

CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Monday, November 15, 2004
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

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

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

(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 Gullede
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 **Hunger & Homelessness Awareness Week,
November 14-21, 2004
America Recycles Day, November 15, 2004**

5. PRESENTATIONS/RECOGNITIONS

6. SPECIAL BUSINESS

- A. Ordinance granting to Abovenet Communications, Inc., a contract franchise to construct, operate and maintain a telecommunications system in the City of Leawood, and prescribing the terms of said contract franchise [Roll Call Vote]
- B. Resolution approving and authorizing the Mayor to execute a Public Lands Use Agreement between the City and Abovenet Communications, Inc., pertaining to the installation and maintenance of communications facilities located within existing conduit

- C. Ordinance granting to American Fiber Systems, Inc., a contract franchise to construct, operate and maintain a telecommunications system in the City of Leawood, and prescribing the terms of said contract franchise [Roll Call Vote]
- D. Resolution approving and authorizing the Mayor to execute a Public Lands Use Agreement between the City and American Fiber Systems, Inc., pertaining to the installation and maintenance of communications facilities located within existing conduit
- E. Ordinance granting to Xspedius Management Company of Kansas City, LLC, c/b/a Xspedius Communications, a contract franchise to construct, operate and maintain a telecommunications system in the City of Leawood, and prescribing the terms of said contract franchise [Roll Call Vote]

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. 1013
- B. Accept minutes of the October 19, 2004 Park & Recreation Advisory Board meeting
- C. Accept minutes of the September 23, 2004, IRONHORSE Advisory Board meeting
- D. Accept minutes of the September 14, 2004, Historic Commission meeting
- E. Mayoral Appointment of Citizen Committee Members, Dr. John and Dr. Ann Kenney to I-Lan Sister City Committee
- F. Renewal of Retail Liquor Store License for Stoll Liquor Store, located at 3731 West 133rd Street
- G. Acceptance of Dental Insurance Benefits renewal for City Employees
- H. Acknowledgement of condition of residential structure at 11600 Manor Road
- I. Approval for payment of the Appraisers' Award in the amount of \$69,840, to property owners pertaining to the storm water drainage improvements to the Dykes Branch [SMAC Project DB-04-024-01] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road
- J. Resolution authorizing the City's continued participation in the Municipal Investment Pool [MIP] and revising the authorized Officers
- K. Resolution calling for a public hearing on Monday December 6, 2004, regarding amendments to the 2004 Fiscal Budget for the City of Leawood, Kansas
- L. Resolution adopting an Investment Policy for the City of Leawood, Kansas
- M. Resolution approving and authorizing the Mayor to execute a Financial Services Agreement between the City and Gold Bank, to provide certain banking service needs to the City of Leawood
- N. Resolution designating holidays for the year 2005, in accordance with the Personnel Rules & Regulations of the City of Leawood, Kansas

- O. Approve Change Order No. 4, in the amount of \$36,835.67, to APAC-Kansas, Inc., pertaining to the Roe Avenue Improvement Project [between 124th Street and 135th Street] CIP # 110]
- P. Resolution approving the Johnson County Drug and Alcoholism Council [DAC] recommendation for allocations of the 2005 Alcohol Tax Fund for an amount not to exceed \$46,000
- Q. Resolution approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$3,619,000.00, between the City and Wiedenmann & Godfrey Construction, Inc., pertaining to the Dykes Branch Channel Improvement [Phase I] SMAC DB-04-024 Project
- R. Resolution approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Board of County Commissioners of Johnson County [BOCC] pertaining to the College Boulevard [between State Line Road and Roe Avenue] Improvement Project [2005 CARS Program]
- S. Resolution approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Board of County Commissioners of Johnson County [BOCC] pertaining to the Roe Avenue [between College Boulevard and 119th Street] Improvement Project [2005 CARS Program]
- T. Resolution approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Board of County Commissioners of Johnson County [BOCC] pertaining to the SMAC Project; 83 Street & Wenonga south to 86 & Cherokee; Dykes Branch DB-04-024-01
- U. Resolution approving the first phase of Parkway Plaza development located north of 135th and west of Roe Avenue [*from the October 26, 2004, Planning Commission meeting*]-***Continued to the December 6, 2004 Governing Body meeting***
- V. Resolution approving a Final Site Plan for Dick's Sporting Goods Signs located at 11801 Nall Avenue within the Town Center Plaza Development [*from the October 26, 2004, Planning Commission meeting*]
- W. Resolution approving a Final Site Plan for Mission Farms fencing located along Mission Road north of 105th Street [*from the October 26, 2004, Planning Commission meeting*]
- X. Police Department Monthly Report
- Y. Fire Department Monthly Report
- Z. Municipal Court Monthly Report

8. MAYOR'S REPORT

9. COUNCILMEMBERS' REPORT

10. STAFF REPORT

COMMITTEE REPORTS

[from the November 3, 2004, Public Works Committee meeting]

- 11. Assignment to review reimbursement request from Leawood Forest Estates**

- [from the September 28, 2004, Arts Council Committee meeting]*
12. Approve recommendation to proceed with the purchase in the amount of \$76,500.00, of 'Pastoral Dreamer' from David Phelps

13. **PLANNING COMMISSION**

[from the August 24, 2004, Planning Commission meeting]

- A. Ordinance approving a Special Use Permit, [SUP] Preliminary Site Plan and Preliminary Plat for Sunrise Senior Living located south of 115th Street and east of Roe Avenue [Roll Call Vote] – *[Continued from the September 20, 2004, Governing Body meeting]* - **CONTINUED TO THE DECEMBER 20, 2004, GOVERNING BODY MEETING**

[from the September 28, 2004, Planning Commission meeting]

- B. Ordinance approving a rezoning from AG [Agriculture] to SD-CR [Planned General Retail], SD-O [Planned Office] and RP-3 [Planned Cluster Attached Residential District], Preliminary Plat and Preliminary Site Plan for Villaggio West located south of 135th Street and east of Roe Avenue [Roll Call Vote] – **CONTINUED FROM THE OCTOBER 18, 2004 GOVERNING BODY MEETING**

- C. Ordinance approving a rezoning from AG [Agriculture] to SD-NCR [Planned Neighborhood Retail], SD-O [Planned Office] and RP-4 [Planned Apartment Residential District], Preliminary Plat and Preliminary Site Plan for Villaggio East located south of 135th Street and west of Mission Road [Roll Call Vote] - **CONTINUED FROM THE OCTOBER 18, 2004 GOVERNING BODY MEETING**

[from the October 26, 2004, Planning Commission meeting]

- D. Ordinance approving a rezoning from AG (Agriculture) to SD-O (Planned Office), preliminary plat and preliminary site plan for Tomahawk Pointe located at College Boulevard and Mission Road [Roll Call Vote] -**WITHDRAWN BY APPLICANT**

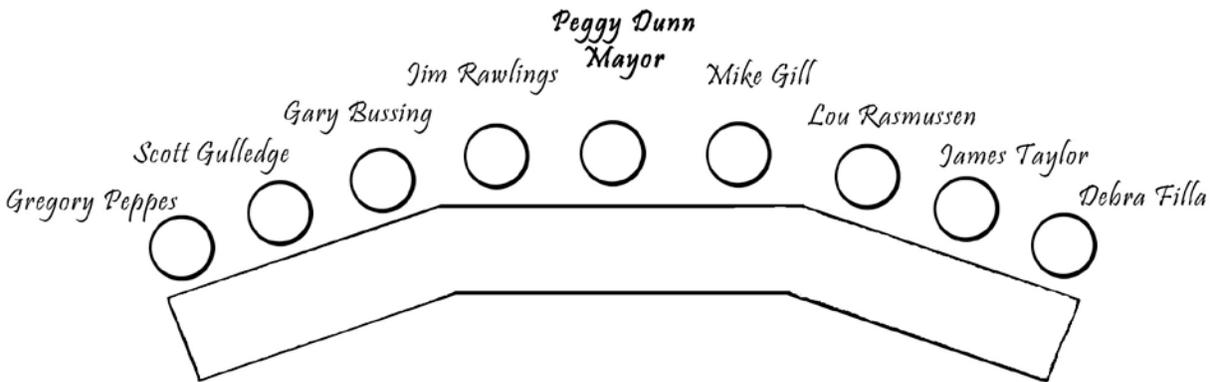
14. **OLD BUSINESS**

15. **NEW BUSINESS**

16. **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”]
- **Approving, Overriding, Amending or Revising Recommendation after Remand:** 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.