

Minutes

DVD No. 440

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:00 P.M. on Monday, May 6, 2019. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
David Ley, Public Works Director
Chief Dave Williams, Fire Department
Chris Claxton, Parks & Recreation Director
Nic Sanders, Human Resource Director
Mark Tepesch, Info. Services Specialist III
Patty Bennett, City Attorney
Chief Troy Rettig, Fire Department
Ross Kurz, Info. Services Director
Dawn Long, Finance 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**
2. **APPROVAL OF AGENDA**

Mayor Dunn stated the agenda had been amended to remove Consent Agenda Item 7.D. per the City Administrator, and to add reports from Parks & Recreation Director Chris Claxton and Police Chief Troy Rettig under Agenda Item 11., Staff Report.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0 [Councilmember Harrison not present].

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

Kids to Park Day, May 18, 2019

Mayor Dunn read the proclamation and presented to Ms. Claxton. She thanked Ms. Claxton for all she does to keep our parks looking gorgeous, and expressed the hope children would be taken to visit City parks not just on May 18, 2019.

Emergency Medical Services [EMS] Week, May 19-25, 2019

Mayor Dunn read the proclamation and presented to Fire Chief Dave Williams. She receives compliments on EMS services almost daily from the community and beyond City borders. She thanked Chief Williams for his leadership.

Bike to Work Week, May 13-19, 2019

Mayor Dunn read the proclamation and presented to Police Chief Troy Rettig. Mayor Dunn stated she had personally received emails from Police Administrative Services Coordinator Karry Rood advocating Bike to Work. She asked Chief Rettig to thank Ms. Rood for her continued leadership on this effort.

5. PRESENTATIONS/RECOGNITIONS – None

6. SPECIAL BUSINESS

A. Presentation of 2018 Annual Audit

Ms. Long stated Mr. Chester Moyer, Audit Partner for this engagement from Rubin Brown, would present.

Mr. Moyer stated the “ViewPoints” document contains required communications. He reviewed highlights of the document, as follows:

Page 1 – The audit team consisted of himself, Manager Mr. Patrick Amos, and Staff Ms. Kara Sherwood, Ms. Jessica Schmitz and Ms. Gabby Uecker. The team spent quite a bit of time on-site and City Staff supplied all requested documentation.

Page 3 – States what the City engaged Rubin Brown to do. The audit of the City was performed in accordance with generally-accepted auditing standards. A clean opinion on the financial statements was rendered. The financials are presented in the middle of Comprehensive Annual Financial Report [CAFR]. The team does not audit/give opinion on the introductory and statistical sections of the CAFR, but only that these sections agree with the financials.

Page 4 – The audit report belongs to the City, but if Rubin Brown was advised the report was to be used within any other document and asked to participate, they would need to ensure there are no instances of inconsistencies with audited information. The audit was performed according to planned scope and timing in the engagement letter. The City adopted a new accounting standard required by the Governmental Accounting Standards Board, “GASB Statement No. 75, Accounting And Financial Reporting For Post-Employment Benefits Other Than Pensions [OPEB],” which resulted in recognition of an additional liability and a change in financials. This was the most significant change to financial statements from previous periods. This information was audited from actuaries provided by the City.

Page 5 – Management judgement information was audited from estimates that included actuaries, such as estimates of life-length expectations in the Kansas Public Employee Retirement System [KPERs] and OPEB Plans, which were compared to those of other cities with similar plans. Financial statement disclosures were “Note 9 – Long-term Disabilities” and “Note 10 – Other Information [Commitments and Contingencies, Pension Plan, OPEB and Risk Management].” These are of special interest to others in regard to City obligations and impact on City actions. There were no difficulties encountered during the course of the audit.

Page 6 – There were no corrected or uncorrected misstatements as a result of the audit. The information provided was materially accurate and unchanged as a result of audit procedures. There were no disagreements with management. Certain requested representations from management are formalized and listed in the Management Representation Letter found in the back of the “ViewPoints” document.

Page 7 – There will be new accounting pronouncements in the next few years and these have been discussed with Ms. Long and her Finance team. “GASB Statement No. 84, Fiduciary Activities” which relates to Agency Funds currently, and funds will change in name to Custodial Funds and some of these might move geographically to the Special Revenue Funds within the CAFR, although information would remain the same. The impact of “GASB Statement No. 87, Leases” will be limited as the City tends to pay by other methods. “GASB Statement No. 88, Debt Disclosures” relates to debt disclosure footnotes and will not have significant impact.

Management Representation Letter dated April 25, 2019, is the last four pages of the “ViewPoints” document.

Mayor Dunn thanked Mr. Moyer and stated she was pleased, but not surprised, to hear the audit team had excellent cooperation from City Staff.

Councilmember Azeltine asked for the percentage in regard to estimated uncollectible property taxes mentioned on Page 5. Mr. Moyer recalled property tax collection was about 98%. Mayor Dunn agreed and recalled uncollectible property tax was about 1.5%, the percentage trending almost identical to last year.

Councilmember Azeltine noted Item 44. in the Management Representation Letter addressed Federal tax-exempt bonds, and he inquired if the City had taxable bonds. Ms. Long confirmed the City has a very small amount of outstanding taxable bonds. Councilmember Azeltine suggested the tax status of City bonds be included in the CAFR. Ms. Long thought this information may be found on Page 48 of the CAFR. Mr. Lambers agreed this identification should be provided for all bonds, along with a footnote as to why bonds are taxable.

Mayor Dunn thanked Mr. Moyer for his presentation and his firm's great work. Mr. Moyer stated it was a pleasure and this was his third year as the City's Audit Partner.

- B. **Resolution No. 5175**, accepting the 2018 Comprehensive Annual Financial Report [Audit] for the City of Leawood, Kansas

Mayor Dunn pointed out with acceptance of the 2018 Comprehensive Annual Financial Report [CAFR], the CAFR would be forwarded to the Government Finance Officers Association [GFOA] for their review and possible award of a Certificate of Excellence in Financial Reporting.

Councilmember Azeltine pointed out Page v states "GASB Statement No. 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions" had replaced the requirements of "GASB Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions", but a statement of differences was not provided. He requested the differences and impacts, stating KPERS pension liability has been a longstanding concern.

Ms. Long stated she did not believe this change resulted in a huge dollar amount, but the beginning balance had to be restated. Details of net OPEB for health liability and KPERS disability are provided at the top of Page 38. Net OPEB for disability liability for KPERS was added. This disability is similar to KPERS liability.

Mr. Lambers stated COBRA health insurance is a majority of the unfunded liability. It is assumed the City will have to subsidize people in the future who would have to obtain insurance on their own. This assumption is incorrect, but the City must report in this manner. The City does not supplement this for retirees.

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

- C. **Resolution No. 5176**, accepting proposed assessments for Tax Year 2020 for Improvements within the Park Place Development; and authorizing and directing the City Clerk to give notice thereof to the owners of properties within the District by publishing notice thereof and providing written notice to owners of property of such proposed assessments [Project # 83196]

Mr. Lambers pointed out when Park Place first started, the developers wanted a methodology for the special assessments. At that time the developer asked, and the City agreed, that all non-developed land would be assessed as non-developed land, even though the area was clearly in a developable mode. The major portion of assessments fell upon California Pizza Kitchen and Aloft Hotel. Now that development has occurred, assessments are more equally spread.

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

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. 2019-15, 2019-16, and 2019-17

- B. Accept minutes of the April 15, 2019 Governing Body meeting
- C. Accept minutes of the April 15, 2019 Governing Body Work Session
- D. Accept minutes of the February 14, 2019 Sustainability Advisory Board meeting ***THIS ITEM PULLED BY CITY ADMINISTRATOR***
- E. Accept minutes of the January 10, 2019 Sustainability Advisory Board meeting
- F. Approve Mayoral Appointment of Jessica Chanos, to the Arts Council Committee for a 3-year term ending in 2022
- G. Approve Massage Establishment License for Catalyst Health Center, located at 12100 State Line Road, in accordance with Code § 5-510
- H. Approve Change Order No. 5, in the amount of \$37,821.00 to Kissick Construction Company for stormwater infrastructure repairs at 2016 W. 95th Street, pertaining to the 2018 CMP Replacement Program [Project # 80255]
- I. **Resolution No. 5177**, calling for a Public Hearing to be held on Monday, June 3, 2019, at 7:00 P.M., or as soon thereafter as may be heard to consider the 2020-2024 Capital Improvement Program [C.I.P.] for the City of Leawood, Kansas
- J. **Resolution No. 5178**, approving and authorizing the Mayor to execute an Extension to that certain Financial Services Agreement dated August 17, 2015, between the City and Commerce Bank to provide certain banking service needs to the City of Leawood for a term ending December 31, 2020
- K. **Resolution No. 5179**, approving and authorizing the Mayor to execute a Service Agreement between the City and Superion, LLC, pertaining to the False Alarm Management Program
- L. **Resolution No. 5180**, approving and authorizing the Mayor to execute a Restoration Agreement between the City and Zahner Metal Conservation in an amount not to exceed \$32,200.00, pertaining to the restoration of the art piece known as “Faith”
- M. Resolution requesting Johnson County, Kansas to participate in the City of Leawood’s Five-Year Capital Improvement Program through the 2020-2024 County Assistance Road System [CARS] Program – ***THIS ITEM HAS BEEN PULLED***
- N. **Resolution No. 5181**, approving and authorizing the Mayor to execute an Intergovernmental Agreement between the City and WaterOne, pertaining to the Lee Boulevard Improvement Project between 95th Street and 103rd Street [Project # 72066]
- O. **Resolution No. 5182**, approving and authorizing the Mayor to execute an Energy Cost Savings Agreement between the City and Siena Homes Association pertaining to the City’s Privately Owned Street light LED Replacement Program
- P. **Resolution No. 5183**, approving and authorizing the Mayor to execute an Interlocal Agreement between the City and Kansas Department of Transportation [KDOT] pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road, located in Leawood, Johnson County, Kansas [Leawood Project # 80129] [KDOT Project 46 N-0656091] [STP-N065(601)]
- Q. Declaration of Surplus Property: 2009 Jacobsen Tri-King Mower

Councilmember Sipple requested Consent Agenda Item 7.O. 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 8-0.

- 7.O. **Resolution No. 5182**, approving and authorizing the Mayor to execute an Energy Cost Savings Agreement between the City and Siena Homes Association pertaining to the City's Privately Owned Street light LED Replacement Program

Councilmember Sipple stated he is a Board Member of the Siena Homes Association and he would recuse from voting; he exited Chambers.

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

8. MAYOR'S REPORT

- A. Attended the Kansas State Affairs Committee meeting hosted by the Greater Kansas City Chamber of Commerce where Budget Director Larry Campbell, Senator John Skubal and Representative Brandon Woodard offered presentations. Budget Director Campbell stated we should see good, positive, conservative growth over the next three years. He believes K-12 funding will satisfy Supreme Court; however, a recession is coming and taxes should not be cut.

Governor Laura Kelly has a budget bill before her that reduces taxes, and there is no indication of what she plans to do.

- B. Leawood resident and Gezer Region Sister City Committee member Carol Wei once again chaired the Mid-America Asian Culture Festival which was held at the Overland Park Convention Center. Former Kansas Governor Jeff Colyer, Congresswoman Sharice Davids and Kansas City, Missouri, Mayor Sly James were some of the presenters. I had the honor of handing out student awards. Photographs of some of the events are displayed and pineapple cakes, kept frozen from the event, have been handed out. The event is remarkable, with 27 countries represented and close to 10,000 attendees enjoying various food and wares. Pakistan was the lead partner this year. The lion dance performed was quite spectacular. The event next year is on a Saturday and all are welcome to attend.
- C. Attended the ribbon cutting ceremony of the Johnson County Community College Fine Arts & Design Studios with Kansas Governor Laura Kelly. Although they have had this field of study on their campus for many years, this new facility is state-of-the-art and sure to attract even more students.
- D. There were two D.A.R.E. graduations in the past two weeks where Police Chief Rettig and I attended to celebrate Brookwood Elementary overseen by Officer Phil Goff and St. Michael the Archangel directed by Officer Emily Craighead. Both officers do a superb job with this program leading our students.
- E. I want to thank Councilmember Jim Rawlings for standing in for me at the official ribbon cutting of the new Brookwood Elementary School. It's a beautiful structure that will serve our students well for years to come!
- F. Had the pleasure of again sitting on a panel with Blue Springs Mayor Carson Ross, Roeland Park Mayor Mike Kelly and Kansas City, Kansas, Mayor David Alvey on the subject of "Regionalism" for the Johnson County Chambers Leadership Program. This event was moderated by Leawood resident Fox4 television anchor John Holt.

- G. Coordinators for the National Day of Prayer once again hosted an Ecumenical Prayer Service at Leawood City Hall. My thanks to Councilmembers Lisa Harrison and James Azeltine for attending the event.
- H. United Community Services of Johnson County hosted their Annual Council of Advisors Joint Board Meeting. The main topic this year, as in last year's meeting, was "Affordable Housing."
- I. Police Chief Troy Rettig orchestrated a grand retirement reception for Special Services Officer Jim Cogswell celebrating his 23 years of dedicated service to our community. We wish him the best on his future endeavors, which may involve the field of entertainment!
- J. Congratulations and appreciation are in order to the Leawood Rotary Club in cooperation with our Parks Department who have planted the second 20 trees in the Rotary Grove at Ironwoods Park. This is the second year for the program. Councilmember Rotarians Lisa Harrison, Jim Rawlings and Chuck Sipple were also in attendance along with Rotarian Ross Kurz and Parks Director Chris Claxton and her team.
- K. Several reminders, as follows:
 1. Thursday, May 9, 2019, 6:00 P.M., plaque dedication for Leawood Shops at Somerset and Lee Boulevard. This was the first shopping center in the City, founded by George Martin and Cliff Brisbois in 1951.
 2. Saturday, May 11, 2019, 9:00 A.M. to 1:00 P.M., Stride 'N Ride bike event at the Justice Center, sponsored by the Parks & Recreation and the Police Departments. The event is open to residents and non-residents, and attendees are encouraged to bike, walk or run.
 3. Monday, May 13, 2019, 7:30 P.M., dedication of the sculpture "Walking Woman" by Michael Stutz, hosted by the Arts Council, Art in Public Places Initiative and Parks & Recreation. The artist will be in town and plans to attend. In the event of rain, the dedication will move inside the Justice Center.
 4. Thursday, May 16, 2019, 7:00 P.M. "Blues and BBQ at Vista 154" at Ironhorse Golf Course. The Heather Newman Band will be performing from Nebel BBQ. Tickets include BBQ and one beverage for \$15 in advance and \$20 at the door. For more information call 913-685-4653.

9. COUNCILMEMBERS' REPORT – None

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT

- A. **Parks & Recreation Director Chris Claxton and Police Chief Troy Rettig – Fishing Derby**

Chief Rettig provided details of the Fishing Derby hosted by the Police and Parks & Recreation Departments, along with community partners such as Scheels, who supplied equipment and worms, and Duck Donuts, at the North Lake on Saturday, April 27, 2019. The Fishing Derby had been an annual event in the past, but had not been held for 13 years. Officer Phil Goff was the lead for the event, and based on his estimate of 80 fishermen, the catch-and-release fishing derby was a success.

All fishermen were children age 12 or younger. The City had 200 support personnel in attendance, as well as mascots Copper and Leawoody. Many fisherman caught up to 10 fish, with the largest being a 17-inch catfish. An old fishing pole was hooked and removed from the lake. Photographs of the event were displayed.

Mayor Dunn estimated there were 75 to 100 people fishing. She saw Dick Fuller with his granddaughter, who had caught 10 fish.

Ms. Claxton confirmed to Councilmember Cain no City license is required to fish, and a State license to fish is only required for those age 16 or older. A Johnson County license is not required for City lakes. She confirmed to Councilmember Rawlings lakes are stocked twice a year, usually in the Spring and Fall, by the Kansas Department of Wildlife and Parks. When flooding occurs, creek fish can enter the lakes, so there is a wide variety of fish such as bass, sun fish, carp and catfish. At the conclusion of the event, attendees stated they had a wonderful time and want to have the event next year. Fishing was offered from 9:00 A.M. to 10:30 A.M., but the majority of people stayed for the entire event.

Councilmember Azeltine questioned where attendees parked; he had noticed “No Parking” signs on Tomahawk Creek Parkway. Ms. Claxton stated most attendees came as families and some parked in the lot or across the street. Mayor Dunn noted that some attendees walked to the event.

B. Parks & Recreation Director Chris Claxton – Introduction of Troon Golf General Manager, Ryan Eckroat

Ms. Claxton introduced Mr. Ryan Eckroat as the new Ironhorse Golf Course Troon General Manager, who arrived last Thursday.

Mr. Eckroat stated he was excited to be in Leawood. The City and area have a similar quality of life to Roseville, California, from which he and his family have relocated. He had been the General Manager at Winchester Country Club in Meadow Vista, California, another Troon facility located north of Sacramento. He has worked for Troon since 2001, in facilities on both sides of the United States, with many years spent in Arizona. He has been a PGA member since 2004 and in the golf industry since 1994. Golf is a life-long passion. He looks forward to growing the game at Ironhorse with programs such as First Tee and Junior Golf, and with clinics.

Mayor Dunn welcomed Mr. Eckroat. She stated Troon is doing a fabulous job with the Ironhorse Golf Course. Mr. Eckroat being a candidate for their new General Manager is a vote of confidence from Troon, and the City is fortunate as well. Mr. Eckroat stated Ironhorse is an important Troon partner and he feels valued to be here.

Mayor Dunn stated the Governing Body looks forward to working with Mr. Eckroat, pointing out there is an active citizen Ironhorse Advisory Board. Mr. Eckroat will meet board members at upcoming meetings.

Councilmember Rawlings stated he had the pleasure of dining with Mr. Eckroat, Councilmembers Sipple and Larson, and Ms. Claxton. Mr. Eckroat was highly enthusiastic and knowledgeable about what he could do to increase Ironhorse revenue and enhance the golf experience. By the end of the meal, it was evident we had made an excellent choice.

Mayor Dunn stated there will be a new General Manager at Hallbrook Country Club in the next few weeks who has experience in California. She will provide contact information and make an introduction.

COMMITTEE RECOMMENDATIONS

12. PUBLIC WORKS COMMITTEE

[from the April 3, 2019 Public Works Committee meeting]

Recommendation: *Revise LED Policy to place requests \$15,000.00 and under on City Council Consent Agenda for approval; requests that exceed \$15,000.00 to be reviewed by Public Works Committee for recommendation to City Council for approval*

Councilmember Osman, Public Works Committee Chair, stated the recommendation came forth during committee review of the recent LED cost-sharing application from the Siena Homes Association. The City's first LED cost-sharing application was from Hallbrook 1.5 years ago, and it was a significant project; the Siena application was smaller. The committee proposes the LED Policy be revised so that applications less than \$15,000 could be reviewed administratively by Staff and be taken directly to a City Council meeting as a Consent Agenda item, bypassing committee review, streamlining the process and saving time.

Mr. Ley confirmed proposed policy revisions were presented in red. Mayor Dunn stated since the proposed revisions were minor, there would be no need to return before a future Governing Body meeting with a clean, black ink copy of the policy.

A motion to approve the recommendation was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

13. PLANNING COMMISSION – None

14. OTHER BUSINESS

Schedule Governing Body meeting on May 20, 2019 at 7:00 P.M.

Mr. Lambers confirmed to Mayor Dunn the item to schedule a Governing Body meeting was a matter of protocol and a reminder of 7:00 P.M. meeting start time. He stated an agenda item requiring a motion and vote will be the practice to schedule future meetings. If a meeting with start time of 7:00 P.M. is approved, this will preclude a Work Session scheduled for that same date. He stated Work Sessions are infrequent and typically require advance planning. He did not expect this to be an onerous process having a negative impact in regard to Work Session scheduling.

A motion to approve Agenda Item 14. was made by Councilmember Cain; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 8-0.

15. OLD BUSINESS

- A. **Ordinance No. 2943**, vacating a Street Right-of-Way located at 135th Street and Kenneth Road, within the City of Leawood, Johnson County, Kansas [Requestor: Vic Regnier Builders, Inc.] [ROLL CALL VOTE]- *CONTINUED FROM THE APRIL 15, 2019 GOVERNING BODY MEETING*

Mr. Ley displayed a map, with a red line denoting the former location of Kenneth Road. He stated the east side right-of-way was vacated to the property owner to the east with alignment of Kenneth Road in the mid-1990s, but not the right-of-way on the west side was not addressed at that time. It is proposed to return the property to the west to the Regniers.

Councilmember Sipple asked for the name of the owner of the triangular-shaped piece of property located to the east of red line and between two streets to the east, and if the property was too small to be developed. Mr. Ley stated a developer had an office plan for the property in early 2000s. The property is more than one acre. Mayor Dunn recalled the topography is challenging and recalled the plan was for a bank.

A motion to pass Agenda Item 15.A. was made by Councilmember Cain; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 8-0.

- B. **Resolution No. 5184**, accepting a Permanent Utility Easement from Vic Regnier Builders, Inc., located at 135th Street and Kenneth Road, within the City of Leawood, Johnson County, Kansas

A motion to approve Agenda Item 15.B. was made by Councilmember Rawlings; 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 8:02 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk