

Minutes

DVD No. 443

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, June 17, 2019. Mayor Peggy Dunn presided.

Councilmembers Present: Julie Cain, Chuck Sipple, James Azeltine, Debra Filla and Jim Rawlings

Councilmembers Absent: Andrew Osman, Mary Larson and Lisa Harrison

Staff Present: Scott Lambers, City Administrator
Chris Claxton, Parks & Recreation Director
Ross Kurz, Info. Services Director
Richard Coleman, Comm. Dev. Director
David Ley, Public Works Director
Mark Klein, Planning Official
Patty Bennett, City Attorney
Captain Kirt Yoder, Police Department
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 was amended to add a request for referral to the Public Works Committee from Mr. Lambers under Agenda Item 10. City Administrator Report.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 5-0.

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.

Ms. Leah Maugans, 9320 Lee Court, stated appreciation for the opportunity to present concerns about flooding of yards and basements in her neighborhood that has occurred over the past two years and is ongoing. Neighbors who experienced issues were unable to attend tonight's meeting. Ms. Maugans stated she discussed the issue two years ago a City Engineer. She understands property owners are to manage water in their yard and that many residents throughout Leawood are experiencing flooding issues. The two issues are abundance of water

and a storm drain that cannot handle the volume, and water is coming closer and closer to homes. She hopes the City could review and help to address flooding, possibly as part of other work in the area, including the future addition of bike lanes. She believes the water comes from 95th street and Lee Boulevard, and house construction and removal of brush has increased water flow. She has spoken with City Engineer Brian Scovill, who has been helpful.

Mayor Dunn thanked Ms. Maugans for presenting, and asked Mr. Ley the situation merited referral to the Stormwater Management Committee for review.

Mr. Ley stated the City's engineer hired to design Phase 2 of Lee Boulevard could look at the potential to construct a roadside ditch on the east side of Lee Boulevard, to reduce water flowing towards homes. He supported referral to the Stormwater Management Committees meeting on Wednesday, August 28.

Councilmember Azeltine asked for an estimate of homes impacted by flooding. Ms. Maugans stated at least three homes have experienced full basement flooding, and she was confident there were more. Councilmember Azeltine pointed that projects in the area and the referral could possibility could possibly have a positive impact on the situation.

Mayor Dunn pointed out residents are welcome to attend the Stormwater Management Committee meeting on August 28, 2019, that starts at 7:30 A.M. Mr. Lambers stated as many neighbors as possible should attend the meeting. Mr. Ley confirmed that notice of the meeting would be provided.

A motion to approve referral to the August 28, 2019 Stormwater Management Committee for review of flooding issues in the area of 9320 Lee Court was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 5-0.

4. PROCLAMATIONS – None

5. PRESENTATIONS/RECOGNITIONS Recognition of Kaitlin & Laurin Stotts on donations raised for Kansas City area tornado & flood victims from operations of neighborhood lemonade stand

Mayor Dunn invited Ms. Kaitlin Stotts and Ms. Laurin Stotts to approach the dais. She read the recognition award for Laurin, the youngest, then read the recognition award for Kaitlin, and presented the "Mayor's Awards" to each. Mayor Dunn thanked the sisters for their great ongoing efforts and hard work, noting this was their fourth fundraising event.

Ms. Kaitlin Stotts stated for the past four years they have raised money. The first year was for Kansas City, Kansas, Police Captain Dave Melton, the second year was for Wayside Waifs, the third year was for two officers killed in the line of duty [Wyandotte County Deputies Theresa King and Patrick Rohrer], and the fourth year was for tornado and flood victims. She was pleased to do this because it feels sad to be up when others are down, and you just want to help. They raised about \$900.

Ms. Laurin Stotts agreed with her sister, and thanked the City for the awards. She stated they were so sad to see the news and really wanted to help with another lemonade stand.

Mayor Dunn stated the girls' efforts make everyone very proud. She wished there were more young people who would feel and behave the same way; the community and world would be a much better place. A round of applause followed.

Mayor Dunn thanked the girls for allowing the City to recognize them, and thanked their parents for their support and for attending the meeting.

6. SPECIAL BUSINESS

- A. **Public Hearing** Park Place Development Improvement District Assessments [Project # 83196]

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 Sipple. The motion was approved with a unanimous vote of 5-0.

- B. **Ordinance No. 2946**, levying assessments for tax year 2020 for improvements within the Park Place Development pursuant to K.S.A. § 12-6a01, et seq., and the City's Home Rule authority of Article 12, Section 5 of the Kansas Constitution [Project 83196] [ROLL CALL VOTE]

Councilmember Sipple asked for receipt of funds and bond payment transaction schedules. Ms. Long stated a large portion of property tax payments are received in January, but payments are received throughout the year. Bond payments are made in two installments, March 1st and September 1st.

Ms. Long confirmed to Councilmember Filla that data for Fiscal Years 2011 to 2017 is not shown on the "Record of Bond and Interest Maturities" table. She stated total 2020 payment of \$431,077.50 is comprised of \$345,000.00 principal and \$87,055.50 interest.

A motion to pass Agenda Item 6.B. was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 5-0.

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. 2019-22 and 2019-23
- B. Accept minutes of the June 3, 2019 Governing Body meeting
- C. Accept minutes of the April 9, 2019 Parks and Recreation Advisory Board meeting
- D. Accept minutes of the April 2, 2019 Leawood Foundation meeting
- E. Accept minutes of the March 12, 2019 Historic Commission meeting
- F. Accept minutes of the March 7, 2019 Ironhorse Advisory Board meeting
- G. Accept minutes of the February 4, 2019 I-Lan Sister City Committee meeting
- H. Approve 2nd and Final Pay Request in the amount of \$13,881.40, to APEX Envirotech, Inc., pertaining to the 2018 Underground Storage Tank Removal Project, located at 2008 W. 104th Street [Project # 74095]
- I. Approve purchase in the amount of \$50,000.00 from Challenge Teamwear for uniforms

- J. **Resolution No. 5209**, requesting Johnson County, Kansas to participate in the City of Leawood's Five-Year Capital Improvement Program through 2020-2024 County Assistance Road System [CARS] Program
- K. **Resolution No. 5210**, accepting a Temporary Construction Easement from F. Richard and Regina Y. Bernasek, for property located at 3020 W. 84th Place, Lot 99, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- L. **Resolution No. 5211**, accepting a Temporary Construction Easement from Tom Sullivan and Helen Lindquist, for property located at 3023 W. 84th Terrace, Lot 91, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- M. **Resolution No. 5212**, approving a Revised Final Sign Plan for Leawood Square – Revised Sign Criteria, located north of Blue Ridge Boulevard and west of State Line Road. (PC Case 42-19) *[from the May 28, 2019 Planning Commission meeting]*
- N. **Resolution No. 5213**, approving a Final Plan for the Manfield Multi-tenant Building – Lighting and Sign Criteria, located south of 103rd Street and west of State Line Road. (PC Case 44-19) *[from the May 28, 2019 Planning Commission meeting]*
- O. **Resolution No. 5214**, approving a Revised Final Plat for Plaza Pointe, 6th Plat, located south of 135th Street and east of Briar Street. (PC Case 46-19) *[from the May 28, 2019 Planning Commission meeting]*
- P. Police Department Monthly Report
- Q. Fire Department Monthly Report
- R. Municipal Court Monthly Report

Councilmember Filla requested Consent Agenda Items 7.A. and 7.J. be pulled.

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

Mayor Dunn requested Consent Agenda Item 7.P. be pulled for comment

A motion to approve the remainder of the Consent Agenda was made by Councilmember Azeltine; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 5-0.

7.A. Accept Appropriation Ordinance Nos. 2019-22 and 2019-23

Councilmember Filla referred to payment for polygraph tests on Appropriation Ordinance No. 2019-22, and asked which department requests the tests and the reason. Police Captain Yoder stated all Police Department pre-hires undergo polygraph testing as part of conditional offer. Testing cost is part of Police budget.

A motion to accept Consent Agenda Item 7.A. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 5-0.

7.E. Accept minutes of the March 12, 2019 Historic Commission meeting

Councilmember Cain noted the suggestion stated in 6. New Business of the minutes, regarding a survey to ascertain if residents would be interested in having a placard on their homes, and she inquired what the placards would state. She stated this has been done in Hyde Park.

Ms. Alice Hawk, 2841 W. 118th Terrace, stated her belief it was decided at the March 12 meeting the placards were not a feasible option. It had been discussed that placards would contain the date the house was constructed. Ms. Hawk stated residents may do this on their own and the Commission discussed providing information about placards to Home Owner Associations for residents to pursue if they wished, but this would not be a Commission effort.

A motion to accept Consent Agenda Item 7.E. was made by Councilmember Cain; seconded by Councilmember FILLA??Azeltine. The motion was approved with a unanimous vote of 5-0.

- 7.J. **Resolution No. 5209**, requesting Johnson County, Kansas to participate in the City of Leawood’s Five-Year Capital Improvement Program through 2020-2024 County Assistance Road System [CARS] Program

Councilmember Filla inquired about the date of anticipated announcement of request results. Mr. Ley stated a recommendation has been made for the City to receive funding. Final approval is pending, but expected in July.

A motion to approve Consent Agenda Item 7.J. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 5-0.

- 7.P. Police Department Monthly Report

Mayor Dunn stated she pulled the report to highlight the gun locks offer on Page 2 of the report. Gun locks have been of interest in other cities. She offered congratulations to Leawood’s Police Department for planning this initiative in conjunction with “Project ChildSafe.” This offer is also posted on the City’s website. Police Captain Yoder stated he hopes this will help mitigate unfortunate tragedies in homes. Cost is minimal and money well spent. The department does not track recipient names, but approximately 10 locks have been provided to-date.

Councilmember Filla asked if the offer was posted on other social media platforms such as NextDoor. Captain Yoder stated his belief that NextDoor had been utilized.

Captain Yoder confirmed to Councilmember Cain the locks, which fit through handles, could be used on many other types of guns such as revolvers, rifles and shotguns, not just on hand guns. He stated assistance with the locks is available to the public. Mayor Dunn expressed appreciation for this initiative.

8. MAYOR’S REPORT

- A. Attended the June meeting of the Johnson & Wyandotte Counties Council of Mayors hosted by Shawnee Mayor Michelle Distler for mayors and Johnson and Wyandotte County legislators. Discussion was held on recent session accomplishments and bills that will need to be on the next year’s agenda. The recent news that the Kansas Supreme Court has ruled that school funding is now “adequate” was not yet known. This news is a welcome relief to most everyone.

- B. Attended the Kansas State Affairs Legislative Wrap-Up & Move Forward Luncheon, sponsored by the Greater Kansas City Chamber of Commerce and held at Leawood's Hereford House. A review of the 2019 legislative session / 2020 perspectives was provided by Ron Ryckman, Speaker of the House; Tom Sawyer, House Minority Leader; and Will Lawrence, Chief-to-Staff to Governor Laura Kelly. Legislative "report card" handout was provided to the Council in the meeting packet for information.
- C. Police Chief Troy Rettig hosted a great retirement celebration for Detective John Freeman honoring his 29 total years in law enforcement, 22 years of those in Leawood. We congratulate him and wish him well with his next endeavors.
- D. My thanks to Finance Director Dawn Long, Budget Manager Kathy Byard, City Administrator Scott Lambers, all Department Heads and entire Budget & Finance Committee for a great effort on our 2020 Budget Work Session. The 2020 Budget will be on a future Council Meeting agenda for approval.
- E. Councilmembers Jim Rawlings and Chuck Sipple joined me along with Community Development Director Richard Coleman, members of his department and some Planning Commissioners at the 23rd Annual MARC Regional Assembly and Leadership Awards. Congratulations to former Johnson County Commissioner and Prairie Village Mayor Ron Schaffer who received the Distinguished Board Service Award.
- F. Attended the Leawood Rotary Annual Dinner where Councilmember Rotarians Jim Rawlings and Chuck Sipple were honored with "Community Service Awards" recognizing their work with Rotary service projects. Congratulations to both!

9. COUNCILMEMBERS' REPORT – None

10. CITY ADMINISTRATOR REPORT

Referral to Public Works Committee – Design Consultant, Lee Boulevard Phase 2

Mr. Lambers requested referral to the Public Works Committee for consideration of utilizing the same design consultant for Phase 2 of Lee Boulevard as was used for Phase 1, to expedite project timing. Mr. Ley stated Phase 2 section of Lee Boulevard is atypical and the consultant is familiar and would be able to apply prior experience. Referral could be placed on the agenda of the August 7, 2019, Public Works Committee meeting.

A motion to approve the referral for Public Works Committee consideration of using the same design consultant for Phase 2 that was used for Phase 1 of the Lee Boulevard project was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 5-0.

11. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

12. LEAWOOD FOUNDATION

[from the June 4, 2019 Leawood Foundation meeting]

Request for matching City funds for upcoming Foundation fundraising drive for bathroom on Tomahawk Creek Parkway walking trail

Mayor Dunn stated the request had been discussed at the June 4, 2019, Foundation meeting.

Ms. Alice Hawk, 2841 W. 118th Terrace, Leawood Foundation Chair, introduced other Foundation members in attendance representing the Board: Ken Selzer, Charles Lusk and Marc Elkins. She stated the Board is excited about the project, noting that Parks & Recreation Director Chris Claxton made an excellent presentation to the Foundation on the project. The Board unanimously approved the motion to proceed, as well as the motion to ask the City to partner with the Foundation on this important project. Ms. Hawk pointed out restrooms are a part of desired trail improvements. The Foundation asks for the City's assistance with this project.

Mr. Lambers confirmed to Mayor Dunn that City monies would be from the Special Parks Fund through Alcohol Tax collections. There are sufficient funds to do the project. If approved, a budget amendment would be needed this year as well as next year.

Ms. Claxton confirmed to Councilmember Azeltine the model photograph provided in the meeting documentation does not depict custom options, which are proposed to include stone wainscoting on the lower portion of the building and 30-year shingle roof rather than metal roof.

Councilmember Sipple asked if acceptance of exploration of this project/partnership would exclude a restroom at South Lake or in Tomahawk Creek Park, or discussion of other possible sites. He stated as you move south, there are less public restroom facilities.

Ms. Claxton assured the project would not preclude the potential for other sites. City Park hosts quite a few large events and the proposed flush restroom location would be close to midway between North Lake and South Lake. She displayed a map showing existing sanitary sewer connection within 200 ft., and stated that per Leawood Development Ordinance connection would be required. The short side of the building would be visible for an attractive layout. The buildings overall appearance would be aesthetically appropriate for a highly visible location, obviously better than portable toilets. The vendor is eco-friendly. For Tomahawk Creek Park, a vendor that could provide both tank and flush options is desired.

Ms. Claxton confirmed to Councilmember Sipple existing park restrooms automatically lock by timers after parks close; 10 :00 P.M. in Winter and 11:00 P.M. in Summer. This restroom might lock at dusk in the Summer, about 9:00 P.M. or 9:30 P.M.

Councilmember Rawlings expressed concern that the structure would be built in the flood plain and questioned how it would look after a major flood. Ms. Claxton stated elevation would need to be raised about four or five ft. A preliminary engineering study conducted by Olsson Associates confirmed the restroom would have no negative impact on flooding in the area. Mr. Ley stated Public Works was also concerned about flooding and the building elevation would be set two ft. above the 100-year flood plain. The 100-year flood plain mapping has been accurate to-date.

Mayor Dunn inquired if the item should be reviewed by the Parks & Recreation Advisory Board and then come before Council. Ms. Claxton agreed, stating there had been some preliminary discussion by the Board, but no motion, and desire to first approach the Council for consideration of a partnership. This is a potential late Fall 2020 project.

Mayor Dunn she had attended the Foundation meeting, as did Councilmember Azeltine. She expressed belief in the importance for the public dollars to partner with private dollars when a very special amenity is needed. The partnership is sensible, provides a project the Foundation can embrace and because the need is necessary and vital, fundraising may be less challenging.

Ms. Hawk shared the “count me in” enthusiasm for the project that was stated to her by a weekend Hen House shopper.

Mr. Lambers stated in follow-up to Councilmember Sipple’s question about site location, the proximity and ability to connect to the sanitary sewer was the driving factor for decision. Other sites would not have that luxury. There is odor associated with holding tanks. For other future sites, the City may want to explore possible, but expensive, extension of nearby sewers for connection. There are no sanitary sewer lines in close proximity for tie-in at Tomahawk Park.

Mayor Dunn thanked Foundation members for all their support. The City looks forward to the project.

A motion to approve Agenda Item 13. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 5-0.

13. PLANNING COMMISSION

[from the May 28, 2019 Planning Commission meeting]

Ordinance. No. 2947, approving a Rezoning, Revised Preliminary Plan, Revised Final Plan and Special Use Permit [SUP] for Homestead of Leawood Assisted Living Facility – Addition, located south of 127th Street and west of State Line Road (PC Case 45-19) [ROLL CALL VOTE]

Applicant Ms. Lauren Fitzpatrick, Schwerdt Design Group, 2231 SW Wanamaker Road, Suite 303, Topeka, stated she would not make a formal presentation, but would answer any Council questions on meeting packet information.

Mayor Dunn noted Staff recommendation that the proposed plan include an emergency shelter meeting FEMA standards on Page 6 of the Staff Report. Ms. Fitzpatrick stated a shelter is not planned for the facility and not required by Code. The facility owner does not feel it is necessary at this time to make extreme and costly revisions to the existing facility. Processes are currently in place to ensure resident safety and exit. There are designated zones fire walls for fires, and designated central areas for tornadoes.

Ms. Fitzpatrick confirmed to Councilmember Cain the existing building is slab on grade, without basement. Councilmember Cain stated she has visited the facility, which is nice and does great work. She is not thrilled to see a need for expansion, but acknowledged the City is fortunate to have the facility. Mayor Dunn stated she has also visited residents in the facility and it is a wonderful, loving environment. Ms. Fitzpatrick stated she would pass along comments. She stated the business is local and family-run, and owner is proud to provide quality care. They have a total of 60 facilities.

Councilmember Sipple requested reason for expansion, and if because of a long waiting list, would the expansion satisfy space needs. He asked for the project timeline. Ms. Fitzpatrick stated current residents are requesting larger units and updates to units built in the 1990s. The expansion will offer several additional unit sizes and finish options, to address requests. The plan is phased and goal is to disturb current residents as little as possible. The facility is not at capacity and some open units would be used as alternate housing as needed for current residents during construction. Construction would start in the Fall of this year and the facility open by Fall of next year.

A motion to pass Agenda Item 13. was made by Councilmember Cain; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 5-0.

14. OLD BUSINESS – None

15. OTHER BUSINESS

Schedule Governing Body meeting on July 1, 2019 at 7:00 P.M.

A motion to approve Agenda Item 15. was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 5-0.

16. NEW BUSINESS

A. **Ordinance No. 2948C**, amending § 1-206 of the Code of the City of Leawood, Kansas, 2000, entitled ‘Organizational Meeting,’ and repealing existing § 1-206 and other sections in conflict herewith [ROLL CALL VOTE]

Ms. Bennett stated because of prior State legislation, term of office and installation of elected officials was required to be the second Monday in January, following Johnson County certification of election results. This change was inconvenient for many cities including Leawood, since Leawood Governing Body meetings are held on the first and third Mondays of the month. Legislation was changed to now allow this to occur any time before the second Monday in January, following County certification. The proposed ordinance would revised City Code accordingly. The proposed resolution is required by Kansas Statute to establish the revised date.

Mayor Dunn expressed appreciation for Ms. Bennett’s work in this regard.

A motion to pass Agenda Item 16.A. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 5-0.

16.B. **Ordinance No. 2949C**, amending § 6-101 of the Code of the City of Leawood, Kansas, 2000, entitled ‘City Elections; Term of City Offices; Officer Qualifications’ and repealing existing § 6-101 and other sections in conflict herewith [ROLL CALL VOTE]

Councilmember Azeltine questioned if “elected City Officers” is used in City Code, and suggested this may imply Staff. Ms. Bennett affirmed the Code uses “elected City Officers”, but this could be revised to state “Officials”, if desired. Councilmember Azeltine stated he was comfortable with the initial proposed amendment.

A motion to pass Agenda Item 16.B. was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 5-0.

- 16.C. **Resolution No. 5215**, establishing date for commencement of regular term of members of the Governing Body

Ms. Bennett confirmed to Councilmember Sipple that Johnson County certification of election results is usually complete by December 1st. Mayor Dunn pointed out the City has never a recount or any certification issues.

A motion to approve Agenda Item 16.C. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 5-0.

- 16.D. Schedule an Executive Session on Tuesday, September 3, 2019 at 6:00 P.M., for a Non-Elected Personnel Matter

Mayor Dunn stated the proposed Executive Session would be for the City Administrator's six-month review.

A motion to approve Agenda Item 16.D. was made by Councilmember Cain; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 5-0.

- 16.E. Schedule a Governing Body Work Session on Monday, November 4, 2019 at 6:00 P.M., to Review Chamber of Commerce's Annual Economic Plan

Mr. Jeffries confirmed to Mayor Dunn the date selected was acceptable and he planned to attend.

A motion to approve Agenda Item 16.E. was made by Councilmember Cain; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 5-0.

ADJOURN

There being no further business, the meeting was adjourned at 7:59 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk