

Regular Meeting**THE LEAWOOD CITY COUNCIL**

December 20, 2021

Minutes

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

Councilmembers Absent: Julie Cain and Mary Larson

Staff Present: Scott Lambers, City Administrator
Chief Dale Finger, Police Dept.
Dawn Long, Finance Director
Ricky Sanchez, City Planner
Nic Sanders, HR Director
Ross Kurz, Info. Services Director
Stacie Stromberg, Interim City Clerk

Patty Bennett, City Attorney
Chief Colin Fitzgerald, Fire Dept.
David Ley, Public Works Director
Travis Torrez, Bldg/Code Enforcement Dir.
Chris Claxton, Parks & Rec Director
Mark Tepesch, Info. Services Specialist

The meeting was called to order at 7:02 p.m. by Mayor Peggy Dunn.

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

A motion to approve the agenda was made by Councilmember Rawlings and seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 5-0. Councilmember Filla was not present.

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.**

Councilmember Filla arrived at 7:06 p.m.

Brad Bendle, 13012 Pawnee Lane, addressed the Governing Body.

Mr. Bendle shared a handout and stated his concerns about the Cameron's Court data that was presented by the developer in regards to density, the traffic study, and the apartment impact report. He requested that the Council take more time to make a decision on this development.

Councilmember Harrison asked about traffic numbers on Mr. Bendle's handout. He replied that it came from the developer's traffic study.

Marc Casey, 2204 Condolea Terr., addressed the Governing Body.

Mr. Casey referenced an email from Rachel Rubin that was sent to the Governing Body earlier in the day. He stated that discussions about Cameron's Court have been stacked against the residents and that residents have been unable to voice their concerns at meetings. He stated that the developer has spread misinformation. Mr. Casey requested that the process that was suggested by Ms. Rubin for citizens to speak in smaller groups be given consideration.

Mayor Dunn stated that she does not know at this time how many people plan to speak on Cameron's Court at the next meeting and that the developer has not yet presented his new plan to staff.

She explained that in the past the Council has allowed for an attorney to speak on behalf of residents as a whole, and that the Council has listened to numerous repetitious comments. Mayor Dunn explained the Council procedure is to allow questions to be answered by the staff and developer with as much time as needed.

Councilmember Azeltine stated that the Governing Body has a process that has served them well. He stated that it is important to give all applicants equal treatment under the rules, and pointed out that the Council has already gone outside of their normal procedures.

Councilmember Filla suggested that residents who sign in to speak can defer their 3 minutes of time to one speaker. She would appreciate only new comments on the most recent changes to the plan.

Councilmember Osman agreed with Councilmembers Filla and Azeltine. He stated that Councilmembers have read every email and heard repetitious comments. He stated that he is in support of a clear and concise presentation by one speaker.

Councilmember Sipple agreed with Councilmember Osman about the repetition of comments. He expressed frustration with conflicting information between the developer and the residents.

Councilmember Rawlings stated that he is open to a presentation by a select group of people, but is concerned with who they represent.

Mayor Dunn pointed out that the email she received from Ms. Rubin is to represent residents who are all in opposition, but stated that there are residents who are in support of the development.

Councilmember Osman stated concerns to have concise and orderly comments within a certain time allowance.

Councilmember Azeltine expressed concern with the Council straying from the normal process and cautioned creating more confusion and acrimony.

Scott Lambers, City Administrator, stated that in the past residents would coordinate among themselves to create a more cohesive presentative, therefore they would not need to defer their time. Mr. Lambers stated that the developer always has the opportunity to speak last and that is the process that works. He reinforced that a rebuttal does not include the time for questions of the City Council. Mr. Lambers confirmed that the City does not have sidebar conversations with the developer.

Councilmember Filla reminded the Council that they have already changed their procedure for the residents by starting the meeting times earlier, and meetings that continue after midnight are not productive.

Mayor Dunn stated that the Council votes to extend the meeting by 30 minutes after 11:00 p.m. Councilmember Filla stressed that it does not help to hear comments repeated by the residents.

Mayor Dunn pointed out that the developer will present modifications to his plan on January 3rd and that she hopes the residents will speak only to those modifications. She noted that the Council reads every email and would like the residents to respect the Council and not repeat what they have submitted in their emails.

Councilmember Harrison expressed frustration that each side claims misinformation. Mr. Lambers replied that it is up to the Council to sort through the data and use their best judgement to make a decision.

Councilmember Azeltine stated that it is not a good place to put the City staff in the position as the arbiter of all the facts. He pointed out that Cameron's Court was not on this agenda, and discussing it tonight is outside of the normal process.

Mayor Dunn stated that the request by Ms. Rubin was received late and there was no other avenue to discuss her option with the Council in a public forum until tonight.

Councilmember Sipple stated that the Council does not ask questions of the public. Mr. Lambers stated that the residents would have to conduct their own traffic study and school study and that would be unreasonable.

Councilmember Filla stated that the current process works and contributes to the plan getting better. She cautioned that not everyone will be happy with the outcome and that fear is not an indicator of how it will work out.

Mayor Dunn summarized that if a resident wishes to defer their time to a representative, the Council will allow it. Councilmember Azeltine stated that the person deferring their time must be in person to do so.

Mr. Casey asked for clarification. Mayor Dunn stated that the City Clerk will call him tomorrow to explain.

Councilmember Sipple asked for clarification on the time allotment for citizens to speak. Mayor Dunn replied that in the past the Council has not limited the amount of people allowed to speak.

Councilmember Osman suggested that residents who indicate they wish to defer their time do so in an orderly fashion.

Patty Bennett, City Attorney, explained that she and Stacie Stromberg, Interim City Clerk, will track the individuals and time as they defer to the speaker.

Mayor Dunn pointed out that not everyone uses the sign-in sheet and that those who are speaking must state their name and address for the record. She stated that depending on the number of people signed up to speak ahead of time, the time limit per person will be 3-5 minutes. Mayor Dunn stated that Ms.

Rubin requested 25 minutes total in order to make a presentation, and Mayor Dunn agreed that should be the maximum.

Mayor Dunn encouraged early sign in, if possible. Stacie Stromberg, Interim City Clerk, offered to keep the Mayor up-to-date with the number of speakers as the meeting date approaches.

Mr. Lambers reminded the Council that the developer's revised plan will be available on the City's website by noon on Tuesday, December 28th.

5. PROCLAMATIONS – None

6. PRESENTATIONS/RECOGNITIONS – None

7. SPECIAL BUSINESS – None

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. 2021-49 and 2021-50
- B. Accept minutes of the October 21, 2021 Arts in Public Places (APPI) 75th Anniversary Panel meeting
- C. Accept minutes of the November 6, 2021 Public Works Committee meeting
- D. Accept minutes of the November 11, 2021 Parks & Recreation Advisory Board meeting
- E. Accept minutes of the November 15, 2021 Governing Body meeting
- F. Approve the City Administrator's recommendation of appointment of Stacie Stromberg as Interim City Clerk effective December 20, 2021
- G. Approve renewal of Cereal Malt Beverage (CMB) License for Hen House, located at 11721 Roe Avenue (CC)
- H. Approve purchase of radio replacement in the amount of \$114,127.54 to Motorola Solutions, Inc. (PW)
- I. Approve reimbursement in the amount of \$30,042.15 to the Johnson County Sheriff's Office pertaining to new hire tuition expenses (PD)
- J. Resolution 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 2022 Johnson County Utility Assistance Program (CC)
- K. Resolution approving and authorizing the Mayor to execute a Letter of Engagement between the City and RubinBrown, LLP not to exceed \$42,500.00 pertaining to the 2021 audit services (F)
- L. Resolution approving and authorizing the Mayor to execute a Payment Services Addendum between the City and Vermont Systems pertaining to the implementation of PayTrac credit card processing (F)
- M. **Pulled by Councilmember Filla.**
- N. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and John A. Marshall Company in the amount of \$33,344.00 pertaining to new flooring at Ironhorse Golf Course (PR)
- O. Resolution approving and authorizing the Mayor to execute an agreement between the City and the Secretary of Transportation, Kansas Department of Transportation ["KDOT"] pertaining to the reconstruction of Mission Road (133rd to 143rd Streets) [Project #80175] (PW)

- P. Resolution approving and authorizing the Mayor to execute an agreement between the City and Board of County Commissioners of Johnson County, Kansas pertaining to the Public Improvement of Lee Boulevard from Somerset Drive to 83rd St. [Project #72087] (PW)
- Q. Resolution approving and authorizing the Mayor to execute an agreement between the City and Board of County Commissioners of Johnson County, Kansas pertaining to the Public Improvement of Mission Road from 127th to 133rd Streets [Project #72076] (PW)
- R. Resolution approving a final plan for State Line Offices – Sign Criteria, located north of 128th Street and west of State Line Road. (PC 120-21)
- S. Resolution approving a final plan for 8700 State Line Road Building – Sign Criteria, located north of 89th Street and west of State Line Road (PC 121-21)
- T. **Pulled by Mayor Dunn.**
- U. Fire Department Monthly Report
- V. Municipal Court Monthly Report

Councilmember Filla pulled Item 8M for discussion.

Mayor Dunn pulled Item 8T for discussion.

A motion to approve the remainder of the consent agenda was made by Councilmember Azeltine and seconded by Councilmember Filla. Motion was approved with a unanimous vote of 6-0.

Discussion of Item 8M: Resolution approving the execution and delivery of an agreement to release and assign the City’s opioid claims to the Kansas Attorney General and certifying costs attributable to substance abuse and addiction mitigation in excess of \$500.00 (L)

Councilmember Filla asked if the City has an estimate of what the 25% will be.

Patty Bennett, City Attorney, replied that staff does not yet know what percentage will be to the State or how the 25% will be divided between the municipalities.

A motion to approve Item 8M was made by Councilmember Filla and seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 6-0.

Discussion of Item 8T: Police Department Monthly Report

Mayor Dunn expressed how impressive the team effort was between the Leawood Police and Fire Departments in the recent auto burglar arrest. She extended appreciation to Fire Chief Colin Fitzgerald and both departments.

A motion to approve Item 8T was made by Councilmember Rawlings and seconded by Councilmember Filla. Motion was approved with a unanimous vote of 6-0.

9. MAYOR’S REPORT

- A. I would like to extend our sincere sympathies to the family and friends of Mary Davidson, who passed away on December 6th. Mary was a philanthropist in our region and served as Co-trustee with the Midwest Trust Company of the Barton P. Cohen and Mary Davidson Cohen Charitable Funds. She supported many worthwhile causes but was the primary donor and funder of the playground equipment at Gezer Park. I had the opportunity to go to her services with Leawood Foundation Chairwoman Alice Hawk.

- B. I received a letter this evening from Robert Arther, President of the Cloisters Homes Association, who included this year's holiday gift to the City's Police and Fire Departments from residents of The Cloisters. Through their homes association, the gift totals \$3,450.00 and is significantly more than past years. It is to be shared between both departments in appreciation for the services both rendered and available to the residents. Every year, we are so gratified and appreciative of this HOA's generosity and each year we challenge other HOAs to do the same. The chiefs will share in their reports how this money will be used.

A motion to approve acceptance of the donation was made by Councilmember Filla and seconded by Councilmember Osman. Motion was approved with a unanimous vote of 6-0.

- C. Councilmembers Larson, Rawlings and Sipple joined me at the Leawood Chamber ribbon cutting for Massage LuXe, located in Park Place. They specialize in the promotion of health and wellness for the mind and body. We wish them much success.
- D. Congratulations are in order for our Communications Officer Rachel Snooks in the Police Department, who was recognized as our 2021 Employee of the Year. In addition to the numerous ways she works to improve our City, she also organizes a number of blood drives throughout the year for our broad community. This was a very well-deserved honor.
- E. I would like to wish everyone a joyous holiday season. Merry Christmas and Happy New Year! May you all enjoy peace and good health in 2022.

10. COUNCILMEMBERS' REPORT – None

11. CITY ADMINISTRATOR REPORT – None

12. STAFF REPORT – None

13. COMMITTEE RECOMMENDATIONS – None

14. OLD BUSINESS – None

15. NEW BUSINESS

Schedule Governing Body meeting for Monday, January 3, 2022 at 6:00 p.m.

A motion to approve Item 15 was made by Councilmember Filla and seconded by Councilmember Harrison. Motion was approved with a unanimous vote of 6-0.

The meeting was adjourned at 7:56 p.m.