

Minutes

DVD No. 436

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, March 4, 2019. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Chuck Sipple and Mary Larson

Staff Present: Scott Lambers, City Administrator	David Ley, Public Works Director
Patty Bennett, City Attorney	Chief Troy Rettig, Police Department
Chris Claxton, Parks & Recreation Director	Chief Dave Williams, Fire Department
Nic Sanders, Human Resource Director	Debra Harper, City Clerk
Mike Pelger, Info. Services Specialist II	Cindy Jacobus, Assistant City Clerk

Others Present: Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce
Troy Newport, Troon Management, Ironwoods Golf Course

1. **PLEDGE OF ALLEGIANCE** – Led by Noah Tarjan, Star Rank Scout from Troop 61.
2. **APPROVAL OF AGENDA**

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 6-0.

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** – None
5. **PRESENTATIONS/RECOGNITIONS** – None

6. SPECIAL BUSINESS

Resolution No. 5132, 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 \$90,000.00, for storm debris removal, related to the January, 2019, winter storm [Project # 74102]

Mr. Ley displayed a street map depicting residential winter storm debris pick-up as of March 1, 2019. Curbside pickup has occurred on approximately 40% of streets. Completed streets were shown in green, with pickup in progress on streets shown in red. There has been expenditure of \$60,000 to-date. VanBooven Tree Care has two days work remaining on their \$30,000 contract. The request is for an additional \$60,000 for Arbor Masters Tree & Landscape to complete pickup between 133rd Street and north City limits. Arbor Masters has the least expensive hourly rate and would provide three trucks, and if approved, would again commence residential pickup on Wednesday. There will be no pickup from commercial properties, 133rd Street to 137th Street. Parks and Recreation and Public Work crews would complete the remainder of pickup south of 137th Street, pickup taking another three to four weeks to complete.

Mr. Ley confirmed to Councilmember Azeltine the City had previously provided debris pickup after storms in October 1996. Mr. Lambers stated debris from October was far worse. Councilmember Azeltine stated he had received comments from neighbors and from other areas that residents had taken the opportunity to prune their trees and place the limbs curbside for City pickup. He stated the City had under-sourced and should move more quickly in the future; Mr. Ley agreed. Mayor Dunn stated some residents do not realize that debris pickup ceases because City crews provide snow removal from storm events occurring every four to five days, since the start of debris pickup in January. Mr. Ley added it takes about three days to re-equip City trucks to switch between snow removal and debris pickup operations. Mayor Dunn asked the Councilmembers to educate their constituents in this regard.

Councilmember Filla thanked Mr. Ley. She stated her all neighbors are very patient and if the City had not provided the service, her Home Owners Association would have needed a special assessment on residents to cover costs. Mayor Dunn thanked Mr. Ley and stated her neighbors are thrilled their debris has been removed.

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

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. 2019-7 and 2019-8
- B. Accept minutes of the February 18, 2019 Governing Body meeting
- C. Accept minutes of the February 18, 2019 Governing Body Work Session
- D. Accept minutes of the December 11, 2018 Parks & Recreation Advisory Board meeting
- E. Approve renewal of Retail Liquor License for Nall Valley Wine & Spirits, located at 5308 W. 151st Street
- F. Approve renewal of Cereal Malt Beverage [CMB] License for Blade & Timber, located at 5203 W. 117th Street

- G. Approve new Cereal Malt Beverage [CMB] License for CVS/Pharmacy #8237, located at 5001 W. 135th Street
- H. Approve new Cereal Malt Beverage [CMB] License for CVS/Pharmacy #8588, located at 11729 Roe Avenue
- I. Approve 2019 Governing Body Goals & Objectives
- J. Approve Mayoral Appointment of JoLynn Hobbs to Park & Recreation Advisory Board to fill unexpired term of member Steven McGurran to 2021
- K. Approve purchase in the amount of \$26,375.00 to Wise Safety & Environmental for the replacement of 25 Self-Contained Breathing Apparatus [SCBA] Air Bottles
- L. **Resolution No. 5133**, calling for a Public Hearing to be held on April 1, 2019, at 7:30 P.M., or as soon thereafter as may be heard to consider the vacation of a right-of-way located at 135th Street & Kenneth Road, within the City of Leawood, Johnson County, Kansas, and repealing Resolution No. 5112 [Requestor: Vic Regnier Builders, Inc.]
- M. **Resolution No. 5134**, calling for a Pre-Budget Public Hearing to be heard on Monday, April 1, 2019, at 7:30 P.M., or as soon thereafter as may be heard on the 2020 Fiscal Budget for the City of Leawood, Kansas
- N. **Resolution No. 5135**, revising the 2019 Fee Schedule, not specifically provided for in the Code of the City of Leawood, 2000, specifically adding Special Corporate Package Annual Pass Program, at Ironhorse Golf Course, located at 15400 Mission Road, and revising Resolution No. 5061, in accordance with § 1-701 of the Code of the City of Leawood, 2000
- O. **Resolution No. 5136**, approving and authorizing the Mayor to execute a Facility Usage Agreement between the City and Southern Platte Fire Protection District, pertaining to live fire training and usage of the Southern Platte Fire Protection District Training Center, located at 8795 NW 'N' Highway, Kansas City, MO, for a 5-year period
- P. **Resolution No. 5137**, approving and authorizing the Mayor to execute a Facility Use Agreement between the City of Leawood and the City of Overland Park, for the use of Overland Park Fire Department Facilities, equipment and buildings, pertaining to fire training exercises, for a 5-year period
- Q. **Resolution No. 5138**, approving and authorizing the Mayor to execute a Intergovernmental Agreement between the City and WaterOne, pertaining to the 143rd Street Improvement Project between Windsor and Overbrook Road [Project # 80129]
- R. **Resolution No. 5139**, approving and authorizing the Mayor to execute an Inter-local Agreement and Letter of Understanding by and between the City of Leawood and the cities of Fairway, Merriam, Mission, Prairie Village, Roeland Park, and the Johnson County Parks and Recreation District, pertaining to the SuperPass Program at the Leawood Aquatic Center, located at 10601 Lee Boulevard
- S. Declaration of Surplus Property: 50 Digital Ally body cameras; and 23 Panasonic in-car cameras

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

A motion to approve the remainder of the Consent Agenda was made by Councilmember Azeltine; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 6-0.

7.I. Approve 2019 Governing Body Goals & Objectives

Councilmember Filla stated she had not attended the Governing Body Work Session on Goals and Objectives and offered apologies. She proposed a motion for an addendum to the short-term goals for proactive review of future stormwater funding. The City's 1/8th cent sales tax has two-years remaining and there are more than \$50 Million in stormwater improvements to make. The impact of the County's revised is policy to fund only 50% rather than 75% of stormwater project costs is not known.

Councilmember Azeltine stated with the 1/8th Cent Sales Tax expiring in 2021, the City needs to begin looking at project funding options in 2020. He stated Finance Director Dawn Long and Budget Manager Kathy Byard attended a Stormwater Management Committee meeting and were asked to research enabling State statute to determine if the City could increase the tax.

Mayor Dunn anticipated the Stormwater Management Committee would provide a referral recommendation for consideration at a future Governing Body meeting.

Mr. Lambers stated funds from the 1/8th Cent Sales Tax are divided evenly between streets and storm sewer projects, so a joint referral from the Stormwater Management Committee and Public Works Committee is recommended, especially when reviewing ways to generate increased funding. Mayor Dunn stated the expertise of citizen committee members was needed, especially in regard to stormwater. Mr. Lambers suggested that due to inflation since the tax election, increase from 1/8th cent to 1/4 cent or 3/8th cent may be appropriate. Mayor Dunn stated such an increase may be more palatable than a stormwater utility tax.

A motion to amend the short-term goals to add review and evaluate stormwater funding options was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 6-0.

A motion to approve the amended 2019 Governing Body Goals and Objectives was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 6-0.

8. MAYOR'S REPORT

- A. Director of Finance Dawn Long, Budget Coordinator Kathy Byard, City Administrator Scott Lambers and I met with County Appraiser Paul Welcome this morning. Summary of the 2019 Revaluation Report has been shared with the City Council. To highlight:
1. Market value comparison of appraised values for all areas, including new construction, from 2018 to 2019 increased by 7.20%, as compared to 5.01% a year ago.
 2. Retail market is in expansion mode and most retail activity is in the redevelopment stage with mixed-use types of properties throughout County.
 3. Apartment market is in expansion mode too, with 2,300 new unit starts this year and another 10,000 units in the pipeline.
 4. Hotel market is in expansion mode, with eight new hotels under construction and 10 more proposed.
 5. Residential market is in expansion mode, with 93% of values increasing in the 2019 valuation year.

6. In Leawood, 23% of properties increased 5% or less, about 33% increased 5% to 10%, another 33% increased over 10%, and about 9.9% decreased in valuation. Overall, 90% increasing and 10% decreasing.
7. Office market is in expansion mode.
8. Multiple Service Listings [MLS] shows continued positive sales price grow with north Leawood homes increasing about 9% and south Leawood homes increasing about 9.65%.
9. The average appraised value of a home in Leawood for 2019 is \$560,000, compared to \$520,700 last year, a 7.42% growth.

Lots of positive economic news!

- B. Councilmember Chuck Sipple joined Scott Lambers and me at a recent Johnson County Elephant Club event where Senator Pat Roberts was the keynote speaker.
- C. Congratulations to Sustainability Advisory Board Chair Chuck Sipple and Vice Chair Lisa Harrison, and their Board on the very successful Sustainability Summit. It was the 11th annual. We had nearly all Councilmembers and City Departments represented. There were many positive comments from attendees regarding educational information that was shared.
- D. Attended the 58th Annual Greater Kansas Mayors' Prayer Breakfast with mayors from a five-county region. Mission: "To honor God, encourage spiritual awakening and moral growth in every citizen throughout the Greater Kansas City area."
- E. Attended the American Public Square and Radio Station KCUR sponsored program titled "Lifelines – Preventing Teen Suicide" hosted by Church of the Resurrection in Leawood. Councilmember Chuck Sipple was also in attendance along with 1,500 registered guests. Please see informational handout on teen suicide that was provided at the event. This is a very serious problem in our community.
- F. Congratulations on the excellent "Art Around Leawood" feature in the February 2019 Leawood Lifestyle Magazine. The photos were outstanding and Cultural Arts Coordinator April Bishop assisted with the script. It's very well done!

9. COUNCILMEMBERS' REPORT – None

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 No. 2929C**, granting to Level 3 Telecom of Kansas City [f/k/a tw telecom of Kansas City LLC] a Contract Franchise to construct, operate, and maintain a Telecommunications System in the City of Leawood, Kansas [ROLL CALL VOTE]

Ms. Bennett stated the proposed renewal was for a previous franchise issued to tw telecom of Kansas City which is now Level 3 Telecom, having an initial six-year term that would automatically renew for two successive terms of two years each, for a total of 10 years.

A motion to pass Agenda Item 15.A. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 6-0.

- B. **Resolution No. 5141**, accepting a Petition for the Creation of a Community Improvement District [CID] for the Ranch Mart North Shopping Center; and calling for a Public Hearing on the advisability of creating a Community Improvement District [CID] in the City of Leawood, Kansas, and the financing of certain improvements therein

Ms. Bennett confirmed to Mayor Dunn the Final Plan and Public Hearing would be on the same Governing Body meeting agenda, anticipated date to be April 15, 2019. Otherwise, the date of the Public Hearing would be continued as necessary. Mr. Lambers stated it is the City's practice to approve the Final Plan before consideration of adopting and establishment of a Community Improvement District [CID].

Mayor Dunn acknowledged the attendance of Mr. Trip Ross, who had no comments.

A motion to approve the Agenda Item 15.B. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 6-0.

- C. Direct staff to commence work on a Redevelopment Agreement with Ranch Mart North Developers so that the Redevelopment Agreement can be considered at the same time as the CID. Staff should include in that Redevelopment Agreement a deviation from the City's Policy so that costs incurred after February 18, 2019, for improvements for Price Chopper and the Meat Mitch Restaurant may be included as certified but non-CID reimbursable project costs for purposes of the Redevelopment Agreement

Ms. Bennett shared that Mr. Curtis Petersen has stated he is working on a draft agreement. She and Mr. Petersen would continue to work together in advance of the anticipated April 15, 2019 Governing Body meeting date.

A motion to approve the Agenda Item 15.C. as stated was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 6-0.

ADJOURN

There being no further business, the meeting was adjourned at 7:55 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk