

Regular Meeting**THE LEAWOOD CITY COUNCIL**

September 7, 2021

Minutes

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

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief Troy Rettig, Police Dept.	Fire Chief Colin Fitzgerald, Fire Dept.
Dawn Long, Finance Director	David Ley, Public Works Director
Mark Klein, Planning Services Director	Travis Torrez, Bldg/Code Enfrcmnt Dir.
Nic Sanders, HR Director	Chris Claxton, Parks & Rec Director
Ross Kurz, Info. Services Director	Mark Tepesch, Info. Services Specialist
Kelly Varner, City Clerk	Stacie Stromberg, Assistant City Clerk
Police Capt. Dale Finger	

Staff Present via Zoom: Ashlee Tomasic, Assistant City Attorney

The meeting was called to order at 7:33 p.m. by Mayor Peggy Dunn.

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AMENDED AGENDA**

Mayor Dunn stated that two items were added to the agenda: a report by Fire Chief Colin Fitzgerald under Staff Report and an Executive Session was added under New Business.

A motion to approve the amended agenda was made by Councilmember Filla, seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 8-0.

- 4. 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. A TOTAL OF 30 MINUTES WILL BE ALLOCATED PER MEETING FOR CITIZEN COMMENTS.**

- 5. PROCLAMATIONS**

Constitution Week, September 17-23, 2021

Mayor Dunn recognized Janet Alley, Regent for the Sagamore Chapter of NSDAR (National Society Daughters of the American Revolution) and Jackie Aaron, Vice Regent of the Sagamore Chapter, who were present to accept the proclamation. Mayor Dunn read the proclamation into record.

Ms. Alley requested that a bell be rung on September 17th at 4:00 p.m. to help proclaim Constitution Day. Mayor Dunn asked if they are part of the group who maintains the cemetery. Ms. Alley responded that they are, and Mayor Dunn thanked them for all their work and how much it is appreciated. Ms. Alley stated that every October 11th, they celebrate the DAR with service to America and chose the cemetery again this year to add flowers. Ms. Alley stated that restoration and repair work was recently done to some of the markers in the cemetery.

6. PRESENTATIONS/RECOGNITIONS

Troy Rettig, Police Chief retiring after 28 Years of service

Mayor Dunn presented a crystal token of appreciation to Chief Rettig in recognition of dedicated service to the City of Leawood from August 23, 1993 to September 20, 2021. She pointed out that Chief Rettig accomplished a great deal in his law enforcement career, including various citizen engagement and community involvement programs, creation of a social media presence via NextDoor, establishment of the department's first drone unit, and numerous accolades and awards. She credited his leadership for allowing Leawood to continually be named one of the safest cities in the U.S. Mayor Dunn pointed out many of his leadership roles in professional associations and memberships.

Chief Rettig introduced his family and friends in attendance and thanked his staff and colleagues, the Mayor and Council, the City Administrator Scott Lambers, and Department Heads. He especially thanked the members of the police department for their support. Mayor Dunn reflected on how much time Chief Rettig dedicated to positive outreach and communication with the public.

7. SPECIAL BUSINESS

A. Public Hearing: Consider exceeding the Revenue Neutral Rate of 24.080 mills

Mayor Dunn declared the public hearing open. She asked for anyone wishing to speak to come forward, but none appeared in person or via Zoom.

A motion to close the public hearing was made by Councilmember Filla, seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 8-0.

B. Public Hearing: Consider the 2022 Fiscal Budget for the City of Leawood, Kansas

Mayor Dunn declared the public hearing open. She asked for anyone wishing to speak to come forward, but none appeared in person or via Zoom.

A motion to close the public hearing was made by Councilmember Filla, seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 8-0.

C. Resolution of the City of Leawood, Kansas to levy a property tax rate exceeding the Revenue Neutral Rate

Councilmember Sipple asked about the difference in dollars between the revenue neutral rate (RNR) and a mill. Dawn Long, Finance Director, responded that one mill has revenue of a little over \$1M, so the difference is approximately \$800,000.00. He asked if any other municipalities in Johnson County chose not to exceed the RNR. Ms. Long stated that she is not aware of any but that many cities are still going through the process. Mayor Dunn mentioned that this was a topic at the Council of Mayors.

A motion to approve Item 7C was made by Councilmember Filla, seconded by Councilmember Larson. Motion was approved with a unanimous vote of 8-0.

D. Resolution adopting the Fiscal Year 2022 annual budget for the City of Leawood, Kansas

Mayor Dunn congratulated Ms. Long and Budget Manager Nicole Lareau, the City Administrator, the Department Heads, and the Budget and Finance Committee for the many months of work put into the annual budget report. Ms. Long thanked the Mayor and Council for their work and support.

A motion to approve Item 7D was made by Councilmember Sipple, seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 8-0.

8. 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. 2021-33, 2021-34 and 2021-35
- B. Accept minutes of the August 16, 2021 Governing Body meeting
- C. Accept minutes of the May 4, 2021 Art in Public Places Initiative meeting
- D. Accept minutes of the May 20, 2021 Ironhorse Advisory Board meeting
- E. Accept minutes of the May 24, 2021 Leawood Arts Council meeting
- F. Accept minutes of the June 15, 2021 Leawood Historic Commission meeting
- G. Accept the Mayoral appointment of Councilmember Lisa Harrison to the Artist Selection Panel for Leawood's 75th Anniversary
- H. Accept the Mayoral appointment of Kim Hinkle to the Arts in Public Places Initiative
- I. Resolution approving and authorizing the Mayor to execute Change Order No.1 to the Contract Agreement between the City and Design Mechanical, Inc. in the amount of \$24,499.00 pertaining to boiler installation and painting at City Hall [Project #71029] (PW)
- J. Approve second and final payment to J.M. Fahey Construction Company for the Kenneth Road Mill & Overlay Project [Project #72034] (PW)
- K. Approve second and final payment to J.M. Fahey Construction Company for the Residential Mill & Overlay Project [Project #70030] (PW)
- L. Approve purchase in the amount of \$94,723.00 to Premier Truck Group for (1) 2023 Freightliner 108SD Truck (PW)

Mayor Dunn and Councilmember Cain pulled Item 8H. Councilmember Harrison pulled Item 8G.

A motion to approve the remainder of the consent agenda was made by Councilmember Sipple, seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 8-0.

Item 8G discussion:

Mayor Dunn thanked Councilmember Harrison for agreeing to be a member of the selection panel. Councilmember Harrison recused herself from voting on this item, but stated that she is happy and excited to be on the panel.

A motion to approve Item 8G was made by Councilmember Filla, seconded by Councilmember Cain. Motion was approved with a unanimous vote of 7-0. Councilmember Harrison recused.

Item 8H discussion:

Mayor Dunn thanked Kim Hinkle for stepping into another volunteer role for the City. Ann Blessing, Chairperson for the Leawood Arts Council, addressed the Governing Body. She stated her pleasure with the appointment. She mentioned her gratitude to Michael Shirley, outgoing APPI Chairperson, for his service and wished him a speedy recovery. Mayor Dunn mentioned that Mr. Shirley will continue to stay on the Arts Council, but is resigning the chair position on the APPI Committee.

Kim Hinkle addressed the Governing Body. She stated that she is thrilled and happy to be able to move into this role, especially with the City's 75th anniversary approaching. She thanked the Mayor for her recommendation. Councilmember Cain commented how lucky the City is to have both these women on the Committee.

A motion to approve Item 8H was made by Councilmember Cain, seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 8-0.

9. MAYOR'S REPORT

- A. Prairie Village Mayor Eric Mikkelson, who will serve as the Council of Mayors (COM) Chairman for this year, hosted an in-person COM meeting outdoors at Prairie Village's Harmon Park Pavilion. The bulk of the discussion was regarding selection of possible discussion topics for the 2021-2022 meetings.
- B. Councilmember Lisa Harrison joined me at the Blue Valley Educational Foundation 31st Annual Breakfast. This was held in-person at the Overland Park Convention Center where all attendees wore masks and picked up boxed breakfasts as they departed.
- C. Councilmembers Jim Rawlings and Chuck Sipple joined me at the Chamber ribbon cutting for Fusion Bank, which was formerly First State Bank and Trust. They are headquartered in a beautifully remodeled building at 7800 College Blvd. in Overland Park. They were founded nearly 125 years ago and are family owned. We wish them much continued success.
- D. Congratulations to Leawood Rotary President Councilmember Chuck Sipple on another very successful Labor Day 5K Run/Walk which raised dollars for local charities. Rotarians Councilmembers Lisa Harrison and Jim Rawlings were working the event while Councilmember Mary Larson and I participated with 350 other attendees. It was gorgeous weather for the run.

10. COUNCILMEMBERS' REPORT – None

11. CITY ADMINISTRATOR'S REPORT – None

12. STAFF REPORT

Fire Chief Colin Fitzgerald: Report on Hurricane Ida Recovery Deployment

Chief Fitzgerald addressed the Governing Body and gave a summary of the process in which the Fire Department was able to assemble the strike team within a short amount of time. He stated that it was a multi-city effort among the Cities of Lenexa, Overland Park, and Consolidated Fire District #2. Chief Fitzgerald thanked the City Administrator, and the City's HR, Info Services, and Finance Departments for acting quickly to give them the necessary resources.

Chief Fitzgerald stated the Leawood's Fire Department members who participated were Firefighter Julian Rhodes, Capt. Aaron Klein, MFF III Jason Webb, and Lt. Jason Parker. He pointed out that it took

the convoy nearly 11 hours to reach their first destination. Chief Fitzgerald showed photos of the base of operations, fire station HQs, and public outreach efforts. He indicated that many of the calls were for CO2 emissions, gas leaks, and some minor medical calls.

Mayor Dunn asked about the duration of the assignment. Chief Fitzgerald stated that September 19th should be their last day there. Councilmember Azeltine asked if all of Kansas was requested to help. Chief Fitzgerald replied that the EMAC (Emergency Management Assistance Compact) was issued to all states and Kansas put together strike teams from Wichita and Johnson County. Councilmember Filla commented that it took less than 24 hours to assemble and leave. Mayor Dunn requested that the crew members attend a Council meeting when they return so that they may be recognized for their service. Councilmember Rawlings asked if more photos come to the Chief that he forward them to the Governing Body. Mayor Dunn thanked Chief Fitzgerald for the update and all his work.

13. COMMITTEE RECOMMENDATIONS – None

14. OLD BUSINESS – None

15. NEW BUSINESS

- A. Ordinance amending Sections 8-533 and 8-534 of the Code of the City of Leawood, 2000, pertaining to outdoor storage of trash containers and repealing existing Sections 8-533 and 8-534, and other sections in conflict herewith (C)

Travis Torrez, Director of Building and Code Enforcement, addressed the Governing Body. He stated that this is a proposed revision to allow outdoor trash storage and gave a brief summary of the changes. Councilmember Rawlings asked how staff will police the proposed changes. Mr. Torrez replied that staff already responds to current code violations, but these changes would give residents some relief and additional options to help with trash containers. He stated that staff always wants to work with homeowners to come into compliance before any citations are issued.

Councilmember Azeltine asked if there will be a volume limitation. Mr. Torrez answered that it is mainly for square footage and did not consider volume as a concern.

Councilmember Harrison asked about the swimming pool pump screening included in this ordinance. She stated that screening is required on all four sides, but she is aware of homes where screening is left open on the back and only done on three sides. Mr. Torrez stated that staff responds to inquiries, but that part of the ordinance is not very old and they could be grandfathered in.

Councilmember Rawlings asked that if the Council passes this ordinance will staff notify the Homes Associations. Mr. Torrez confirmed that they will send out an update.

Mayor Dunn thanked Mr. Torrez for his work on the ordinance so that residents may have another option when space in the garage is not available.

Councilmember Sipple asked if these changes will help relieve the problem the Council was made aware of in north Leawood a few months ago. Mr. Torrez indicated that it would potentially relieve the problems if the homeowners come into compliance with the changes.

A motion to approve Item 15A was made by Councilmember Filla, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 8-0.

- B. Ordinance granting to Missouri Network Alliance, LLC d/b/a Bluebird Network a contract franchise to construct, operate and maintain a telecommunications system in the City of Leawood, Kansas and prescribing the terms of said contract franchise

Ashlee Tomasic, Assistant City Attorney, addressed the Governing Body via Zoom. She stated that Bluebird Network requested to install fiber in the City's right-of-way (ROW) for a Leawood business. She explained that this is a standard franchise agreement for work in the City's ROW.

Councilmember Sipple asked the location of the installation. Ms. Tomasic replied that it would start at Monarch Plastic Surgery at 4801 W. 135th St. and will run west on 135th to Nall, with the remainder of the work within Overland Park. She stated that Bluebird already has an agreement with the City of Overland Park.

A motion to approve Item 15B was made by Councilmember Rawlings, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 8-0.

- C. Schedule Work Session for September 20, 2021 at 6:00 P.M.

Mayor Dunn stated that the topic of the Work Session is the discussion of a possible development agreement at 135th and Roe.

A motion to approve Item 15C was made by Councilmember Filla, seconded by Councilmember Cain. Motion was approved with a unanimous vote of 8-0.

- D. Schedule Governing Body meeting for September 20, 2021 at 7:30 P.M.

A motion to approve Item 15D was made by Councilmember Filla, seconded by Councilmember Harrison. Motion was approved with a unanimous vote of 8-0.

- E. 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 and consultation with an attorney, which would be deemed privileged in the attorney-client relationship, pursuant to subsections (2) and (6) of K.S.A. 75-4319(b). The open meeting will resume in the main conference room at the conclusion of this thirty-minute session.

A motion to approve Item 15E was made by Councilmember Azeltine, seconded by Councilmember Filla. Motion was approved with a unanimous vote of 8-0.

The Governing Body recessed into the Execution Session at 8:40 p.m. for 30 minutes.

A motion to extend the Executive Session by 10 minutes was made by Councilmember Harrison, seconded by Councilmember Filla. Motion was approved.

A motion to adjourn the Executive Session at 9:20 p.m. was made by Councilmember Filla, seconded by Councilmember Rawlings. Motion was approved.

The Governing Body meeting was adjourned at 9:21 p.m.