

Minutes

DVD No. 442

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 20, 2019. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Julie Cain

Staff Present: Scott Lambers, City Administrator
Chris Claxton, Parks & Recreation Director
Mark Tepesch, Info. Services Specialist III
David Ley, Public Works Director
Patty Bennett, City Attorney
Chief Troy Rettig, Police Department
Ross Kurz, Info. Services Director
Debra Harper, 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 add Consent Agenda Item 7.Q., a change order for Kissick Construction.

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 6-0 [Councilmember Filla 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** **National Gun Violence Awareness Day, June 7, 2019**

Mayor Dunn asked “Moms Demand Action for Gun Sense in America” partner Tracy Hennig to come forward. Mayor Dunn read the proclamation into the record and presented to Ms. Hennig.

Ms. Hennig thanked the Governing Body for recognition and introduced fellow group members including a California guest present especially in regard to this proclamation. She stated the events that happened last week across the nation hit close to home. Their group works with legislators on this issue and do not wish to take away 2nd Amendment rights, but want to keep everyone safe by laws. Members meet once a month and make frequent trips to Topeka to fight for sensible gun laws in the United States and Kansas. She stated Governor Laura Kelly signed a similar proclamation on Friday, and their group was honored to be invited into the Governor's office.

Mayor Dunn thanked the group for their efforts, stating the Governing Body, Police Chief Troy Rettig and his department are very supportive and grateful.

5. PRESENTATIONS/RECOGNITIONS Recognition of Kevin Jeffries, Leawood Chamber of Commerce President & CEO 1999 - 2019

Mayor Dunn credited Councilmember Jim Rawlings for alerting her to this important anniversary. She read the inscription on the crystal Outstanding Service Award and presented the award to Mr. Jeffries. Mayor Dunn thanked him for his great work and undertakings over the past 20 year years, noting the many supporters, both Board Members and family that were in attendance. A round of applause followed.

Mr. Jeffries stated over 20 years ago recently-elected Mayor Dunn agreed to meet him over coffee and they discussed the City's partial funding of the Chamber's first full-time employee and the possibility that he might be an appropriate candidate for the position. He thanked her for this recommendation for this career path. He stated it had been great to work with many long-term City employees and he thanked his family for their support. He introduced his wife, daughters, daughter-in-law, son and sister, and Chamber Board members Calvin Girard, Monty Spradling, Doug Spear and Amy Tysseling. He stated it has been a community effort and a pleasure to watch the City grow. We can all be proud of this great community and he is excited to come to work each day.

Mayor Dunn thanked Mr. Jeffries and all supporters for their attendance, offering best wishes for the next 20 years.

6. SPECIAL BUSINESS

- A. **Public Hearing** Consider the 2020-2024 Capital Improvement Program [C.I.P.]
for the City of Leawood

Mayor Dunn opened the public hearing. No one was seen or heard to speak.

A motion to close the public hearing was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

- B. **Resolution No. 5201**, approving the 2020-2024 Capital Improvement Program [C.I.P.] for the City of Leawood

Mayor Dunn stated the Planning Commission had approved the C.I.P., and the Governing Body had reviewed the program at a Work Session. A few documentation replacement pages were provided in tonight's agenda packet. She thanked everyone for their hard work on the program.

A motion to approve Agenda Item 6.B. was made by Councilmember Larson; seconded by Councilmember Harrison. 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. 2019-20 and 2019-21
- B. Accept minutes of the May 20, 2019 Governing Body meeting
- C. Accept minutes of the May 20, 2019 Executive Session
- D. Accept minutes of the March 21, 2019 Community Garden Task Force
- E. Accept minutes of the March 21, 2019 Tree Committee
- F. Accept minutes of the March 26, 2019 Arts Council meeting
- G. Approve renewal of Cereal Malt Beverage [CMB] License for Price Chopper # 500, located at 13351 Mission Road
- H. Approve Change Order No. 1 in the amount of \$3,881.40, to APEX Envirotech, Inc., pertaining to the 2018 Underground Storage Tank Removal Project, located at 2008 W. 104th Street, [Project # 74095]
- I. Approve payment in the amount of \$24,596.52 to the City of Overland Park, Kansas, pertaining to the Intergraph Software System [Intergraph Public Safety, Inc.] for the Computer Aided Dispatch System [CAD], Records Management and Mobile Operating Systems
- J. **Resolution No. 5202**, approving and authorizing the Mayor to execute an Addendum to that certain Independent Contractor Agreement dated March 20, 2017, between the City and Western Enterprises, Inc., in an amount not to exceed \$32,500.00, for the 2019 fireworks display
- K. **Resolution No. 5203**, authorizing the payment of Appraisers' Award and costs in the amount of \$9,652.00, to the Johnson County District Court for a Temporary Construction Easement and a Permanent Drainage Easement relating to the Patrician Woods Stormwater Project, located in Leawood, Johnson County, Kansas [SMAC # TM-04-006 [Project # 77018]
- L. **Resolution No. 5204**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$2,439,185.40, between the City and Kissick Construction Company, pertaining to the Lee Boulevard Improvement Project from 95th Street to 103rd Street [Project # 72066]
- M. **Resolution No. 5205**, calling for a Public Hearing to be heard on July 1, 2019, or as soon thereafter as may be heard, to consider the vacation of a Drainage and Utility Easement, located at 1900 W. 142nd Street, Lot 34, Bi-State Business Park, Second Plat, within the City of Leawood, Johnson County, Kansas [Petitioner: High Life Sales Company]

- N. **Resolution No. 5206**, accepting a Temporary Construction Easement from Grantors Rick A. Bartelt and Christine H. Bartelt, Trustees of the Thesaurus Trust, for property located at 3205 W. 84th Place, Lot 33, The Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- O. **Resolution No. 5207**, accepting a Permanent Utility Easement from Grantor Roman Catholic Archdiocese of Kansas City in Kansas, a non-profit corporation, for property located at 9401 Mission Road, pertaining to the 2019 Mission Road Street Light Project from Ranchmart to 92nd Street [Project # 82074] [Burial of Overhead Power Lines]
- P. **Resolution No. 5208**, accepting a Permanent Utility Easement from Grantors William J. Venable and Gwenn E. Venable, for property located at 3519 W. 93rd Street, pertaining to the 2019 Mission Road Street Light Project from Ranchmart to 92nd Street [Project # 82074] [Burial of Overhead Power Lines]
- Q. Approve Change Order No. 6 in the amount of \$140,000.00, to Kissick Construction Company, pertaining to the 2018 CMP Replacement Program; Repairs at 119th Street South Park [Project # 80255]

Councilmember Harrison requested Consent Agenda Item 7.E. be pulled.
 Councilmember Sipple requested Consent Agenda Item 7.Q. be pulled.

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

7.E. Accept minutes of the March 21, 2019 Tree Committee

Councilmember Harrison provided clarification and requested correction of Section III., Elect Committee Officers, of the minutes. She did not make a motion to elect herself as Chair of the Tree Committee, but had offered the Mayor's suggestion that she might serve in this role. The motion was made by Committee member Jim Earnest; seconded by Bruce North.

A motion to accept Consent Agenda Item 7.E. with clarification/correction was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

Mayor Dunn pointed out Councilmember Harrison would have the opportunity to correct the minutes at the next Tree Committee meeting, when the minutes are presented to the committee for approval. The Governing Body does not approve, only accepts, committee minutes. She thanked Councilmember Harrison for her leadership of the Tree Committee.

7.Q. Approve Change Order No. 6 in the amount of \$140,000.00, to Kissick Construction Company, pertaining to the 2018 CMP Replacement Program; Repairs at 119th Street South Park [Project # 80255]

Councilmember Sipple stated it was fortunate Kissick had construction materials on-hand to repair the Tomahawk Park roadway at a fair price.

Councilmember Sipple requested a status update on the Mission Road project to bury large concrete piping from 119th Street to 123rd Street. He stated nearby neighbors receiving announcements have inquired about the on-and-off again project and road closures.

Mr. Ley stated J. M. Fahey Construction had completed one crossing of Mission Road. The work was impacted by storms, resulting in on-and-off again road closures. The trench repeatedly collapsed and Fahey could not move as quickly as planned; they are about three weeks behind schedule. With dry weather some of the lost time may be recaptured, but likely not the entire three weeks. There will be two additional Mission Road closures in the area within the next month to install storm sewers.

Mr. Ley confirmed to Councilmember Sipple that repair of the Tomahawk Creek roadway by Kissick is planned to start on Wednesday and project is anticipated to be complete in two weeks.

Mayor Dunn inquired about removal of a 96 inch pipe and replacement with 96 inch pipe in the park. She stated trails are being used, she had visited the area on foot over the weekend, and the pipe needing repair did not appear to be that large. Mr. Ley stated when the 96 inch pipe had failed, the pipe was compressed into an oblong shape. The trail has been blocked by barricades, but the public continues to use the trail.

Mr. Lambers stated this re-affirms the Council decision to have a replacement program for corrugated metal pipes, and congratulated the City for the proactive initiative. Smaller cities in the County are hoping the Johnson County Stormwater Management Advisory Council [SMAC] program will be changed to allow replacement of piping, and the City will certainly take advantage if such funding becomes available.

Mr. Ley confirmed to Councilmember Azeltine the sink hole effecting a residential driveway on El Monte was due to a construction issue regarding how two different size pipes had been joined. This was a City project constructed by Kissick, and a change order is anticipated.

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

8. MAYOR'S REPORT

- A. Condolences to all victims of recent devastating storms and tornadoes in our Kansas counties.
- B. Request a moment of silence for the Virginia Beach community and all the families and friends of the victims of last week's horrific tragedy.
- C. I was joined by Councilmember Mary Larson, Police Chief Troy Rettig, Police Captains Dale Finger and Kirt Yoder, and Fire Chief Dave Williams at the recent Ramadan Iftar dinner hosted by the Dialogue Institute in Kansas City, Kansas.
- D. Councilmembers Mary Larson and Chuck Sipple joined me at the Leawood Chamber ribbon cutting for Kumon of Leawood which is now open in Market Square. They provide a program to advance children and youth's math and reading skills. This program began 60 years ago in Japan and is now in 51 countries and has seen 4 million students during this timeframe. We wish them much success!
- E. Reminder that the Ironhorse Golf Course will be hosting an "Evening on the Range" event on Friday, June 14. The "Beauty of the Bistro" food truck will be on-site. Come out and enjoy the food, music and range activities from 6:00 P.M. to 9:00 P.M., near the driving range.
- F. Congratulations and much appreciation to Councilmember Julie Cain, her Banner Selection Committee and Cultural Arts Coordinator April Bishop on the debut of the beautiful new banners hung on light poles around our City. They look fantastic!

9. COUNCILMEMBERS' REPORT

- A. Referral of easement costs on the Patrician Woods SMAC Project to the June 26, 2019 Stormwater Management Committee meeting

Councilmember Azeltine stated Staff would like the Stormwater Management Committee to verify the value of easements. This review should not impact the project timeline.

A motion to approve Agenda Item 9.A. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

- G. Referral of drainage concern due to the volume of water draining to 13213 Howe Drive from Gezer Park to the July 31, 2019 Stormwater Management Committee meeting

Councilmember Azeltine pointed out Councilmember Harrison is much more familiar with the area and would provide detail.

Councilmember Harrison stated the issue is several blocks from her home. At least three Waterford subdivision neighbors have contacted her in the past year, with one stating they have added 12 tons of rock, two truckloads of soil and 140 rolls of sod in the hopes of elevating their backyard. They have three sump pumps in three different basement corners running full-time after a rain, and they have lived in the home for two years. This neighbor insists this is a new issue, one the prior home owner did not experience, and possibly related to changes made in Gezer Park. The neighbor has provided photographs. Councilmember Harrison would like Staff to visit the site after a rain and investigate.

Mayor Dunn pointed out Gezer Park was dedicated ten years ago. She has observed during her walks this park appears to be the driest after rain. She stated the City has professional Staff and there is much talent on the Stormwater Management Committee, which would provide for a good review of the concern.

A motion to approve Agenda Item 9.B. was made by Councilmember Harrison; 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

Schedule Governing Body meeting on June 17, 2019 at 7:00 P.M.

A motion to approve Agenda Item 14. was made by Councilmember Rawlings; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

15. NEW BUSINESS

Ms. Harper confirmed to Mayor Dunn the Governing Body/Budget & Finance Committee Work Session would begin at 6:00 P.M. on Monday, June 10, with catering available at 5:30 P.M.

ADJOURN

There being no further business, the meeting was adjourned at 7:35 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk - Transcriptionist