

Regular Meeting

THE LEAWOOD CITY COUNCIL

December 16, 2019

Minutes

DVD No. 454

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, December 16, 2019. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Debra Filla

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	Nic Sanders, Human Resources Director
Mark Tepesch, Info. Services Specialist III	Ross Kurz, Info. Services Director
Richard Coleman, Comm. Services Director	Chief Dave Williams, Fire Department
April Bishop, Cultural Arts Coordinator	Holly York, Future Cultural Arts Coord.
Kelly Varner, City Clerk	Cindy Jacobus, Assistant City Clerk

Others Present: Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce
 Anne Blessing, Chair, Arts Council Committee
 Mary Tearney, Former Chair, Arts Council Committee
 Stephanie Hamil, Arts Council Committee

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Cain; 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.

Mayor Dunn advised those signed in to speak would be called upon in order of sign in, and asked they begin by stating name and address for the record.

Senator John Skubal, 6503 W. 134th Terrace, gave a brief report on 2019 legislative accomplishments and items for coming year. Work this year included transportation and a workable budget. The State is getting out from under debt incurred through the years. The House passed a Medicare expansion bill, which is planned for debate in the Senate on January 13, 2020. He has not seen the bill, but hopes expansion will be passed in January or February 2020.

For the coming year, there are \$435 million in transportation projects that he will not walk away from, as commitments to communities to improve roads; this will need to be made before work on a 10-year transportation plan called “Forward Plan” can be implemented. What will be in the “Forward Plan” is unknown at this time. The plan needs to be passed and then the Kansas Department of Transportation [KDOT] will advise. The current transportation plan is set to expire. He lobbied for a 5-year plan as the world moves faster than 10 years. As a compromise, it will be a “rolling plan” to be re-evaluated every two years.

He hopes to bring forth a bill for hands-free electronics use. In his experience, on a daily basis 90% of distracted driver vehicles remain stopped at a traffic signal when they should proceed. Drivers swerve while traveling at 65 miles per hour on the highway, and are ordering Christmas presents on-line while driving to work. Driving impacts lives. In Overland Park, four children were struck on a corner. In Overland Park, 60% to 70% of all vehicle accidents are due to inappropriate use of cell phones.

Councilmember Cain thanked Senator Skubal for his effort to support Medicare, Medicaid and Kancare. She shared personal experience where this type of coverage was needed for a Medicaid-dependent relative in regard to a \$1 million medical bill for a catastrophic medical event. We are lucky to have such coverage, especially in emergency situations, and facilities in Leawood and throughout Johnson County. She expressed appreciation for the A+ assistance provided by agencies.

Senator Skubal stated the fastest way to bankruptcy in the United States today is a health issue, which is not right and effects everyone. He shared a Medicare experience of a relative. Senator Skubal stated he would carry back Councilmember Cain’s comments to agency staff. The State is struggling to fully staff agencies.

Councilmember Sipple commended Senator Skubal for his work on hands-free device use. He stated many other municipalities and States have stepped up their efforts, and asked that the Governing Body be kept informed of progress and any impediments. Senator Skubal stated some municipalities like Manhattan are ahead of the issue. He shared a personal experience involving a family member whose vehicle was totaled after being rear-ended.

Councilmember Azeltine thanked Senator Skubal for his update. He asked if there would be a year-by-year vote on the appropriations for the 10-year transportation budget. Senator Skubal stated once there is a plan, it is workable. There are issues that cannot wait, such as the need for a road to a new manufacturing plant. KDOT will have the ability to change the plan if needed, and the Secretary of Transportation plans to review at least monthly if not daily. The State did not fully fund KDOT this year. The amount of miles controlled by the government takes \$500 million to maintain. The State has 3,000 deficient bridges. We can do better and he is focused on this issue.

Councilmember Osman stated Johnson County Board of Commissioner Becky Fast had addressed the Governing Body within the past two months, and she spoke about KDOT’s problem of funding work on Highway 69. Councilmember Osman asked about the status of other highways in Johnson County. Senator Skubal stated \$200 million is needed to rebuild Highway 69 from 167th Street to Interstate 435, as this section is at the end of its useful life. Two Kansas City Area Transportation Authority [KCATA]

“hot lanes” would be constructed and there would be two free lanes. Pricing to use the KCATA lanes would be dynamic, perhaps based on usage and time of day. There would be no toll booths on Highway 69; usage fee collected through a “K-Tag” scan-pass system. Senator Skubal stated a transportation plan from Washington, D.C. is desperately needed to help.

Mayor Dunn thanked Senator Skubal for his attendance, update, insights and transportation expertise. She has received no negative comments against Medicaid expansion, and has shared this information with Senator Jim Denning. She hopes expansion can be accomplished by the Legislature this session.

Senator Skubal stated he enjoys representing Leawood and welcomes visits to him in Topeka when Legislature is in session. He acknowledged Councilmember Sipple’s birthday. Wishes for happy holidays were exchanged.

Mr. Mike Faulconer, 9612 High Drive, stated the back of his property, 270 ft., borders City property. He has lived there for 25 years, raising two sons. They love the location and neighbors, and appreciate the work done by the City. Anything that happens would not change their opinion of Leawood. In 25 years, there have been only two points of contention in regard to the site: 1) the cell tower and 2) the temporary office buildings/trailers. Neighbors Don and Bette Meeker organized and spoke in opposition of the cell tower 20 years ago. The cell tower did not change lives and is now to come down, but it was not pretty. Residents were told the trailers were temporary, but they have been there approximately 12 years. He was not as upset by the Community Garden, as the garden was better looking than the trailers. In conclusion, there are three points of opposition: 1) removal/release of deed restrictions, 2) any type of park, and 3) second story on new Fire Station. He stated comments made by Ms. Charlotte Shaw at the previous Governing Body meeting were well-stated. Leawood’s Brook Beatty Park and City Park are close-by, as is the busy Meadowbrook Park in Prairie Village. A beautiful landscaped area, rather than a park or occupied space, would be nice. A second story on the new Fire Station to provide meeting space is unnecessary, as ample meeting space is already available. The second story would be an eye-sore to the neighbors located behind the station.

Mr. Faulconer stated belief is that the four homes located on the north end/side of the High Drive cul-de-sac would be excluded from the deed restrictions removal/release inquiry area. These residents should have a say on the issue, and to exclude them would be an oversight.

Mayor Dunn stated she was not aware of the exact length of time the temporary office buildings/trailers had been at the site, but it had been a long time. She deferred to Mr. Lambers in regard to the deed restrictions.

Mr. Lambers stated the City researched the boundary lines for action to take place. Some modifications were made, but the delineation of the properties that are included or excluded are established by the deed restrictions. The City has Mr. Faulconer’s address, and research will be double-checked as the City is certainly not infallible. He thanked Mr. Faulconer for bringing this to his attention now rather than later. Mr. Faulconer requested any information on status and renderings be shared.

Ms. Kathryn Geller, 9625 Lee Boulevard, stated she lives and raised family there for 35 years. She was upset that she had not been advised of what had been proposed. The City bought the Grogan house that has a large berm of trees; she wanted her daughter to purchase the home. The City plans to tear down the house and build the new Fire Station on a portion of that property, rather than moving Old City Hall. Windows shown on the plan for the two-story Fire Station would overlook her house and yard, causing harm as now her backyard is totally private. There would be less privacy and commercial property next door, and the entire neighborhood would be impacted. There has not been openness with neighbors, and

a new neighbor directly across from the Grogan property has not been informed. She agrees with neighbors that the best solution would be to possibly move the Old City Hall and to include the four neighbors on the cul-de-sac and newly built home on any decision. Quality of life and privacy should not be effected. Lee Boulevard has had some criminal elements entering Leawood, and she does not want public property near hers. She hopes the Grogan house is not torn down before an understanding is reached.

Mayor Dunn stated the process was described at the last Governing Body meeting. An initial Work Session was held where some renderings were provided. The planning process has not begun. There will be future Planning Commission and Governing Body Work Sessions. Meeting dates and agendas are posted in advance on the City's website. Mayor Dunn advised that residents can provide their contact information to the City Clerk.

Councilmember Osman expressed appreciation for resident attendance. He reiterated his comments made to the residents who spoke on this topic at the December 2, 2019 Governing Body meeting. He stated some cities make haphazard decisions without community input. There have been about seven years of Work Sessions as the City has attempted to develop a master plan for the site for many years. We have to strategically take things away. First, voters approved the Justice Center and the Police Department relocation. Firefighters need a new building as the existing Fire Station has many structural issues that continue to be patched, and more space is needed for equipment and apparatus to serve north Leawood. The Governing Body has been working with City Staff and the County on an appropriate Fire Station, as well as with the Historic Commission and residents in regard to the disposition of the Old City Hall. The cell tower lease agreement had to be honored. A certain date for removal was targeted based on the lease agreement. Councilmember Filla, who is not present tonight, lead the pilot Community Garden project. Residents have contacted him and Councilmember Filla about plans for the site, and they are open to communication and available by cell phone. About 2.5 years ago a conceptual mock-up was provided to the HOA for their further dissemination, which did not happen. A few residents that requested and also received did not share with the HOA or their neighbors. The conceptual mock-up is on the website, but this is not definitely what will be done. The master plan needs to include the property purchase. Governing Body members are not architects, and must work with Staff and external professionals. There will be future meetings and communication with the neighborhood and HOA.

Ms. Geller was happy to hear Councilmember Osman's comments. She offered that a spokesperson could attend meetings, to facilitate communications with neighbors and the HOA. Residents' concerns are truly changing the property to commercial, using more than needed, and just moving beautiful Old City Hall so the new Fire Station could be built next to the existing station. An investment of additional thought is warranted.

Mayor Dunn stated the City would be thinking a lot more, as the process is not very far along even after years. She thanked residents for their attendance.

Mr. Lambers stated the cell tower lease was to have expired in July 2019, but the company with the lease requested several continuances, which were agreed as a good faith measure. The City finally did not authorize another continuance and the lease expired last month. Next month, a bid to remove the tower and house will be brought to the Governing Body. Thereafter, a calendar of events for the planning process will be prepared. There had been consensus of the Governing Body, given to him as a major directive two years ago, to replace the existing Fire Station and this will move forward. First, there will be a replat of properties into one single tract, then start the process to relocate the Fire Station, then preliminary plat for the entire site, and also a final plan just for the new Fire Station to move forward.

Mayor Dunn stated there will be ample opportunities for citizen comments during the process.

4. PROCLAMATIONS – None

**5. PRESENTATIONS/RECOGNITIONS **April Bishop, Cultural Arts Coordinator
retiring after 15 years of service [2004-2019]****

Mayor Dunn read the engraving of the crystal award, to recognize outstanding distinguished service of Ms. Bishop from September 27, 2004 to December 22, 2019. She personally thanked Ms. Bishop for all her extraordinary work, dedication, commitment and exemplary job done with all the sub-committees. Mayor Dunn recalled around 2004 Mary Tearney, who was serving as Arts Council Committee Chair, advised it was too much for volunteers and professional staff was needed. The City hired Ms. Bishop.

Mayor Dunn presented the award to Ms. Bishop, which was followed by a round of applause.

Ms. Bishop introduced Ms. Blessing and Ms. Hamil of the Arts Council Committee; Ms. Tearney, former Arts Council Committee Chair; and her husband. She thanked them for being part of her committees and the large amount of work they do. It is an honor to make a difference and bring arts to the community in which she lives and works. She plans to relax for a few months, move into a new home and place the award on the mantle. She will remain involved, having agreed to accept a committee appointment next year, and will be seen in the City.

Ms. Tearney thanked Ms. Bishop for developing a wonderful Cultural Arts Program. The Arts Council Committee thought they had a great program, but with Ms. Bishop's help and guidance, the program expanded. There are currently a total of 42 activities on the annual calendar, many of which came into being because Ms. Bishop thought she had time to support. Ms. Bishop added another great addition to the Cultural Arts Program when she married Mr. Eric Van Horn, who is a great supporter of his wife and has served as contact to the Leawood Stage Company many times. Ms. Bishop will be missed and is wished well. Her replacement has a wonderful plan to follow.

Mayor Dunn expressed appreciation for the attendance of Ms. Blessing and Ms. Hamil.

**Introduction of the new Cultural Arts
Coordinator, Holly York**

Ms. Bishop introduced Ms. York, who came on-board the week of Thanksgiving, and has been training for a few weeks and will take over on Monday.

Ms. York stated she grew up in Lansing, Kansas. She has a Bachelor of Fine Arts in painting from Kansas State University and a Masters in Art Education with museum focus from the University of North Texas. She worked at the Dallas Museum of Art and the Kimbell Art Museum in youth programs, and for the last four years has worked in youth programs at the Crystal Bridges Museum of American Art. She is excited to be back in Kansas, and knows she has big shoes to fill. Mayor Dunn welcomed Ms. York, acknowledging her great credentials, and stated Ms. York could certainly contact Ms. Bishop with any questions.

6. SPECIAL BUSINESS – None

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. 2019-48 and 2019-49
- B. Accept minutes of the December 2, 2019 Governing Body meeting
- C. Approve Mayor Appointment of Charlotte Shaw to the Community Garden Task Force for a 1-year term ending in 2021
- D. Approve 2nd and final payment to Mega Industries Corporation in the amount of \$5,211.65, pertaining to cart path relocation at Ironhorse Golf Course [Project #74095]
- E. **Resolution No. 5282**, approving and authorizing the Mayor to execute a Letter of Understanding in the amount of \$10,000.00, between the City and Johnson County Human Services pertaining to the 2020 Johnson County Utility Assistance Program
- F. **Resolution No. 5283**, approving and authorizing the Mayor to execute a Letter of Engagement between the City and RubinBrown, LLP, for an amount not to exceed \$35,280.00, pertaining to 2019 audit services
- G. **Resolution No. 5284**, approving and authorizing the Mayor to execute an agreement between the City and Navia/Taben for 125 Administrator services for 2020
- H. **Resolution No. 5285**, approving and authorizing the Mayor to execute an Enterprise Health Service Provider Agreement between the City and Peerfit Inc. for an employee wellness program
- I. **Resolution No. 5286**, approving and authorizing the Mayor to execute a Utility Easement Maintenance Agreement between the City of Leawood, Kansas and Antonia and Michael Mancuso for property located at 11725 Manor Road, lot 21, block 3, Hallbrook Farms First Plat.
- J. **Resolution No. 5287**, approving a Final Landscape Plan for Hallbrook Farms Subdivision – Lot 17 – Residential Emergency Generator, located south of 112th Street and west of Brookwood Street. (PC Case 110-19) [*from the November 26, 2019 Planning Commission Meeting*]
- K. **Resolution No. 5288**, approving a Final Sign Plan for Elite Physical Therapy – Monument Sign, located south of 127th Street and west of State Line Road. (PC Case 117-19) [*from the November 26, 2019 Planning Commission Meeting*]
- L. **Resolution No. 5289**, approving a Final Plan for Changes to the Façade of a Tenant Space for Town Center – Array (Retail: Women’s Apparel), located north of 119th Street and west of Roe Avenue. (PC Case 118-19) [*from the November 26, 2019 Planning Commission Meeting*]
- M. **Resolution No. 5290**, approving a Revised Final Sign Plan for Cornerstone of Leawood – Revised Sign Criteria, located south of 135th Street and east of Nall Avenue. (PC Case 119-19) [*from the November 26, 2019 Planning Commission Meeting*]
- N. **Resolution No. 5291**, approving a Revised Final Plat for Highlands Creek – Seventh Plat, located south of 146th Street and west of Cedar Street. (PC Case 125-19) [*from the November 26, 2019 Planning Commission Meeting*]
- O. Police Department Monthly Report
- P. Fire Department Monthly Report
- Q. Municipal Court Monthly Report

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

Mayor Dunn requested Consent Agenda Items 7.O. and 7.P. be pulled.

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 7-0.

- 7.E. **Resolution No. 5282**, approving and authorizing the Mayor to execute a Letter of Understanding in the amount of \$10,000.00, between the City and Johnson County Human Services pertaining to the 2020 Johnson County Utility Assistance Program

Mr. Lambers confirmed to Councilmember Harrison the \$10,000 amount was based on past utilization of the fund by Leawood residents. These funds are only for use by Leawood residents and unused funds roll-over year-to-year. Not every city contributes the same amount. Councilmember Harrison appreciated the information, noting the City contributes to many programs.

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

- 7.O. Police Department Monthly Report

Mayor Dunn complimented and offered congratulations to Officer Jason Ahring as 2019 Officer of the Year and to Regina Shaw Ellis as 2019 Civilian of the Year. Both have taken on extra responsibilities beyond their primary jobs. Mayor Dunn stated she appreciates the reporting of human interest information. She asked Chief Rettig to pass along her sentiments.

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

- 7.P. Fire Department Monthly Report

Mayor Dunn was very impressed with the Skate with Firefighters “The Ice at Park Place” charitable event held on November 24, 2019. A portion of ticket proceeds went to “Answer The Call”, a non-profit organization providing support to First Responders in time of need. This year the event benefiting the family of Lenexa Fire Lieutenant Michael Wells who passed with cancer. Many of the skating firefighters play recreational hockey. Congratulations and sincere thanks on this wonderful initiative.

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

8. MAYOR’S REPORT

- A. My thanks to Human Resources Director Nic Sanders for organizing and leading a very successful 2020 United Way Campaign. This year’s commitments totaled \$17,222 to help our broad community “Live United!” My sincere thanks to all participants.
- B. Nic Sanders and all Department Heads also hosted the 2019 Employee Appreciation Luncheon where Time and Service Awards were presented. Nearly all Council Members were in attendance as we celebrated Councilmember Chuck Sipple for his five years of service, Councilmember Debra Filla for her 15 years, and Councilmember Jim Rawlings for his 20 years. Congratulations also to Whitney Moore from Human Resources as she was honored as the 2019 Employee of the Year.
- C. Attended the 2019 Annual Meeting of United Community Services of Johnson County where Mary Birch was recognized as the Citizen of the Year. Rev. Adam Hamilton from Leawood’s Church of the Resurrection was the keynote speaker. The Excellence in Community Service Award was given to the local teen suicide prevention campaign #Zero Reasons Why and its primary campaign leadership partners.

- D. Attended the 2019 Annual Meeting of the Leawood Chamber of Commerce with nearly all Council Members and Public Works Director David Ley and Information Services Director Ross Kurz. Former City Clerk Debra Harper was inducted into the Chamber's Hall of Fame recognizing her numerous contributions throughout her career.
- E. Great appreciation to Director of Public Works David Ley and his crews on an outstanding job clearing streets for the recent snow event!
- F. Congratulations to Councilmember Debra Filla on becoming a Grandmother for the second time to Isla Jean this morning.
- G. Happy Birthday to Councilmember Chuck Sipple today as well!
- H. Happy Holidays to one and all! Wish you all good health and happiness in 2020!

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**

Governing Body meeting on January 6, 2020 at 7:00 P.M.

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

15. **NEW BUSINESS** – None

ADJOURN

There being no further business, the meeting was adjourned at 7:52 P.M.

Kelly Varner, City Clerk