

**CITY OF LEAWOOD  
GOVERNING BODY  
MEETING AGENDA**

Monday, July 18, 2005  
Council Chamber  
4800 Town Center Drive  
Leawood, KS 66211  
7:30 P.M.

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

**\*AMENDED AGENDA**

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

|                         |                               |                                 |                           |                               |
|-------------------------|-------------------------------|---------------------------------|---------------------------|-------------------------------|
| <b>Mayor Peggy Dunn</b> | <b>Councilmembers</b>         |                                 |                           |                               |
|                         | <u>Ward One</u>               | <u>Ward Two</u>                 | <u>Ward Three</u>         | <u>Ward Four</u>              |
|                         | Debra Filla<br>Gregory Peppes | Louis Rasmussen<br>Jim Rawlings | Gary Bussing<br>Mike Gill | Scott Gullede<br>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**

**Healthy Kids Week in Leawood, August 15-19, 2005**

**National Recreation & Parks Month, July, 2005**

**5. PRESENTATIONS/RECOGNITIONS**

- **Sergeant Scott Hansen – 20 years of service**
- **Officer Rick Clodfelter – 20 years of service**
- **Gift from I-lan, Taiwan Library**

**6. SPECIAL BUSINESS**

- A. Public Hearing to consider the vacation of a Utility Easement or portion thereof effecting Lot 119 Wilshire Place, 3<sup>rd</sup> Plat

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If you require any accommodation (i.e. qualified interpreter, hearing assistance, etc.) in order to attend this meeting, please notify this office at 913.339.6700/tdd 913.339.6225 no later than 48 hours prior to the scheduled commencement of the meeting.

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- B. Ordinance No. 2114, vacating a Utility Easement effecting Lot 119 Wilshire Place, 3<sup>rd</sup> Plat [Roll Call Vote]
- C. Resolution accepting a Permanent Utility Easement from Jeffrey E. Ashner, Member of Wilshire Place, LLC, effecting Lot 119 Wilshire Place, 3<sup>rd</sup> Plat
- D. Certification of Revised Costs for improvements to Roe Avenue, Nall Avenue and 137<sup>th</sup> Street [Church of the Resurrection] [CIP # 190]
- E. Certification of Revised Costs for construction of Briar Street between 135<sup>th</sup> Street and 137<sup>th</sup> Street, construction of improvements to 135<sup>th</sup> Street from immediately east of Briar Street to Nall Avenue and construction of improvements to 137<sup>th</sup> Street between Briar Street and Nall Avenue [Church of the Resurrection] [CIP # 191]
- F. Certification of Revised Costs for improvements to the intersection of 135<sup>th</sup> Street and Roe Avenue, [CIP # 194]
- G. Certification of Revised Costs for 119th Street & Mission Road Intersection Improvement Project [CIP # 159]
- H. Resolution No. 2430, ordering a Public Hearing to be held on proposed assessments for the cost of improvements to Roe Avenue, Nall Avenue and 137<sup>th</sup> Street in the vicinity of Briar Street, 137<sup>th</sup> Street and 139<sup>th</sup> Street; and ratifying action by the City Clerk in publishing notice thereof and providing written notice to owners of property of such assessments [CIP# 190] [Roe/Nall & 137<sup>th</sup> Street]
- I. Ordinance No. 2115, levying assessments on lots, pieces, and parcels of ground in the City of Leawood, Kansas, for the purpose of paying for the cost of improvements to Roe Avenue, Nall Avenue and 137<sup>th</sup> Street in the vicinity of Briar Street, 137<sup>th</sup> Street and 139<sup>th</sup> Street, and repealing Ordinance No. 2103 [CIP # 190] [Roe/Nall & 137<sup>th</sup> Street]
- J. Resolution No. 2431, ordering a Public Hearing to be held on proposed assessments for construction of Briar Street between 135<sup>th</sup> Street and 137<sup>th</sup> Street, construction of improvements to 135<sup>th</sup> Street from immediately East of Briar Street to Nall Avenue and construction of improvements to 137<sup>th</sup> Street between Briar Street and Nall Avenue; and ratifying action by the City Clerk in publishing notice thereof and providing written notice to owners of property of such assessments [CIP # 191] [137<sup>th</sup> Street and Briar]

- K. Ordinance No. 2116, levying assessments on lots, pieces, and parcels of ground in the City of Leawood, Kansas, for the purpose of paying for the cost of construction of Briar Street between 135<sup>th</sup> Street and 137<sup>th</sup> Street, construction of improvements to 135<sup>th</sup> Street from immediately East of Briar Street to Nall Avenue and construction of improvements to 137<sup>th</sup> Street between Briar Street and Nall Avenue, and repealing Ordinance No. 2105 [CIP # 191] [137<sup>th</sup> Street and Briar]
- L. Resolution No. 2432, ordering a Public Hearing to be held on proposed assessments for the 135<sup>th</sup> Street and Roe Avenue Improvement Project; and ratifying action by the City Clerk in publishing notice thereof and providing written notice to owners of property of such assessments [CIP # 194] [135<sup>th</sup> & Roe]
- M. Ordinance No. 2117, levying assessments on lots, pieces, and parcels of ground in the City of Leawood, Kansas, for the purpose of paying for the cost of improvements to 135<sup>th</sup> Street and Roe and repealing Ordinance No. 2104 [CIP # 194]

**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. Accept Appropriation Ordinance Nos. 1029A, 1029B, 1029C and 1030A
- B. Accept minutes of the June 20, 2005 Governing Body meeting
- C. Accept minutes of the June 13, 2005 Joint Governing Body/Budget & Finance Work Session
- D. Accept minutes of the June 22, 2005 Public Works Committee meeting
- E. Accept minutes of the June 21, 2005 Parks and Recreation Advisory Board meeting
- F. Renewal of Cereal Malt Beverage [CMB] License for Zipz! Convenience Store, located at 4821 West 135<sup>th</sup> Street
- G. Approve Change Order No. 7, in the amount of \$13,026.10, to APAC-Kansas, Inc., pertaining to the Roe Avenue Improvement Project [between 124th Street and 135th Street] CIP # 110]
- H. Approve Purchase of Uniforms, in the amount of \$38,600, from Challenger Team Wear pertaining to the Youth Soccer League
- I. Resolution approving and authorizing the Mayor to execute an Engineering Service Agreement in the amount of \$70,862.00, between the City and Terra Technologies, pertaining to the Dykes Branch Channel Improvement SMAC DB-04-024 Project, between 83rd Street and Wenonga Road south to 86th Street and Overhill Road [CIP # 106]
- J. Resolution approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$730,363.90, between the City and O'Donnell & Sons, pertaining to the 2005 Arterial Street Improvement Project

- K. Resolution approving and authorizing the Mayor to execute a Design Engineering Contract in the amount of \$295,000 between the City and Phelps Engineering, Inc., pertaining to the Park Place Improvement Project [CIP # 196]
- L. Resolution approving and authorizing the Mayor to execute a Design Engineering Contract in the amount of \$30,000 between the City and George Butler Associates, pertaining to the Leawood Bridge north of College Boulevard and El Monte [CIP # 112]
- M. Resolution approving and authorizing the Mayor to execute a Design Engineering Contract in the amount of \$490,000 between the City and Continental Engineers, pertaining to the Villaggio Development [CIP # 197]
- N. Resolution consenting to the enlargement of Consolidated Main Sewer District of Johnson County, Kansas, [JCUWD] by the Board of County Commissioners of Johnson County, Kansas [BOCC], pursuant to Johnson County Charter Resolution No. 29-92, for property located at 3909 W 140<sup>th</sup> Drive, Part of Lot 6, Merry Lea Farms
- O. Resolution approving Village of Camden Woods 80<sup>th</sup> Plat for a final plat located south of 143rd Street and west of Kenneth Road *[from the June 26, 2005 Planning Commission meeting]*
- P. Resolution approving Village of Camden Woods 81<sup>st</sup> Plat for a Final Plat located south of 143rd Street and west of Kenneth Road *[from the June 26, 2005 Planning Commission meeting]*
- Q. Resolution approving Town Center Plaza - Panera Bread for a Final Site Plan to allow an addition located east of Nall Avenue and south of 117th Street *[from the June 26, 2005 Planning Commission meeting]*
- R. Resolution approving Highlands Creek - 5<sup>th</sup> Plat for a Final Site Plan and Final Plat located south of 143rd Street and east of Nall Avenue *[from the June 26, 2005 Planning Commission meeting]*
- S. Resolution approving Bukaty Companies for a Final Site Plan for signage located at 11221 Roe Avenue *[from the June 26, 2005 Planning Commission meeting]*
- T. Police Department Monthly Report
- U. Fire Department Monthly Report
- V. Municipal Court Monthly Report

**8. MAYOR'S REPORT**

- A. **Annual Report: American Revolution Tercentennial CD Fund**

**9. COUNCILMEMBERS' REPORT**

**10. STAFF REPORT**

**COMMITTEE RECOMMENDATIONS**

**11. PUBLIC WORKS COMMITTEE**

*[from the June 22, 2005 Public Works Committee meeting]*

- A. Parking situation at I-Lan Park, located at 12701 Nall

- B. Approval of Committee recommendation of payment of additional funds in the amount of \$40,000 to Black & Veatch, pertaining to that certain Consulting Engineering Agreement, dated April 26, 2001, for the Dykes Branch Channel Improvement SMAC DB-04-024 Project, between 83rd Street and Wenonga Road south to 86th Street and Overhill Road
- C. Channel re-alignment regarding the IRONHORSE Golf Club Stormwater Project

**12. PLANNING COMMISSION**

*[From the June 26, 2005 Planning Commission meeting]*

- A. Ordinance approving Highlands Creek - 6<sup>th</sup> Plat for a rezoning from RP-2 [Planned Cluster Detached Residential District] to RP-1 [Planned Single Family Residential District], Preliminary Site Plan, Preliminary Plat, Final Site Plan and Final Plat, located south of 143rd Street and east of Nall Avenue [Roll Call Vote]
- B. Resolution approving Leawood Market Center for a Revised Final Site Plan located south of 135th Street and east of State Line Road
- C. Ordinance approving Intrust Bank and Retail Center for a Preliminary Site Plan located south of 135th Street and east of Kenneth Road within the Leawood Market Center [Roll Call Vote]

*[From the July 12, 2005 Planning Commission meeting]*

- \*D. Ordinance amending § 16-4-1.3 and 16-4-1.4 of the Leawood Development Ordinance [LDO] entitled Permitted Accessory Uses, Buildings and Structures and Attached Accessory Structures Requirements and Exemptions, and repealing existing sections [Roll Call Vote]
- \*E. Ordinance amending § 16-4-2 of the Leawood Development Ordinance [LDO] entitled Prohibited Uses, and repealing existing sections [Roll Call Vote]

**13. OLD BUSINESS**

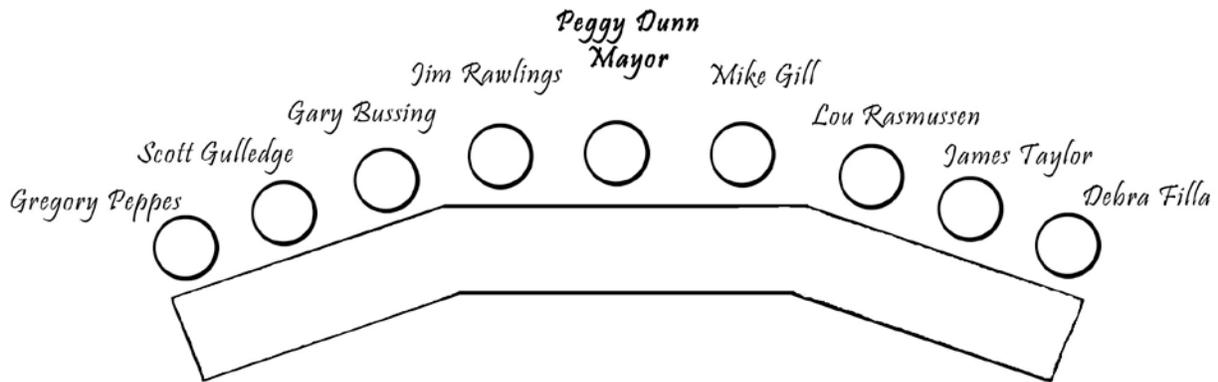
**14. NEW BUSINESS**

- A. Schedule an Executive Session at 6:30 P.M., on Monday, August 1, 2005, to discuss land acquisition and consult with attorney regarding matters subject to the attorney-client privilege

**15. OTHER BUSINESS**

**ADJOURN**

## Mayor and City Council



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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.

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### 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.