bit of fundraising for the program. His quote, "It is an honor to be representing the unselfish, loving, and dedicated officers in Kansas that give countless hours of volunteering, sweat, and hugs to spread the word of inclusion and teamwork, all while changing the future for amazing people with intellectual disabilities. Thank you for everything you do and God Bless!" We are very proud!
- F. For the fifth time ranking the best places to live in Kansas, HomeSnacks has placed the City of Leawood as Number One for 2019, as they did in 2018. Some of the criteria used for scoring included crime statistics, education levels, quality school system, median income, median home values, unemployment rate and commute time. This ranking included all cities with populations over 5,000 people.

9. COUNCILMEMBERS' REPORT

Councilmember Cain- Update on Leawood Banners

Councilmember Cain stated colors of the designs included in the agenda documentation packet were slightly off and she had sent a text message to the Council containing a more accurate version. She thanked everyone for providing input. Collaboration resulted in a better and super-exciting end product. In the Spring there will be 180 banners installed throughout the City on new mounting hardware. Most banners will fly individually, except for dual-banners on Town Center Drive.

Mayor Dunn thanked Councilmember Cain for her leadership of the project. Councilmember Cain stated the project was fun. There were eight persons on the Banner Selection Committee, and additional meetings are expected to determine distribution of the different banner designs. It is anticipated that artist Zach Newton, a Hallmark artist, will be present at the ribbon cutting.

A motion to approve the final banner renditions was made by Councilmember Cain; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

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. Ordinance granting to Verizon Wireless [VAW] LLC, a Delaware Limited Liability Company, d/b/a Verizon Wireless, a contract franchise to construct, operate and maintain wireless facilities as a wireless service provider in the public right-of-way of the City of Leawood, Kansas [ROLL CALL VOTE] – *WITHDRAWN BY STAFF*

- B. Resolution approving and authorizing the Mayor to execute a Master License Agreement between the City and Verizon Wireless, LLC [VAW] for attachments to City facilities – *WITHDRAWN BY STAFF*

ADJOURN

There being no further business, the meeting was adjourned at 8:07 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk