

Minutes

DVD No. 452

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, November 18, 2019. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Julie Cain

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
David Ley, Public Works Director	Chief Troy Rettig, Police Department
Chris Claxton, Parks & Recreation Director	Dawn Long, Finance Director
Mark Tepesch, Info. Services Specialist III	Ross Kurz, Info. Services Director
Nic Sanders, Human Resources Director	Chief Dave Williams, Fire Department
Deputy Fire Chief Colin Fitzgerald	Kelly Varner, Future City Clerk
Mark Klein, Planning Official	Cindy Jacobus, Assistant City Clerk
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 copies of an amended agenda had been provided [Consent Agenda Item 7.I. continued to the December 2, 2019 Governing Body meeting].

A motion to approve the amended agenda was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 7-0.

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

Small Business Saturday,
November 30, 2019

Mayor Dunn read the proclamation into the record, and stated the proclamation had been mailed to the requestor.

5. PRESENTATIONS/RECOGNITIONS - None

6. SPECIAL BUSINESS

Approve \$125,000 expenditure to Leawood Chamber of Commerce for the City's economic development for 2020

Mayor Dunn pointed out that Chamber President Kevin Jeffries was in attendance and that the annual Economic Development Council report had been presented at a recent Governing Body Work Session.

A motion to approve Agenda Item 6. was made by Councilmember Rawlings; seconded by Councilmember Sipple. 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. 2019-44 and 2019-45
- B. Accept minutes of the November 4, 2019 Governing Body meeting
- C. Accept minutes of the November 4, 2019 Governing Body Work Session
- D. Accept Minutes of the October 2, 2019, Public Works Committee
- E. Approve renewal of Cereal Malt Beverage (CMB) License for Cosentino Price Chopper, located at 3700 West 95th Street
- F. Approve renewal of Cereal Malt Beverage (CMB) License for Mr. Gyros Greek Food & Pastries, located at 11707 Roe Avenue, Suite C
- G. Approve 2nd and final pay request in the amount of \$520.00 to J.M. Fahey Construction Company pertaining to the State Line Road Mill & Overlay Project for Southbound Lanes from Carondolet to south of College Boulevard [Project # 72084] [KCMO Project # 19-3]
- H. Approve Change Order No. 1 in the amount of \$28,981.70 to Wiedenmann, Inc., pertaining to the 2019 Patrician Woods Stormwater Improvement Project [SMAC Project TM-04-006] [Leawood Project #77018/77022]
- I. Resolution approving the recommended distribution of alcohol taxes by Johnson County Drug and Alcoholism Council [DAC] for allocations of the 2020 alcohol tax fund for an amount not to exceed \$350,000 – **CONTINUED UNTIL THE DECEMBER 2, 2019 GOVERNING BODY MEETING**
- J. **Resolution No. 5270**, accepting a Temporary Construction Easement from David F. Egger and Leeann B. Egger, for property located of 3500 W 85th Street, for Lot 75, Leawood Lanes Subdivision, pertaining to the SMAC Storm Water Project DB-11-014
- K. **Resolution No. 5271**, accepting a Storm Sewer Easement from David F. Egger and Leeann B. Egger, for property located of 3500 W 85th Street, for Lot 75, Leawood Lanes Subdivision, pertaining to the SMAC Storm Water Project DB-11-014

- L. Police Department Monthly Report
- M. Fire Department Monthly Report
- N. Municipal Court Monthly Report

Councilmember Sipple requested Consent Agenda Item 7.A. be pulled.
Councilmember Filla requested Consent Agenda Item 7.L. be pulled.
Mayor Dunn requested Consent Agenda Item 7.M. be pulled for comment.

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

- 7.A. Accept Appropriation Ordinance Nos. 2019-44 and 2019-45

Councilmember Sipple stated he would recuse himself from voting because his wife was listed as a payee. She is a contract employee providing services to the Parks & Recreation Department.

A motion to approve Consent Agenda Item 7.A. was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a vote of 6-0; recusal by Councilmember Sipple for reason stated.

- 7.L. Police Department Monthly Report

Councilmember Filla asked if the increased number of mental health related calls [44] for October, nearly double of that one year ago [18], was due to the addition of a mental health co-responder resource. Chief Rettig stated the increased number of calls was due to a change in data tracking, a method which would be used moving forward. A new baseline should be seen in a few months.

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

- 7.M. Fire Department Monthly Report

Mayor Dunn complimented Fire Chief Williams and Deputy Fire Chief Fitzgerald on the 15 new and upgraded automated external defibrillators [AEDs]. The report provides the locations of public access AEDs in City facilities. The list of locations had been requested by Councilmember Harrison a few weeks ago.

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

8. MAYOR'S REPORT

- A. On behalf of the City, Governing Body and Staff, sincere sympathies to Finance Director Dawn Long for the passing of her Father.
- B. Congratulations to Councilmembers Andrew Osman, Jim Rawlings, Lisa Harrison and James Azeltine on your reelection to serve another four years on the Leawood City Council. I greatly appreciate your dedicated service to our community.

- C. Olathe Mayor Michael Copeland hosted the Johnson & Wyandotte Counties Council of Mayors November meeting. The Johnson and Wyandotte Counties legislators were our guests, and the meeting was held at the Olathe Indian Creek Library. You would never know that it was a former Hy-Vee grocery store; truly magnificent. Olathe owns their library system. Johnson County Board of Commissioners Chair Ed Eilert distributed information in your packets regarding the Dark Store Theory and jurisdictional impact, which could even be far greater.
- D. The next Council of Mayors meeting is December 4, 2019 at the Overland Park Convention Center. All Councilmembers are invited and hopefully reservations have been made. If not, please RSVP to the City Clerk.
- E. My thanks to Human Resources Director Nic Sanders for organizing a great United Way Employee Campaign Kick-off event. Councilmembers Jim Rawlings joined the group, and the entire City Council is welcome to participate.
- F. Thanks also to Aquatics/Special Events Supervisor Tony Nichols for orchestrating another festive and successful Holiday Lighting Ceremony. Participants included the Leawood Studio Orchestra Brass Band, Hand Chime Choir Brookwood Elementary and the Leawood Stage Company. Nearly all Councilmembers were in attendance. Thanks to Parks & Recreation Director Chris Claxton as well.
- G. Happy Thanksgiving to one and all!
- H. I participated in a ribbon cutting for the new JPMorgan Chase retail branch in Leawood. This is the first to open of up to 20 new branches creating 200 jobs in the next five years. We wish them much success.
- I. The Leawood Chamber also assisted with a ribbon cutting for the Cellular Connection (TCC) Verizon at their new location along 119th Street in Town Center Plaza. Councilmembers Jim Rawlings, Chuck Sipple and Mary Larson joined me at the event.
- J. Congratulations to Leawood Stage Company Chair Mike Blinn and his Board on the terrific production of the Christmas Musical “Nun crackers.” It was a true musical comedy and very well done!
- K. I had the pleasure of attending the graduation ceremony for the Citizen Police Academy which was directed by Corporal Erik Butler and Officer Phil Goff. Councilmember Mary Larson was a participant and joins Councilmembers Andrew Osman, Lisa Harrison, Jim Rawlings and Chuck Sipple as former graduates. Thank you, Chief Rettig, for providing this outstanding opportunity.
- L. There were three Veterans’ Day events during the past week. Thank you to Councilmembers Jim Rawlings and Chuck Sipple for representing the City of Leawood at the one hosted by Johnson County Board of Commissioners Chair Ed Eilert. A second one was at the Leawood Middle School where I attended along with leadership from our Police and Fire Departments. The third was held during the Leawood Rotary Club weekly meeting where the City’s designation as a Purple Heart City was reenacted by Rotary President Rick Robinson. Rotarian Councilmembers Lisa Harrison, Chuck Sipple and Jim Rawlings were in attendance as well as Rotarian Ross Kurz. Please see photos and video presented at the event.

Councilmember Azeltine pointed out that Mayor Dunn had been reelected as well, and her work on behalf of the City is greatly appreciated.

9. COUNCILMEMBERS' REPORT

Councilmember Filla – Update on Community Garden Task Force - [continued from November 5, 2018 Governing Body meeting-CONTINUED FROM NOVEMBER 4, 2019 GOVERNING BODY MEETING]

Councilmember Filla reported suggestions made at the November 4, 2019 Governing Body meeting had been pursued. The same information presented to the Governing Body was reviewed at the Parks & Recreation Advisory Board meeting on Tuesday, November 12, 2019, and potential alternate sites with more existing infrastructure had been discussed. Staff identified a site in Ironwoods Park between the Lodge and Maintenance buildings, under the power lines where KCP&L plans to cut-back trees. The Parks & Recreation Advisory Board recommends this site for a Community Garden, and to extend the Task Force for another year to oversee the Spring Community Garden behind Fire Station No. 1 and compile data needed to present a full proposal for the Ironwoods site.

Councilmember Sipple pointed out he commented to the Parks & Recreation Advisory Board that the Community Garden Task Force should be a sub-group of the Parks & Recreation Advisory Board, not a sub-group of the Sustainability Advisory Board. He stated the Parks & Recreation Advisory Board Chair plans to add this topic to their December meeting agenda for discussion.

Councilmember Azeltine questioned how long the Task Force had been in existence. He stated a Task Force is to have a defined mission for a finite period of time; there are rare exceptions. He supports the garden and believes this should be part of the Parks & Recreation.

Mayor Dunn stated the Task Force was formed about three years ago, and extensions had been requested and approved over several years. The members of the Task Force are passionate and have a keen focus on the topic, therefore should be part of Parks & Recreation. Councilmember Azeltine stated this is similar to the beginning of the Sustainability Advisory Board.

Councilmember Filla confirmed to Mayor Dunn the site was the same size or larger than the garden at Fire Station No. 1, and there was no other use of the Ironwoods Park location planned by Parks & Recreation. The site would be next to Maintenance so water would be available and parking would be at the Lodge.

Mayor Dunn stated the recommendation was much improved, and she thanked Councilmember Filla and the Task Force for their work. Councilmember Filla thanked City Staff for their assistance.

Councilmember Filla stated with a motion, a permanent Community Garden would be affirmed and by-laws could be developed and presented to both the Sustainability Advisory Board and the Parks & Recreation Advisory Board. Thereafter, discussion could take place on reporting hierarchy. She stated the gardening season opens in March.

A motion to approve recommendation of Parks & Recreation Advisory Board for one year extension of Task Force to oversee Spring Community Garden behind Fire Station No. 1 and further investigate proposed site at Ironwoods Park was made by Councilmember Filla; seconded by Councilmember Harrison. The recommendation was approved with a unanimous vote of 7-0.

10. CITY ADMINISTRATOR REPORT - None

11. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

12. PARKS AND RECREATION ADVISORY BOARD

[From the June 11, 2019 Parks and Recreation Advisory Board Meeting]

Recommendation to add Instagram Account to Social Media Platform for Parks and Recreation Department

Ms. Claxton stated the Governing Body had approved the use of Facebook and Twitter several years ago. Proposed use of Instagram would be important to connect with the community and reach a large demographic of the population in regard to events and programming. Instagram would be easy to add and the same information would be distributed on all three social media platforms.

Councilmember Larson stated the proposed addition was an excellent idea.

A motion to approve Agenda Item 12. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

13. PLANNING COMMISSION

[From the October 22, 2019 Planning Commission Meeting]

- A. **Ordinance No. 2966**, approving a Special Use Permit [SUP] for packaged liquor sales for Plaza Pointe – 5 O’Clock Liquor, located south of 135th Street and east of Briar Street. (PC Case 100-19) [ROLL CALL VOTE]

Mr. Venkatramesh Shakamuri, 13660 Maple Street, Apartment 212, Overland Park, stated there was only a change of ownership for the business. The name of the existing liquor store and hours of operation would remain the same.

A motion to pass Agenda Item 13.A. was made by Councilmember Azeltine; seconded by Councilmember Osman. The motion was approved with a unanimous roll call vote of 7-0.

Mayor Dunn welcomed Mr. Shakamuri to Leawood.

- B. **Ordinance No. 2967**, approving a Special Use Permit [SUP] for a temporary modular classroom building, Revised Preliminary Plan, Preliminary Plat, Revised Final Plan, and Final Plat for Leawood Elementary School, located north of 123rd Street and west of State Line Road. (PC Case 101-19) [ROLL CALL VOTE]

Mr. Brad Kiehl, HTK Architects, 9300 W. 110th Street, Suite 150 Overland Park, presented on behalf of the Blue Valley School District. He stated the temporary modular building would be relocated from another Blue Valley School District property.

Mr. Kiehl confirmed to Councilmember Sipple the proposed temporary modular building would have two classrooms. Mr. Kent Anderson, Blue Valley School District Assistant Director of Facilities and Operations, confirmed to Councilmember Sipple that each classroom would serve a maximum of 28 students for special uses such as Spanish, Music or Special Education classes. The students would travel outside between the existing school and the temporary building through a fenced area. It is hoped the temporary building would be moved to the site over the 2020 Spring Break, but it may not be needed for use in the second half of the school year.

Councilmember Larson was pleased that school enrollment was up. She noted the use of a 4 ft. fence with an unsecured gate. Security is a very hot topic for schools, and the school's policy has always been for visitors to check-in at the front desk and receive a name tag. Mr. Anderson stated the fence only serves as a barrier and teachers would always be present during student travel between the existing building and the temporary modular building. Mr. Dan Carney, Blue Valley School District Director of Safety and Security is tasked with implementation, and the arrangements are typical for district use of a modular building.

A motion to pass Agenda Item 13.B. was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous roll call vote of 7-0.

Mayor Dunn thanked Mr. Kiehl and Mr. Anderson for their attendance.

14. OLD BUSINESS - None

15. OTHER BUSINESS

A. Schedule Governing Body meeting on December 2, 2019 at 7:00 P.M.

A motion to approve Agenda Item 15.A. was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.

B. Schedule Governing Body meeting on December 16, 2019 at 7:00 P.M.

A motion to approve Agenda Item 15.B. was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 7-0.

16. NEW BUSINESS

Ordinance No. 2968, appropriating the amounts set up in each fund in the budget for Fiscal Year 2020, providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts [ROLL CALL VOTE]

Ms. Long stated the proposed ordinance allows payment to vendors more quickly and similar ordinances have been approved and used successfully for several years. Payment checks are printed and released, and check registers presented to the Governing Body after the fact.

A motion to pass Agenda Item 16. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 7-0.

ADJOURN

There being no further business, the meeting was adjourned at 8:04 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk