

Regular Meeting**THE LEAWOOD CITY COUNCIL****March 7, 2022****Minutes**

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive at 7:00 PM on Monday, March 7, 2022. Mayor Peggy Dunn presided.

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

Councilmembers Present via Zoom: Jim Rawlings

Councilmembers Absent: Andrew Osman

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief Dale Finger, Police Dept.	Colin Fitzgerald, Deputy Fire Chief
Mark Klein, Planning Services Director	Chris Claxton, Parks & Rec Director
Nic Sanders, HR Director	Travis Torrez, Bldg/Code Enforcement Dir.
David Ley, Public Works Director	Ross Kurz, Info. Services Director
Mark Tepesch, Info. Services Specialist	Stacie Stromberg, Interim City Clerk

The meeting was called to order at 7:00 p.m. by Mayor Peggy Dunn.

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

Mayor Dunn stated that the staff memo for Item 8L was modified but it does not affect the agenda language, and additional discussion points under Item 11 were added by the City Administrator.

A motion to approve the amended agenda was made by Councilmember Sipple and seconded by Councilmember Cain. Motion was approved with a unanimous vote of 7-0.

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.**

Charles Brettell, 9221 Wenonga Rd., Leawood, KS, 66206, addressed the Governing Body. Mr. Brettell expressed frustration and requested that the City immediately suspend its efforts on their dangerous dog

law. He stated that the City's ordinance judges a dog by how it looks and not how it acts, and he commented on how this recently affected his family's dog, Lucy. Mr. Brettell stated that the Johnson County District Court deemed the law unconstitutional and requests that the City Council remove its approval of February 7, 2022 meeting minutes from tonight's Consent Agenda to allow for a separate discussion with the public on the current dangerous dog ordinance.

5. PROCLAMATION – None

6. PRESENTATIONS/RECOGNITIONS – None

7. SPECIAL BUSINESS

- A. Resolution waiving the bidding process in accordance with Charter Ordinance No. 39 pertaining to the 2022 Fiber Connection from the Leawood Aquatic Center to the Johnson County Wastewater Facility (IS)

Ross Kurz, Information Services Director, addressed the Governing Body. He gave a brief explanation of the fiber connection.

Councilmember Sipple asked why no bids were called for. Mr. Kurz stated that Johnson County has an exclusive contract with K&W Underground for all of their fiber option cabling, so they requested that Leawood use the same company. Councilmember Sipple asked if the City is getting a good deal. Mr. Kurz stated that believed so and that the company is very experienced.

Councilmember Sipple asked why this agreement was not included in the Aquatic Center's RFP as part of the buildout. Mr. Kurz replied that it fell under the Information Services Department. Councilmember Sipple questioned that if Johnson County has an exclusive contract, could the City not look for a better deal. Mr. Kurz stated that the City could have looked but the County required Leawood to use K&M.

A motion to approve Item 7A was made by Councilmember Sipple and seconded by Councilmember Filla. Motion was approved with a unanimous vote of 7-0.

- B. Resolution approving and authorizing the Mayor to execute a Services Agreement between the City of Leawood and K&W Underground, Inc. in the amount of \$100,000.00 pertaining to the 2022 Fiber Connection from the Leawood Aquatic Center to the Johnson County Wastewater Facility (IS)

Mr. Kurz stood for questions. There were no questions or discussion.

A motion to approve Item 7B was made by Councilmember Filla and seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 7-0.

- C. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City of Leawood and Electronic Technology, Inc. in the amount of \$25,000.00 pertaining to the installation of cameras and cabling at the Leawood Aquatic Center (IS)

Mr. Kurz stated that the vendor is providing the cameras and internal cabling for the computer systems. He stated that they have provided other work for the City.

Councilmember Harrison asked if this includes security cameras during the day and night. Mr. Kurz replied that it will include quad cameras that will cover a large area for security, including the parking lot. Councilmember Harrison commented that this should improve the public's sense of security in the park. Mr. Kurz agreed and stated that the cameras will be monitored and recorded.

A motion to approve Item 7C was made by Councilmember Harrison and seconded by Councilmember Rawlings. Motion was approved with a unanimous vote of 7-0.

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. 2022-8 and 2022-9
- B. Accept minutes of the February 7, 2022 Governing Body meeting
- C. Accept minutes of the February 7, 2022 Work Session
- D. Accept minutes of the October 28, 2021 Ironhorse Golf Committee meeting
- E. Accept minutes of the January 12, 2022 Public Works Committee meeting
- F. Approve City Administrator's recommendation of appointment of Stephen Powell as City Clerk, effective March 14, 2022 (CA)
- G. Resolution approving and authorizing the Mayor to execute Amendment No. 2 to the Master License Agreement for Attachments to City Facilities dated February 18, 2019 between the City of Leawood and Verizon Wireless, LLC (VAW), now known as Cellco Partnership, pertaining to attachments to City Facilities (L)
- H. Resolution approving and authorizing the Mayor to execute an Engineering Agreement between the City of Leawood and TranSystems Corporation in the amount of \$478,870.00 pertaining to the design of 83rd Street (State Line Road to west city limits) [Project #80176] (PW)
- I. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City of Leawood and Western Diesel Services, Inc., d/b/a CK Power, in the amount of \$52,335.40 pertaining to the installation of generators at Fire Station #2 [Project #74059] (PW)
- J. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City of Leawood and Western Diesel Services, Inc., d/b/a CK Power, in the amount of \$70,587.80 pertaining to the installation of generators at Fire Station #3 [Project #74062] (PW)
- K. **Pulled by Councilmember Cain.**
- L. Resolution accepting additional easements and dedications necessary for the 2022 Mission Road (133rd to 143rd St.) Project [Project #80175] (PW)
- M. Request to approve the 3rd and final pay to Miles Excavating in the amount of \$ 118,823.96 pertaining to the 2020 CMP Project [Project #80257] (PW)
- N. Approve purchase in the amount of \$35,518.00 from Belson Outdoors pertaining to furnishings for the Leawood Aquatic Center (PR)
- O. Approve purchase in the amount of \$14,015.00 from Southern Aluminum pertaining to furnishings for the Leawood Aquatic Center (PR)
- P. Approve purchase of two (2) changeable message signs in the amount of \$27,926.30 from K&K Systems (PW)
- Q. Approve purchase of one (1) 18" planer for skid steer in the amount of \$21,103.21 from VLP, an EquipmentShare Company (PW)
- R. Approve purchase of two (2) Vehicle Detection Radars in the amount of \$45,650.00 from Traffic Control Corporation (PW)

S. **Pulled by Councilmember Sipple.**

T. Approve purchase of one (1) 2023 F350 4x4 vehicle in the amount of \$34,396.00 from Shawnee Mission Ford (PW)

U. Approve purchase of five (5) 2022 Ford Utility PI AWD vehicles in the amount of \$200,650.00 from Shawnee Mission Ford (PW)

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

Discussion of Item 8K - Resolution approving and authorizing the Mayor to execute an Interlocal Agreement between the City of Leawood and WaterOne in the amount of \$990,000.00 pertaining to the relocation and replacement of water distribution mains on Mission Road (133rd – 143rd Streets) [Project #80175] (PW)

Councilmember Cain asked about the City's responsibility of 13.6% on the full \$990,000.00 amount. David Ley, Public Works Director, explained that this will be bid with the entire project and that WaterOne will reimburse the City for their cost. Councilmember Cain asked when the City will be reimbursed. Mr. Ley replied that typically the City asks for 90% of their cost up front and the remaining 10% is after the City receives the final amount from the contractor at the time of the buildout. Councilmember Cain stated that it is then 90% of WaterOne's approximate \$864,000.00 amount. Mr. Ley confirmed.

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

Discussion of Item 8S - Approve purchase of two (2) 2022 Ford Explorer 4x4 vehicles in the amount of \$58,266.00 from Shawnee Mission Ford (PW)

Councilmember Sipple asked about new car prices and the need to purchase vehicles at this time. He suggested that the City delay the purchase for a year. Mr. Ley replied that the City is purchasing the vehicles from a metro-wide bid, and therefore, is not affected by higher costs. He stated that normally one of these vehicles will list for approximately \$40,000.00, but the City is able to purchase it for approximately \$29,000.

Mr. Ley mentioned that the Police Department puts a lot of mileage on their vehicles.

Scott Lambers, City Administrator, stated that Mid-America Regional Council (MARC) coordinates the pricing for all the cities to get the best deal. He stated that the City of Leawood has been a part of this for many years and confirmed that this purchase was included in the budget.

Councilmember Cain stated that the vehicles that the City has purchased recently are all from Shawnee Mission Ford. Mr. Lambers pointed out that they won the bid. He explained that all the dealers submit bids to MARC and that the City accepts the lowest bid.

Councilmember Sipple asked if MARC coordinates the bids annually. Mr. Lambers replied that it is once a year. Mayor Dunn mentioned that the City of Leawood pays dues to be a member of MARC and that this is one of the benefits received as a member.

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

9. MAYOR’S REPORT

- A. Our sympathies to the family and friends of Roger Kemp, who passed away on March 1, 2022. It notes in his beautiful obituary that after his daughter Ali’s death in 2002, he worked to develop The Ali Kemp Educational Foundation/TAKE Defense Program. It has trained over 70,000 girls and women across the U.S. in personal safety and self-defense. The obituary also noted that in 2011 he received the Presidential Citizens Medal, the second highest civilian award given by the President, for Roger’s development and work with the Ali Kemp Educational Foundation.
- B. I would like to offer a moment of silence for Roger Kemp and also for the people of Ukraine who are facing numerous atrocities in their war with Russia. Our hearts, prayers and hopes for peace are with them all.
- C. City Administrator Scott Lambers, Accounting Manager Loretta Morgan, and I met this morning with Johnson County Appraiser Beau Boisvert. His report states the average re-appraisal increase for Johnson County for this year is 11.8%, and that the reason for the increase is because of inventory. People want to live here, so when a house goes on the market the seller often gets 10, 20 or \$30,000 over the asking price, sometimes within days. Mr. Boisvert said that 97.5% of all residential properties went up in value and only 2.4% went down. He said that commercial properties had very similar increases at 86.4%. The average sale price of an existing Johnson County home is \$427,000 but the average sale price of a new home in Johnson County is \$610,000. In Leawood, the sale price went up 19%, so in 2020 the average sale price in Leawood was \$635,000. It jumped to \$756,000 in 2021. The appraised value in 2020 was \$606,000 and it went up 9.38% in 2021 to \$663,000. About 1/3 of the increases were in the 5-8% range. He said that 95% of all apartments increased over 5% and that it is difficult to find a \$150,000 home in Johnson County, so it demonstrates why it is necessary to have apartments for people to start out, in his opinion. The average reappraisal increase in Leawood for both residential and commercial is 8.76%. Mr. Boisvert said the reason it is lower than the rest of Johnson County is because Leawood’s housing stock is typically at a higher price point. He said for residential alone it is 9.3%. Commercial has until March 17th to appeal and residences have until March 30th. Everything should be resolved and the notices will be out by May 20th. It was an informative meeting, and I will forward all of the documentation to the Councilmembers by email.
- D. I would like to thank Councilmember Azeltine for standing in for me at the Leawood Chamber’s Weber Flooring/Joe’s Carpet Outlet ribbon cutting, located at Parkway Plaza. Councilmembers Sipple and Rawlings were also in attendance.

10. COUNCILMEMBERS’ REPORT – None

- 11. CITY ADMINISTRATOR REPORT** Update on CDC Report of Covid recommendations and discussion of 96th and Lee Blvd.

Mr. Lambers stated that the City has lifted the mask requirements for employees and for the public entering City Hall, with the exception of the restrictions in the Council Chambers. He recommended that the City stay the course and continue to be reactionary in case there is another surge.

Mr. Lambers stated that the Council has been made aware of communication from member(s) of the public who are deliberately campaigning deceit and lies regarding a park at 96th and Lee Blvd. He reiterated that no conversation has taken place at this time, nor anticipated in the near future on this topic. Mr. Lambers stated that there is a process where the public is invited to participate in a public hearing with the Council and that there is a planning process in which the City will notify the neighbors and

homes associations. Mr. Lambers stated that the emails he has received indicate that information being spread is not true and he expressed disappointment that a project with great potential can already be surrounded with negativity.

Mayor Dunn stated that there were several work sessions quite a while ago with some public input from those who absolutely did not want a park in that location. Mr. Lambers agreed that was some time ago, but he has been made aware of a recent instigation through social media. Mayor Dunn confirmed that the Council agreed the Fire Station would be built before revisiting this topic, but that there has been no discussion, consensus or approval on it.

Mayor Dunn stated that the public will have a voice when the Council takes it up again. Councilmember Filla stated that she will forward the email to the Council in which she has been a party. She stated that she responded to the email on how the public can find information on the City's website, and that everything regarding this topic and the budget is posted and public. Mayor Dunn stated that the Capital Improvement Project (CIP) meeting will cover many projects but that it does not include plans or that a plan review takes place at that time. She stated that the project numbers will almost certainly be changed as projects go through the process.

Mr. Lambers stated that the first year of a CIP gets incorporated into next year's budget and does not include specificity of the project.

Councilmember Sipple asked if anyone was negative on the design of the new Fire Station. Mr. Lambers stated that has not been part of any of the recent communication. Councilmember Filla complimented Mr. Lambers on his reply on Nextdoor (social media app) to neighbors to help clarify the process.

Councilmember Harrison asked to clarify how long the construction period will be for the fire station. Mr. Lambers replied that construction will take place in 2022 and once staff has moved into the new station, the former fire station will remain unchanged except for preventative maintenance. Mayor Dunn stated that she has not heard of any complaints about the new fire station and it should be a beautiful addition to the neighborhood.

Mayor Dunn stated that she hoped Mr. Lambers' explanation that there are no plans at this time for the area at the new Fire Station would be heard by the public and would help clarify the process.

Mr. Lambers stated that he received an email regarding COVID money that was planned to be received from the Federal Government. He reminded the Council that they agreed to hold off deciding how to spend the money until the 2nd distribution was received by the City. He stated that the Federal Government is having second thoughts about the 2nd distribution and are complaining that the Governors are not spending it appropriately. Mr. Lambers stated that he will keep the Council posted on any new information.

12. STAFF REPORT – None

13. COMMITTEE RECOMMENDATIONS – None

14. OLD BUSINESS – None

15. NEW BUSINESS

- A. Schedule a Governing Body Work Session on Monday, March 21, 2022 at 6:00 p.m.

Mayor Dunn stated that the topic of the work session is a presentation on the 2023-2028 CIP.

A motion to approve Item 15A was made by Councilmember Filla and seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 7-0.

B. Schedule the Governing Body meeting on Monday, March 21, 2022 at 7:30 p.m.

A motion to approve Item 15B was made by Councilmember Filla and seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 7-0.

ADJOURN

Meeting was adjourned at 7:49 p.m.