

CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Monday, August 16, 2004
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

AUGUST							SEPTEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30		

(This agenda is subject to changes, additions or deletions at the discretion of the City Council)

Mayor Peggy Dunn

Councilmembers

<u>Ward One</u>	<u>Ward Two</u>	<u>Ward Three</u>	<u>Ward Four</u>
Debra Filla	Louis Rasmussen	Gary Bussing	Scott Gullledge
Gregory Peppes	Jim Rawlings	Mike Gill	James Taylor

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

3. 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 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.

4. PROCLAMATIONS

5. PRESENTATIONS/RECOGNITIONS

6. SPECIAL BUSINESS

7. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on 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. Approval of Appropriation Ordinance No. 1005
- B. Accept Minutes of the August 2, 2004, Governing Body meeting
- C. Accept Minutes of the July 13, 2004, Historic Commission meeting
- D. Accept Minutes of the July 13, 2004, Parks & Recreation Advisory Board meeting
- E. Accept Minutes of the July 9, 2004, Stormwater Management Committee meeting
- F. Accept minutes of the May 25, 2004 Arts Council meeting

- G. Approve Change Order No 2, in the amount of \$10,651.95, to APAC-Kansas, pertaining to the Roe Avenue Improvement Project [between 124th Street and 135th Street] CIP # 110]
- H. Approve payment in the amount of \$200,550.00, to the City of Overland Park, pertaining to the Water One Relocation Agreement for the Nall Avenue Improvement Project [between 135th Street and 143rd Street] CIP # 139]
- I. Request for payment adjustment in the amount of \$28,638.00, to United Methodist Church of the Resurrection, for taking on Tract No. 54, pertaining to Phase II of the Nall Avenue Improvement Project [between 135th Street and 143rd Street] CIP # 139]
- J. Resolution adopting the Fiscal Year 2005 Budget for the City of Leawood
- K. Resolution approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$800,454.66 to Seal-O-Matic Paving, Inc., pertaining to the Residential Street Program [CIP # 200]
- L. Resolution approving and authorizing the Mayor to execute an Inter-local Agreement between the cities of Leawood, Overland Park and the Kansas Department of Transportation [KDOT] pertaining to the Nall Avenue Improvement Project [between 135th Street and 143rd Street] CIP # 139]
- M. Resolution approving a Final Site Plan for Cornerstone, Lot 5; Ted's Montana Grill, located on the southeast corner of 135th Street and Nall Avenue [*from the July 27, 2004, Planning Commission meeting*]
- N. Resolution accepting and approving the Annual Report regarding the Leawood Public Art Impact Fee and providing for no change to such impact fee, pursuant to Code § 12-601 et seq.
- O. Resolution accepting and approving the Annual Report regarding the Leawood Park Impact Fee and providing for no change to such impact fee, pursuant to Code § 12-401 et seq.
- P. Resolution accepting and approving the Annual Report regarding the South Leawood Transportation Impact Fee and providing for no change to such impact fee, pursuant to Code § 13-601 et seq.
- Q. Declaration of surplus property of a Caterpillar Wheel Loader, last 6 VIN/L00956
- R. Police Department Monthly Report
- S. Fire Department Monthly Report
- T. Municipal Court Monthly Report
- U. Resolution approving a Final Site Plan for the Club La Femme building, located within the Leawood Commons at 11401 Nall Avenue [*from the August 10, 2004, Planning Commission meeting*]

8. MAYOR'S REPORT

9. COUNCILMEMBERS' REPORT

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the July 27, 2004 Planning Commission meeting]

- A. Ordinance approving a [16-month] Special Use Permit [SUP] for United Methodist Church of the Resurrection temporary offices located at 13720 Roe Avenue [Roll Call Vote]

Staff Comment: It is the position of the City Administrator that the language recommended by the Planning Commission ‘...[s]hall be the last extension to be granted...’ is inappropriate as a condition of a stipulation, unless such a restriction has been adopted by the City Council as a matter of policy through either a resolution or ordinance.

12. OLD BUSINESS

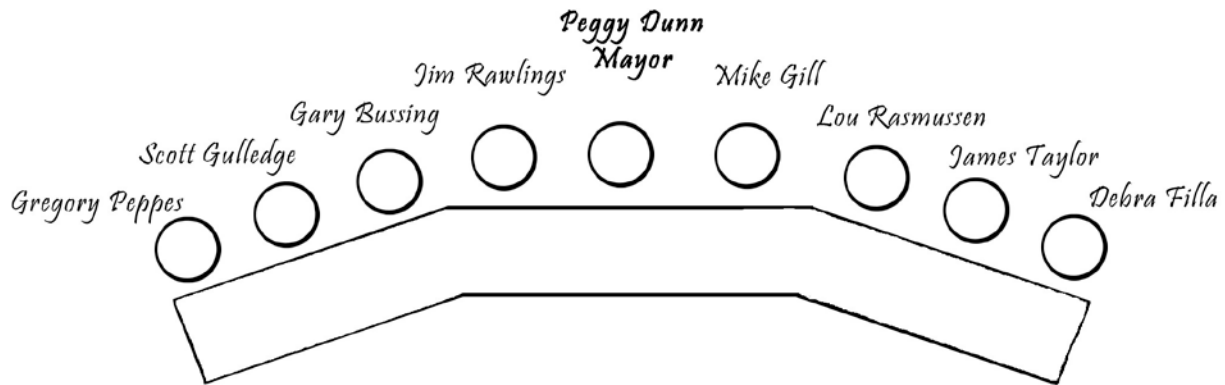
13. NEW BUSINESS

- A. Ordinance levying an additional City Retailers’ Sales Tax in the amount of one-eighth of one percent [.125%] in addition to the one percent [1.0%] currently levied, within the City of Leawood, Kansas, effective July 1, 2005, and ending June 30, 2010
- B. Ordinance amending Section 13-503 of Article 5 of Chapter VII of the Code of the City of Leawood, 2000, entitled “Definitions,” pertaining to the K-150 Corridor [a/k/a 135th Street Corridor Impact Fee] [Roll Call Vote]
- C. Resolution amending the K-150 Highway Corridor [a/k/a 135th Street Corridor] Transportation Impact Fee and Impact Fee amounts, pursuant to Sections 13-506 and 13-509 of the Code of the City of Leawood, 2000
- D. Ordinance amending Section 12-403 of Article 4 of Chapter 12 of the Code of the City of Leawood, 2000, entitled ‘Definitions,’ pertaining to the Park Impact Fee [Roll Call Vote]
- E. Ordinance amending Section 12-603 of Article 6 of Chapter 12 of the Code of the City of Leawood, 2000, entitled ‘Definitions,’ pertaining to the Public Art Impact Fee [Roll Call Vote]
- F. Ordinance amending Section 13-603 of Article 6 of Chapter 13 of the Code of the City of Leawood, 2000, entitled ‘Definitions,’ pertaining to the South Leawood Transportation Impact Fee [Roll Call Vote]
- G. Executive Session to be conducted immediately following the regular Governing Body meeting to discuss information relating to the acquisition of real property

14. OTHER BUSINESS

ADJOURN

Mayor and City Council



Regular meetings of the Leawood City Council are held the first and third Mondays of each month beginning at 7:30 PM. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

Leawood operates under a Council/Mayor form of government, with a separately elected mayor and 8 council persons. Council members are elected on a non-partisan basis from 4 wards. The Council develops policies and provides direction for the professional city administration. Regular meetings of the Leawood City Council are held the first and third Mondays of each month beginning at 7:30 PM. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

Number of Votes Required

Non-zoning Ordinances: Majority of the members-elect of the City Council [5].

Charter Ordinances: 2/3 of members-elect of Governing Body [6]

Zoning Ordinances and other Planning Commission Recommendations:

- **Passage of Ordinances Subject to Protest Petition:** 3/4 majority of members of Governing Body [7]
- **Approving Planning Commission Recommendation:** Majority of the members-elect of the City Council [5]
- **Remanding to Planning Commission:** Majority of members present ["Simple Majority"]
- **Overriding, Amending or Revising Recommendation:** 2/3 majority of membership of Governing Body [6]

Note: Mayor may cast deciding vote when vote is one less than required.