

OVERLAND PARK CITY COUNCIL MEETING

January 9, 2012

Mayor Carl R. Gerlach called the Overland Park City Council meeting to order at 7:30 p.m. The following members were present, constituting a quorum:

Mr. Curt Skoog, Council President; Mr. Terry Goodman; Mr. Richard Collins; Mrs. Terry Happer Scheier; Mr. David White; Mr. Jim Hix; Mr. Fred Spears; Mr. John Skubal; Mr. Dave Janson; Mrs. Donna Owens; Mr. Dan Stock; and Mr. Paul Lyons.

Also present were: Mr. Bill Ebel, City Manager; Mrs. Kristy Stallings, Deputy City Manager; Mr. Mike Santos, City Attorney; Mr. Steve Horner, Senior Assistant City Attorney; Mrs. Leslie Karr, Current Planning Manager; Mr. Jack Messer, Director of Planning and Development Services; Mr. Tony Cosby, Director of Recreation Services; Mr. Greg Ruether, Director of Parks Services; Mr. John Douglass, Police Chief; Mr. Bryan Dehner, Fire Chief; Mrs. Vicki Irely, Chief Information Officer; Mr. Doug Brown, Director of Public Works; Mr. Dave Scott, Chief Financial Officer; Mr. Mike Garcia, Chief Human Resource Officer; Mr. Sean Reilly, Communications Manager; Mr. Lloyd Nichols, Senior Help Desk Support Specialist; and Mrs. Barbara Potts, Recording Secretary. Approximately 30 people were in the audience.

PLEDGE OF ALLEGIANCE

Mayor Carl Gerlach led the audience in the Pledge of Allegiance.

MAYOR CARL R. GERLACH

Mayor Gerlach recognized Boy Scout Troop No. 257 sponsored by Atonement Lutheran Church, Boy Scout Troop No. 284 sponsored by Hillcrest Church, and Boy Scout Troop No. 92 sponsored by the Church of the Resurrection.

Mayor Gerlach also acknowledged Councilmember Terry Happer Scheier for her ten years of service to this community.

REAPPOINTMENTS TO THE CODE BOARD OF APPEALS:

James Haas—Term 12-1-11 to 12-1-14
John L. Kaiser—Term 12-1-11 to 12-1-14

REAPPOINTMENT TO THE BOARD OF ZONING APPEALS:

Don Carter—Term 1-10-12 to 1-10-15

REAPPOINTMENTS TO THE CONVENTION AND TOURISM COMMITTEE:

Joe Andrick—Term 1-1-12 to 12-31-13
Bruce Boettcher—Term 1-1-12 to 12-31-13
Bill Frey—Term 1-1-12 to 12-31-13
Alton Hagen—Term 1-1-12 to 12-31-13

Shane Somers–Term 1-1-12 to 12-31-13
Cheryl Troxel–Term 1-1-12 to 12-31-13
Sally Winship–Term 1-1-12 to 12-31-13

NEW APPOINTMENTS TO THE CONVENTION AND TOURISM COMMITTEE:

Joan Boswell–Term 1-1-12 to 12-31-13
Cindy Walton-Gillies–Term 1-1-12 to 12-31-13
Mike Lally–Term 1-1-12 to 12-31-13

COUNCIL PRESIDENT CURT SKOOG

REPORT FROM COMMITTEE-OF-THE-WHOLE MEETING HELD MONDAY,
JANUARY 9, 2012–2012 State Legislative Program.

Council President Curt Skoog said the Committee of the Whole met prior to the City Council meeting to discuss the 2012 State Legislative Program policy positions, and he moved to approve the following 2012 State Legislative Program policy positions, with the additions to the document, provided by staff, of the discussion and wording laid out at the Committee-of-the-Whole meeting: 1) To support maintenance of State funding; 2) The Comprehensive Transportation Plan; 3) Kansas Public Employees Retirement System (KPERS); 4) Tax Policy Dialogue; 5) Kansas Open Records Act and Kansas Open Meetings Act; 6) Constitutional Home Rule; 7) Constitutional Lid on Local Government Spending; 8) Distribution of Local Sales Tax Receipts; 9) Incorporation of New Cities; 10) K-12 Education; 11) Protect Legislative Fiscal Authority; 12) Municipal Excise Taxes; 13) Public Employer/Employee Relations (PEER) Act; and 14) Intergovernmental Discourse. Mr. Dave Janson seconded, and the motion passed by a vote of 12 to 0.

CITY MANAGER BILL EBEL

City Manager Bill Ebel stated that he would publicly like to thank two senior members of the City's Executive Leadership Team who, collectively, have devoted 50 years of service to this community: City Attorney Mike Santos and Chief Financial Officer David Scott, both of whom will celebrate 25 years of service to this community.

CONSENT AGENDA:

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT

COMMITTEE ITEMS:

DEVELOPMENT AGREEMENT–Q95 Associates, L.P., for the Quivira 95 Shops Community Improvement District, located at the northeast corner of 95th Street and Quivira.

AGREEMENT–Jessica A. Gregory for provision of 2012 Public Defender Services in the amount of \$78,000.

AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS–For Cost Recovery Services–KCPL Utility Billing and Tariffs.

STAFF ITEMS:

COUNCIL MINUTES–October 17 and November 21, 2011.

EXPENDITURE ORDINANCE NO. 12B–Outlining the expenditures from the General Operating Fund for December 7 through December 20, 2011.

CAPITAL PROJECTS EXPENDITURE ORDINANCE NO. 12C - Outlining the expenditures from the Capital Projects Fund for December 15 through December 21, 2011.

CAPITAL PROJECTS EXPENDITURE ORDINANCE NO. 12D - Outlining the expenditures from the Capital Projects Fund for December 22 through December 28, 2011.

CAPITAL PROJECTS EXPENDITURE ORDINANCE NO. 1A - Outlining the expenditures from the Capital Projects Fund for December 29, 2011, through January 4, 2012.

COMMUNITY DEVELOPMENT

COMMITTEE ITEMS:

RESOLUTION NO. 3913–Establishing fees and authorizing rules and procedures for the operation of City-sponsored recreation programs.

ORDINANCE NO. GC-2944–Prescribing the manner and method of operation and administration of City golf courses.

RESOLUTION NO. 3916–Establishing fees for use of City-owned golf courses and authorizing rules and procedures for the operation of the same.

Mayor Gerlach presented the Consent Agenda for approval and asked if any item needed to be removed for separate discussion. There being none, he entertained a motion.

Mr. Skoog moved to approve the preceding Consent Agenda items as outlined. Mr. Fred Spears seconded the motion, which passed by a 12 to 0 roll-call vote.

REGULAR AGENDA

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT

COMMITTEE REPORT–Jim Hix, Chair

No report.

STAFF REPORT:

No report.

PUBLIC SAFETY

COMMITTEE REPORT–Terry Happer Scheier, Chair

Mrs. Happer Scheier reminded the Public Safety Committee members that they will be meeting at 7 p.m. on Wednesday, January 11, 2012, at W. Jack Sanders Justice Center.

STAFF REPORT:

BID TABULATION–2012 Uniform Purchase.

Fire Chief Bryan Dehner said that the Overland Park Fire Department solicited bids for uniform components, and staff recommends accepting the following low bids for the uniform components that met the department specifications: 1) Class A/B Dress Uniforms, Jacket, Shirt, Class A Pants, Class B Pants, and Shoes from Jay's Uniforms in the amount of \$259.88; 2) Class C Uniform Polo (Quantity 48-96) from Jay's Uniforms in the amount of \$19.97; 3) Class C Uniform Sweatshirt (Quantity 25-48) from Jay's Uniforms in the amount of \$44.86; 4) Class C Pants Elbeco E820 from Jay's Uniforms in the amount of \$33.77; 5) Class C Pants Elbeco E814 from Jay's Uniforms in the amount of \$42.27; 6) Class C Pants 5.11 EMS from OMB Express Police Supply in the amount of \$44.99 and the Elbeco Brand from Jay's Uniforms in the amount of \$40.47; 7) Class C Pants 5.11 Station from OMB Express Police Supply in the amount of \$44.99; 8) Class C Pants 5.11 Station Cargo from OMB Express Police Supply in the amount of \$44.99; 9) Class C Shorts from OMB Express Police Supply in the amount of \$34.99; 10) Footwear from Jay's Uniforms for a total amount of \$291.38; 11) Ball Cap (Quantity 25-48) from Alamar Uniforms in the amount of \$7.85; and 12) Workout Short Sleeve Tee Shirt (Quantity 25-48) from Absolute Screen Printing in the amount of \$7.50.

Mrs. Happer Scheier moved to approve the low bids for the 2012 Fire Department Uniforms as outlined and highlighted by staff. Mrs. Donna Owens seconded, and the motion passed by a vote of 12 to 0.

COMMUNITY DEVELOPMENT

COMMITTEE REPORT–Terry Goodman, Chair

No report.

STAFF REPORT:

RESOLUTION NO. 3912, A–Ending the unsafe and dangerous structure proceedings for 5206 Hardy.

Senior Assistant City Attorney Steve Horner reported that Resolution No. 3912, A amends Resolution No. 3912, which was approved by the Governing Body on December 19, 2011, in order to end the dangerous structure proceedings for the house at 5206 Hardy.

According to Mr. Horner, concern was expressed that the title of Resolution No. 3912 did not accurately reflect the action being taken in regard to the unsafe and dangerous

structure, located at 5206 Hardy. Therefore, Resolution No. 3912, A addresses that the concern by revising the title, adding two "whereas" clauses to explain the purpose of the amendment, and a new Section No. 2, providing that Resolution No. 3912 is amended and rescinded by Resolution No. 3912, A.

Mr. Terry Goodman moved to approve Resolution No. 3912, A, Ending the unsafe and dangerous structure proceedings for 5206 Hardy. Mr. David White seconded the motion, which passed by a 12 to 0 vote.

PUBLIC WORKS

COMMITTEE REPORT–Fred Spears, Chair

No report.

STAFF REPORT:

Director of Public Works Doug Brown stated that the following two items will be taken as one item.

BID TABULATION–Mid America Council of Public Purchasing (MACPP) Vehicles for 2012 Model Year.

Mr. Brown said that staff recommends accepting the bid tabulation from the Mid America Council of Public Purchasing for vehicles for the 2012 model year.

BID TABULATION–2012 Maintenance Service for City Vehicles.

Mr. Brown said that maintenance service of City vehicles includes oil and filter change, air filter (when needed), fluids checked and added, and other services as described in the Vehicle Maintenance Agreement. He explained that the contract will be in effect for a one-year period of time from January 1, 2012, through December 31, 2012, with an option to extend it for one year at the same unit bid prices submitted on the bid form, if agreeable to both the City and the vendor.

Staff recommends accepting the bid from Heartland Automotive Services d/b/a Jiffy Lube for the 2012 Maintenance Service for City Vehicles for a grand total of \$54,975.

Mr. Spears moved to approve the two referenced bid tabulations, as outlined and recommended by staff. Mr. Dan Stock seconded, and the motion passed by a vote of 12 to 0.

CHANGE ORDER NO. 1–Total Electric Contractors, Inc., for additional work for the 2011 Street Lighting Project to allow the installation of a new residential streetlight at the intersection of 97th Street and Walmer in the amount of \$8,800.

Mr. Brown presented Change Order No. 1 from Total Electric Contractors, Inc., for additional work for the 2011 Street Lighting Project to allow the installation of a new residential streetlight at the intersection of 97th Street and Walmer. He explained that the new residential streetlight will replace a Kansas City Power and Light pole that had

to be removed unexpectedly due to the poor structural condition of the pole. Because of the relatively small amount of work and the required work being similar to that of the 2011 Street Lighting Project, staff believes that performing this work as a change order will be more cost effective than bidding it as an individual project and will also expedite the installation of a replacement light. Staff recommends approval of Change Order No. 1.

Mr. Spears moved to approve Change Order No. 1 from Total Electric Contractors, Inc., in the amount of \$8,800, for additional work for the 2011 Street Lighting Project, to allow the installation of a new residential streetlight at the intersection of 97th Street and Walmer, bringing the total project cost to \$57,574. Mr. Janson seconded, and the motion passed unanimously.

AGREEMENT–K and W Underground, Inc., for On-Demand Fiber Repair Services.

Mr. Brown explained that on-call services are needed to keep the City's fiber optic network operational when emergency repairs are needed and also when routine splicing and other similar work is necessary. He indicated that a selection committee of City staff, consisting of both Public Works and Information Technology staff, reviewed technical proposals. Staff negotiated an agreement with K and W Underground, Inc., for a three-year period, with an option for two, one-year extensions.

Mr. Spears moved to accept the Agreement with K and W Underground, Inc., for On-Demand Fiber Repair Services for emergency and non-emergency repairs for a three-year period, with an option for two, one-year extensions. Mr. Paul Lyons seconded the motion, which passed unanimously.

RECOMMENDATIONS FROM THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA:

ACCEPTANCE OF RIGHT-OF-WAY–FINAL PLAT NO. 2011-35–Mills Farm, Eleventh Plat, vicinity of the southeast corner of 159th Street and Quivira. Application made by Phelps Engineering, Inc. The Planning Commission approved this item on December 12, 2011, by a vote of 8 to 0.

PRELIMINARY PLAN APPROVAL–Weston Point Apartments, 13340 Outlook Drive. Application made by Weston Point Apartments. The Planning Commission approved this item on December 12, 2011, by a vote of 9 to 0.

FINAL DEVELOPMENT PLAN APPROVAL–Commerce Bank at Valley View Shopping Center, vicinity of the southeast corner of 95th Street and Antioch. Application made by Rees Masilionis Turley Architecture. The Planning Commission approved this item on December 12, 2011, by a vote of 8 to 0.

SPECIAL USE PERMIT NO. 2011-24– 18465 Pflumm. A special use permit is requested for a five-year period of time to allow a recreational facility. This property is currently zoned RUR-J, Rural Residential District, Johnson County.

Application made Michael and Elizabeth Mitchell. The Planning Commission approved this item for a five-year period of time on December 12, 2011, by a vote of 9 to 0. Ordinance No. Z-3512.

SPECIAL USE PERMIT NO. 2011-26– 12201 West 110th Street. A special use permit is requested for an indefinite period of time to allow an assisted living complex. This property is currently zoned CP-O, Planned Office Building District. Application made by IKM, L.L.C. The Planning Commission approved this item for an indefinite period of time on December 12, 2011, by a vote of 9 to 0. Ordinance No. Z-3513.

SPECIAL USE PERMIT NO. 2011-31– 13749 Metcalf. A special use permit is requested for a five-year period of time to allow the renewal of a drinking establishment. This property is currently zoned CP-2, Planned General Business District. Application made by Real Wing, Inc. The Planning Commission approved this item for a five-year period of time on December 12, 2011, by a vote of 9 to 0. Ordinance No. Z-3514.

SPECIAL USE PERMIT NO. 2011-34 - 8717 Lenexa Drive. A special use permit is requested for a five-year period of time to allow the renewal of a tow lot. This property is currently zoned M-1, Industrial Park District, and CP-2, Planned General Business District. Application made by Santa Fe Tow Service. The Planning Commission approved this item for a five-year period of time on December 12, 2011, by a vote of 9 to 0. Ordinance No. Z-3515.

SPECIAL USE PERMIT NO. 2011-35– 11475 West 187th Street. A special use permit is requested for a three-year period of time to allow a private recreational facility for a horse barn. This property is currently zoned PRLDJ, Planned Residential Low-Density District, Johnson County. Application made by James and Traci Kenner. The Planning Commission approved this item for a three-year period of time on December 12, 2011, by a vote of 9 to 0. Ordinance No. Z-3516.

Mayor Gerlach invited comments from the public in regard to Special Use Permit No. 2011-24, Special Use Permit No. 2011-26, Special Use Permit No. 2011-31, Special Use Permit No. 2011-34, and Special Use Permit No. 2011-35. There being none, he closed the hearing and referred the preceding items for action.

Mr. Skoog moved to approve the Planning Commission Consent Agenda items, as outlined and recommended by staff, subject to all stipulations. Mrs. Happer Scheier seconded, and the motion passed by a roll-call vote of 12 to 0.

PLANNING COMMISSION REGULAR AGENDA:

DRAINAGE EASEMENT VACATION NO. 2011-4– Vicinity of the southeast corner of 153rd Street and Quivira. Application made by Phelps Engineering, Inc. Ordinance No. VAC-2943.

Current Planning Manager Leslie Karr indicated that the request is for vacation of a drainage easement in the Bluestem Development in the southeast corner of 153rd Street and Quivira. She commented that this property was originally platted as part

of the Daybreak Ridge development, and that is when the easement was dedicated as part of the replat of the property. She explained that the easement currently falls within the middle of a proposed single-family lot, and the applicant is requesting that it be vacated. There are no objections to the vacation from any utilities, including the City's Public Works Department and Engineering Services Division. Staff recommends approval with no stipulations.

A motion was made by Mr. Skoog for approval of Ordinance No. VAC-2943 (Drainage Easement Vacation No. 2011-4), vicinity of the southeast corner of 153rd Street and Quivira, with no stipulations. Mr. White seconded the motion, which passed by a roll-call vote of 12 to 0.

OLD BUSINESS

None.

NEW BUSINESS

EXECUTIVE SESSION—For the purpose of discussing matters subject to the attorney-client privilege relating to the lawsuit pending in the Johnson County District Court captioned Angela Redpath v. City of Overland Park, Kansas, Case No. 10CV-11084.

At 7:55 p.m., Mr. Skoog moved that the Governing Body recess into an executive session for a period of 10 minutes for the purpose of discussing matters subject to the attorney-client privilege relating to the lawsuit pending in the Johnson County District Court entitled Angela Redpath versus the City of Overland Park, Kansas, Case No. 10CV-11084.

Mr. Skoog indicated that, following the executive session, the Governing Body will reconvene in regular session in the Council Chamber. Mrs. Happer Scheier seconded the motion, which passed by a 12 to 0 vote.

The Council reconvened into regular session at 8:04 p.m.

ADJOURNMENT

Mr. Spears moved to adjourn the meeting at 8:05 p.m., and Mr. Lyons seconded the motion, which passed by a vote of 12 to 0. Minutes transcribed by Barbara Potts.

Carl R. Gerlach, Mayor

ATTEST:

Marian Cook, City Clerk