

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, December 5, 2022. Mayor Peggy Dunn presided.

Councilmembers Present: Debra Filla, Andrew Osman, James Azeltine, Mary Larson, Lisa Harrison, Jim Rawlings, Chuck Sipple, Julie Cain (via Zoom).

Staff Present:

Patrick Geschwind, Interim City Admin.
Nic Sanders, HR Director
David Ley, Public Works Director
Chief Colin Fitzgerald, Fire Dept.
Travis Torrez, Bldg/Code Enforcement Dir.
Stephen Powell, City Clerk
Mike Pelger, Info. Services Specialist
Mike Blankenship, Sen. Network Admin.

Patty Bennett, City Attorney
Chief Dale Finger, Police Department
Chris Claxton, Parks & Rec Director
Loretta Morgan, Interim Finance Director
Mark Klein, Planning Services Director
Stacie Stromberg, Assistant City Clerk
Mark Tepesch, Info. Services Specialist

Mayor Dunn called the meeting to order at 7:01 p.m.

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

A motion to approve the agenda was made by Councilmember Sipple and seconded by Councilmember Larson. Motion was approved unanimously with a vote of 8-0.

4. **CITIZEN COMMENTS**

Persons wanting to speak during the meeting must sign in and indicate the agenda item they wish to address.

Members of the public are welcome to use Citizen Comments to make comments about City matters that do not appear on the agenda, or about items on the Consent Agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters, or personnel issues. Speakers are requested to keep their comments to 3 to 5 minutes. A total of 30 minutes per meeting is allocated for the Citizen Comment portion of the agenda.

The Governing Body will hear comments about items appearing on the agenda from those who have signed in, as each item is considered. In the event a large number of persons sign in to speak, individual comment time may be further limited at the discretion of the Mayor.

5. **PROCLAMATION – None**
6. **PRESENTATIONS/RECOGNITIONS**

Leawood First Responders who assisted with a car accident

Chief Finger stated that first responders found civilian Caroline Kill in a vehicle tipped on its side and on fire, and heroically got her out of the car safely. The parents of the victim offered their thanks to the

first responders and gave updates on Caroline. The first responders were awarded certificates for their bravery.

7. SPECIAL BUSINESS

- A. Resolution calling for a public hearing to be held on Monday, December 19, 2022, at 7:00 p.m., or as soon thereafter as may be heard, to consider an amended 2023-2027 Capital Improvement Program [C.I.P.] (CC)

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

- B. Resolution approving and authorizing the Mayor to execute a letter of engagement between the City and RSM US, LLP, for Auditing Services in an amount not to exceed \$72,000 (FN)

Loretta Morgan, Interim Finance Director, addressed the Governing Body. She introduced Kevin Smith, RSM Partner with Auditing Services. Mr. Smith stood for questions.

Councilmember Filla wanted clarification about the relationship with Rubin Brown. Ms. Morgan stated that they will take on a consultant role. She stated that Rubin Brown has worked with RSM.

Councilmember Azeltine welcomed RSM, but mentioned that it is important to review the 3-year contract as it comes up.

A motion to approve Item 7B was made by Councilmember Rawlings and seconded by Councilmember Sipple. Motion was approved unanimously with a vote of 8-0.

- C. Public Hearing - Amendments to 2022 Fiscal Budget (FN)

As there was no one to speak at the Public Hearing, a motion to close the hearing was made by Councilmember Azeltine and seconded by Councilmember Larson. Motion was approved unanimously with a vote of 8-0.

- D. Resolution adopting amendments to the 2022 Fiscal Budget for the City of Leawood, Kansas (FN)

Ms. Morgan stated that there were three adjustments to the budget. The Parks budget was increased by \$400,000 to continue projects that were not completed due to supply and demand. The Special Alcohol Fund had a small increase to spend the funds that were carried over from 2021 and will be spent prior to the end of this year. The 1/8th cent sales tax fund had a small increase to continue the Waterford Stormwater Project which was delayed.

A motion to approve Item 7D was made by Councilmember Filla and seconded by Councilmember Sipple. Motion carried unanimously with a vote of 8-0.

- E. Approve Appointment of Nic Sanders as Acting Information Services Director, effective immediately (CA)

Mr. Geschwind stated that Nic Sanders volunteered to lead the department on an interim basis, which grants more time to make a hiring decision.

A motion to approve Item 7E was made by Councilmember Filla and seconded by Councilmember Rawlings. Motion carried unanimously with a 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. **Pulled by Councilmember Filla**
- B. Approve minutes of the April 6, 2022 Bike/Walk Leawood meeting
- C. Approve the Mayoral appointments of Presiding Officers for 2023
- D. Approve the 2024 Budget Calendar (F)
- E. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 Guidelines of Reporting Inventory of Assets for property related to the 2022 Pedestrian Signal Crossing, 143rd Project [Project #80402] (PW)
- F. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 Guidelines of Reporting Inventory of Assets for property related to the installation of fiber on Kenneth Road [Project #72034] (PW)
- G. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 Guidelines of Reporting Inventory of Assets pertaining to the construction of the Lee Boulevard Improvements Project [Project #72087] (PW)
- H. Resolution accepting a Permanent Utility Easement from Grantor Rosemary Dyer Miller for property located at 3604 W. 87th Street, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082]
- I. Resolution accepting a Storm Sewer Easement from Grantor 26 Bar Farm, LLC, for property located east of W. 137th Street and Chadwick Street, pertaining to the Regents Park Development Project (PW)
- J. Resolution accepting a Storm Sewer Easement from Grantor 26 Bar Farm, LLC for property located near W. 137th Street and Chadwick Street, pertaining to the Regents Park Development Project (PW)
- K. Resolution accepting a Storm Sewer Easement from Grantor Chadwick Place Development, LLC, for property located south of 3015 W. 135th Street, pertaining to the Regents Park Development Project (PW)
- L. Resolution accepting a Deed of Dedication for Right of Way from Grantor Chadwick Place Development, LLC, for property south of 3015 W. 135th Street, and east of Chadwick Street, pertaining to the Regents Park Development Project (PW)
- M. Resolution accepting a Deed of Dedication for Right of Way from Grantor 26 Bar Farm, LLC, for property located near W. 137th Street and Chadwick Street, pertaining to the Regents Park Development Project (PW)
- N. Resolution approving and authorizing the Mayor to execute an Independent Services Agreement between the City and O'Dell Service Company in the amount of \$16,294.00 pertaining to Heat Pump Replacement services at the Justice Center (PW)
- O. Resolution approving and authorizing the Mayor to execute Change Order No. 3 to the Construction Agreement between the City and Mega KC Corporation, dated November 15, 2021, in an additional amount of \$86,696.00, pertaining to the trail extension between Roe Avenue and Tomahawk Creek Parkway for Kenneth Road RCB Repair [Project #71029] (PW)

- P. Resolution approving and authorizing the Mayor to execute Change Order No. 4 to the agreement dated November 1, 2021, between the City and KBS Constructors, Inc., in an additional amount of \$5,323.20, pertaining to Phase I of the Ironhorse Clubhouse project [Project #49136] (PR)
- Q. **Pulled by Councilmember Filla**
- R. Resolution approving and authorizing the Mayor to execute Amendment No. 3 to the Architectural Services Agreement between the City and DeGasperi, dated October 24, 2016, in an additional amount of \$2,000.00, pertaining to the design of Fire Station No. 1 [Project #80158] (PW)
- S. **Pulled by Councilmember Filla**
- T. Approve Final Pay request to Trekk Design Group, LLC, in an amount not to exceed \$503.87, pertaining to the 2022 Lee Boulevard, Somerset to 83rd Design [Project #72087] (PW)
- U. Approve Final Pay request to RLM Underground, LLC, in an amount not to exceed \$26,513.00, pertaining to the installation of fiber on Kenneth Road [Project #72034] (PW)
- V. Approve Final Pay request to Total Electric Contractors, Inc., in an amount not to exceed \$500.00, pertaining to the Pedestrian Signal Crossing, 143rd Project [Project #80402] (PW)
- W. Approve Final Pay request to Insko Industries, Inc., in an amount not to exceed \$118,678.00, pertaining to the 2022 Aquatic Center Swimming Pool Painting [Project #74110] (PR)
- X. Approve 3rd and Final Pay request to PaintPro, Inc., in an amount not to exceed \$19,889.49, pertaining to the painting of park facilities (PR)

A motion to approve the remainder of the Consent Agenda was made by Councilmember Azeltine and seconded by Councilmember Larson. Motion was approved unanimously with a vote of 8-0.

Discussion of Item 8A: Accept Appropriation Ordinance Nos. 2022-46, 2022-48

Councilmember Filla asked about payment to First Arriving LLC. Mr. Powell stated it is a vendor the Fire Department is working with for monitors that will display messages for the public.

A motion to approve Item 8A was made by Councilmember Filla and seconded by Councilmember Harrison. Motion was approved unanimously with a vote of 8-0.

Discussion of Item 8Q: Resolution approving and authorizing the Mayor to execute Amendment No. 1 to the Cooperative Agreement between the City and MARC, dated June 6, 2022, in an additional amount of \$76,435.64, pertaining to the Operation Green Light System Enhancements (PW)

Councilmember Filla wanted to draw attention to the fact that the project is 80% funded.

A motion to approve Item 8Q was made by Councilmember Filla and seconded by Councilmember Larson. Motion was approved unanimously with a vote of 8-0.

Discussion of Item 8S: Approve Final Pay request to J.M. Fahey Construction Company, in an amount not to exceed \$21,736.25, pertaining to the 2022 Lee Boulevard, Somerset to 83rd Design [Project# 72087] (PW)

Councilmember Filla expressed delight with the City adding the bike lanes.

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

9. COMMITTEE RECOMMENDATIONS

From the October 25, 2022, Planning Commission meeting (continued from the November 21, 2022, Governing Body meeting):

Resolution approving a Final Plan for Mission Farms – Brown Residence (10409 Howe Lane) – Emergency Generator, located east of Mission Road and north of 105th Street (PC 106-22)

Mayor Dunn stated that the residents were communicated with regarding the generator and have approved. (*Emails included at the end of the minutes.*)

Councilmember Sipple commended Councilmember Cain for bringing up the communication issue.

Councilmember Harrison asked about sound enclosures. Jimmy England, Teague Electric, appeared via Zoom and stated that he contacted staff of two options that are factory included. He explained the difference between the two options is heat distribution and weight.

Rick Barrett, landscape architect, stated that they have provided evergreen screening around the unit which will help muffle the sound.

Councilmember Harrison expressed concern with a potential influx of this issue and the lack of sound muffling.

Councilmember Cain asked if the neighbor to the north responded. Mark Klein, Planning Services Director, said they did not but the other neighbors and the HOA sent back approval.

A motion to approve Item 9 was made by Councilmember Sipple and seconded by Councilmember Azeltine. Motion was approved with a vote of 7-1. For: Filla, Larson, Cain, Rawlings, Azeltine, Sipple, Osman. Against: Harrison.

10. MAYOR'S REPORT

My thanks to Loretta Morgan and Stephen Powell for representing Leawood at the United Community Services of Johnson County's Annual Meeting and Awards Breakfast.

11. COUNCILMEMBER REPORTS – None

12. INTERIM CITY ADMINISTRATOR'S REPORT

Patrick Geschwind stated that his time as Interim City Administrator is coming to a close soon but expressed his gratitude for the City of Leawood and the Mayor.

13. STAFF REPORTS

A. Chris Claxton, Director of Parks and Recreation – Report on Projects in Progress

Ms. Claxton presented the Governing Body with a handout of the projects and offered a brief summary of the project. (*Handout is included at the end of the minutes.*)

B. David Ley, Director of Public Works – Report on Projects in Progress

Mr. Ley gave updates on various projects. The first was on Mission Road north of 92nd street. That is an Every project and they are replacing their power lines, so they will have a 2-block closure for in two weeks. Fire Station 1 is working on the first floor and their goal is to have the parking lot in and the roof structure up by the end of the month. He said that they hope to open at the end of April. The Metal Pipe Project is currently working in Leawood South and should be done by Christmas time. Mission Road from 127th to 123rd will have bids open next week and the project should start in March. The last project is on 133rd to 143rd and will have bids in a few weeks. He said that the project will start in February.

Councilmember Filla inquired about updates regarding the light on State Line, and Mr. Ley responded that it's looking like it will be around 2024.

Mayor Dunn asked about the timing of bids. Mr. Ley responded that it is best to get bids out in the winter due to scheduling reasons.

14. OLD BUSINESS – None

15. NEW BUSINESS

Schedule Governing Body meeting on Monday, December 19, 2022, at 7:00 P.M.

A motion to approve Item 15 was made by Councilmember Filla and seconded by Councilmember Sipple. Motion was approved unanimously with a vote of 8-0.

Meeting was adjourned at 8:05 p.m.