

Minutes

DVD No. 444

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, July 1, 2019. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Andrew Osman

Staff Present: Scott Lambers, City Administrator
David Ley, Public Works Director
Mark Tepesch, Info. Services Specialist III
Debra Harper, City Clerk
Patty Bennett, City Attorney
Chief Troy Rettig, Police Department
Dawn Long, Finance Director

Others Present: David Arteberry, Senior Vice President, George K. Baum & Company,
Municipal Advisor

1. **PLEDGE OF ALLEGIANCE**
2. **APPROVAL OF AGENDA**

Mayor Dunn stated the agenda was amended to add a request for recess into Executive Session under Agenda Item 15. New Business.

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.

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.**

Mr. Tim Fisher, 9641 Lee Boulevard, stated he lives on the east side of Lee Boulevard where there are no sidewalks. He asked if sidewalks would be part of the Lee Boulevard construction project because sidewalks in the area have become uneven and choppy due to the freeze-thaw cycle.

Mr. Ley stated Public Works is not modifying sidewalks on Lee Boulevard. Sidewalks will remain on one side and be replaced only where there is conflict with storm sewer replacement planned from 98th Street to approximately 1,200 ft. north.

Mayor Dunn pointed out many property owners may not be aware sidewalks are the responsibility of the abutting property owner. There are occasions when the City has made corrections, modifications or improvements, but generally these are in a queue awaiting excess time and funding.

Mr. Fisher expressed concern about vehicle traffic traveling about 45 miles per hour, exceeding the posted speed limit of 35 miles per hour on Lee Boulevard. The neighborhood now has many families with young children and safety is a concern. He asked if the City would look into reducing the speed limit to 30 miles per hour or using flashing speed limit signs similar to the one used on West 98th Terrace to slow traffic. The narrowing of the roadway for bicycle lanes may help reduce traffic speed.

Mr. Ley stated once Lee Boulevard Phase I construction is complete, a speed study will be conducted later this year or early next year to determine an appropriate speed limit. Mayor Dunn stated there could be a possibility the speed limit would be reduced.

Mr. Fisher asked if the Lee Boulevard bicycle lanes were for certain to be installed. He stated Kansas City, Missouri, had recently voted not to construct bicycle lanes that would have met up with Leawood's lanes. This would leave a portion of roadway without bicycle lanes from City Park to 103rd Street, with 103rd Street being too narrow to have bicycle lanes, but there would be lanes from 103rd Street to Somerset. There would be no real points of interest at either end, and he questioned if the bicycle lanes were logical and the best use of resources.

Mr. Ley confirmed bicycle lanes are to be installed per Leawood's Bicycle-Pedestrian Plan and the project is already under construction. The speed limit on the section of road at 103rd and City Park is posted at 25 miles per hour and the City typically has bicycle lanes on roadways with posted speed limits of 35 miles per hour or higher. With lower speed limits, sharrows would be marked on the pavement to alert travelers this is a bicycle route. Future expansion of bicycle routes are planned from Somerset to Lee Boulevard, down to Mission Road, then south along Tomahawk Creek Parkway. This is one of the most-used bicycle routes in the City.

Mr. Fisher questioned if the route expansion was in the City's budget. Mr. Ley confirmed, stating next year would be Lee Boulevard from 83rd Street to 95th Street, following year would be north of 83rd Street, and 2022 would be Tomahawk Creek Parkway.

Mayor Dunn thanked Mr. Fisher for his comments.

4. PROCLAMATIONS – None

5. PRESENTATIONS/RECOGNITIONS – None

6. SPECIAL BUSINESS

- A. **Resolution No. 5216**, authorizing the offering for sale of General Obligation Bonds and General Obligation Temporary Notes of the City of Leawood, Kansas; approving the form of Notice of Sale and Preliminary Official Statement to be used in connection therewith; and authorizing the advertisement of such sale in the manner prescribed by law

Ms. Long confirmed to Councilmember Filla the stormwater 2018 Temporary Notes would roll-over to 2020 to provide for a larger amount of projects to bond. Councilmember Filla expressed appreciation for review of early refunding opportunities, noting the \$82,000 savings to the City.

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

- B. **Public Hearing** 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]

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 Larson. The motion was approved with a unanimous vote of 7-0.

- C. **Ordinance No. 2950**, vacating a Drainage and Utility Easement, located at or about 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] [ROLL CALL VOTE]

Councilmember Filla requested the cause for the action, stating admiration for the specificity and currency of this type of transaction.

Mr. Ley stated High Life Sales Company expanded a building to the south, which overlapped this utility easement. There are currently no utilities in the easement, they were just shown on the plat. He pointed out that financial institutions typically do not like for easements to be under buildings.

A motion to pass Agenda Item 6.C. was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call 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. 2019-24 and 2019-25
- B. Accept minutes of the June 17, 2019 Governing Body meeting
- C. Accept minutes of the June 10, 2019 Budget & Finance Committee Work Session
- D. Approve 10th and Final Pay Request in the amount of \$8,512.50 to HDR Engineering, Inc., pertaining to the Preliminary Engineering Study for drainage improvements north of I-435 between Mission Farms and Lee Boulevard [Project # 73004]

- E. **Resolution No. 5217**, calling for a Public Hearing to be held on Monday, August 12, 2019, at 7:00 P.M., or as soon thereafter as may be heard, to consider the 2020 Fiscal Budget for the City of Leawood, Kansas
- F. **Resolution No. 5218**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in an amount not to exceed \$30,000.00 between the City and American Sentry, pertaining to the installation of Access System/Lock Hardware at Fire Station No. 2, located at 12701 Mission Road, and Fire Station No. 3, located at 14801 Mission Road
- G. **Resolution No. 5219**, approving and authorizing the Mayor to execute Amendment No. 2, to a Professional Service Agreement between the City and McClure Engineering Company, f/k/a Shafer, Kline & Warren, Inc., dated April 3, 2017, and as amended on May 7, 2018, in the amount of \$58,350.00, pertaining to the Leawood South Stormwater Project, TM-04-008 [Project # 80255]

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

8. MAYOR’S REPORT

- A. Annual Report: American Revolution Tricentennial CD Fund. As you know, the Leawood American Revolution Bicentennial Committee presented the City with a Certificate of Deposit [CD] in the amount of \$1,000.00 on July 6, 1976 which was received by former Mayor William Eddy. Last year the CD earned \$42.76 in interest on the principal amount of \$8,682.68, bringing the current balance of the CD to \$8,725.44. The new CD yields an interest rate of 0.49% and ways to improve the yield rate should be reviewed by the Finance Department. The CD is in the custodial care of the Governing Body until the Tricentennial in 2076.
- B. Sympathies to family and friends of Congresswoman Jan Meyers who recently passed away at age 90. She represented the 3rd Congressional District from 1985 to 1997. Previously, she served on the Overland Park City Council from 1967 to 1972 and the Kansas Senate from 1972 to 1984. She was the first Republican woman elected to the U.S. House of Representatives from Kansas.
- C. Reminder of the wonderful 4th of July celebration from 6:00 P.M. to 10:00 P.M. in City Park, with fireworks display late in the evening. Banner artist Zach Newton and Councilmember Julie Cain and members of the Banner Selection Committee will be present for dedication of the banners, which will take place on stage about 7:30 P.M. There will be numerous vendors, a musical band, and recognition of military Veterans.
- D. The Leawood Stage Company is presenting “Kiss Me Kate” on July 11, 12, 13, 14 and 18, 19, 20, starting at 8:00 P.M. in the Ironwoods Park Amphitheater. Performance are free and family-friendly; bring your blankets. Councilmember James Azeltine is starring in the production.

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

Schedule Governing Body meeting on July 15, 2019 at 7:00 P.M.

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 7-0.

15. NEW BUSINESS

Executive Session immediately following Regular Council Meeting to consult with attorney for preliminary discussion of the acquisition of real property exception under K.S.A. §75-4319(b)(6)

A motion that the Governing Body recess into Executive Session for 30 minutes to discuss the possible acquisition of real property pursuant to the preliminary discussion of the acquisition of real property exception under KSA § 75-4319(b)(6), with open meeting to resume in Main Conference Room was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

The Governing Body reconvened into open meeting at 7:55 P.M. in the Main Conference Room.

There being no further business, the meeting was adjourned.

ADJOURN

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk - Transcriptionist