

**CITY OF LEAWOOD  
GOVERNING BODY  
MEETING AGENDA**

Monday, November 20, 2006  
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		

DECEMBER						
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						

**\* AMENDED AGENDA**

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

**Mayor Peggy Dunn**

**Councilmembers**

**Ward One**

Debra Filla  
Gregory Peppes

**Ward Two**

Louis Rasmussen  
Jim Rawlings

**Ward Three**

Gary Bussing  
Mike Gill

**Ward Four**

Scott Gullede  
James Azeltine

**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** Recognition of M&I Bank for Sponsorship of Cultural Arts Programs and Events

**6. SPECIAL BUSINESS**

*[from the October 10, 2006 Planning Commission Meeting]*

A. Ordinance approving a Preliminary Site Plan and Preliminary Plat for Madden McFarland Interiors, located on the southwest corner of 135th Street and State Line Road [Roll Call Vote]

*Staff Comment: Due to an error on the part of the City Administrator, there was an insufficient number of votes cast in favor of this application. This matter is back before you to correct this mistake.*

- B. Resolution directing and ordering a public hearing on the advisability of an improvement, specifically acquisition of easements for purposes of Stormwater and Erosion Control Project along west side of Ironhorse Golf Course, located at 15400 Mission Road

**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. 1063A and 1063B
- B. Accept Minutes of the November 6, 2006 Governing Body meeting
- C. Accept Minutes of the September 28, 2006 IRONHORSE Advisory Board meeting
- D. Approve renewal of Retail Liquor License for Stoll Liquor Store, 3731 W. 133<sup>rd</sup> Street
- E. Approve Change Order No. 11 in the amount of \$1,359.75, to APAC Kansas Inc., pertaining to the Roe Avenue Improvement Project [between 124th Street and 135th Street] [CIP # 80110]
- F. Approve Change Order No. 12 in the amount of \$122,107.48, to APAC Kansas Inc., pertaining to the Roe Avenue Improvement Project [between 124th Street and 135th Street] [CIP # 80110]
- G. Resolution approving the Johnson County Drug and Alcoholism Council [DAC] recommendation for allocations of the 2007 Alcohol Tax Fund for an amount not to exceed \$50,000
- H. Resolution accepting Temporary Construction Easements from Riffe Home Building Company, for Tract M of the Villas of Whitehorse, 3<sup>rd</sup> Plat, and Tract L of Villas of Whitehorse, 3<sup>rd</sup> Plat, pertaining to Nall Avenue Improvement Project 143<sup>rd</sup> to 159<sup>th</sup> Street [CIP 80143]
- I. Resolution accepting a Sidewalk Easement from Riffe Home Building Company, Tract L of Villas of Whitehorse, 3<sup>rd</sup> Plat, pertaining to Nall Avenue Improvement Project 143<sup>rd</sup> to 159<sup>th</sup> Street [CIP 80143]
- J. Resolution approving a Final Plat for Mission Farms 4th Plat, located on the southeast corner of 105<sup>th</sup> Street and Mission Road [*from the November 7, 2006 Planning Commission meeting*]
- K. Fire Department Monthly Report
- L. Municipal Court Monthly Report
- M. Police Department Monthly Report

**8. MAYOR'S REPORT**

**9. COUNCILMEMBERS' REPORT**

**\* Report from Councilmember Filla**

**10. STAFF REPORT**

**\* Report from City Administrator, Scott Lambers**

## **COMMITTEE RECOMMENDATIONS**

### **11. PLANNING COMMISSION**

*[from the October 24, 2006 Planning Commission meeting]*

- A. Resolution approving a Revised Final Site Plan for Mission Farms Mixed Use Development, located on the southeast corner of 105<sup>th</sup> Street and Mission Road
- B. Resolution approving a Revised Final Site Plan for Mission Farms Town Villas, located on the southeast corner of 105<sup>th</sup> Street and Mission Road
- C. Resolution approving a Final Site Plan for Mission Farms - Van Brocks, located on the southeast corner of 105<sup>th</sup> Street and Mission Road

### **12. OLD BUSINESS**

### **13. NEW BUSINESS**

- A. Ordinance levying a four-tenths of one percent [.4%] City Retailers' Sales Tax, in addition to the one and one-eighth percent [1.125%] currently levied, within the City of Leawood, Johnson County, Kansas, for a period of 5 years to begin April 1, 2007 and ending on March 31, 2012, and to use the revenue from the additional tax to provide funding for construction of public safety improvements, including a Justice Center, and all other necessary and related improvements, including infrastructure related thereto; such additional tax to take effect on April 1, 2007 and end March 31, 2012, or at the end of such calendar quarter prior thereto as the City shall have collected tax revenues from such additional tax in the amount of Ten Million Dollars [Roll Call Vote]
- B. Ordinance amending Sections 11-101 through 11-106 of the Code of the City of Leawood, 2000, pertaining to regulating public offenses within the corporate limits of the City of Leawood, Kansas; incorporating by reference the "Uniform Public Offense Code for Kansas Cities" 2006 Edition, [UPOC] with certain amendments and omissions, such incorporation being authorized by K.S.A. §12-3009 through 12-3012, and K.S.A. § 12-3301 and 12-3302, and repealing existing sections § 11-101 through 11-106, and other sections in conflict herewith [Roll Call Vote]
- C. Ordinance amending Sections 14-101 through 14-105 of the Code of the City of Leawood, Kansas, 2000, pertaining to regulating traffic within the corporate limits of the City of Leawood, Kansas; incorporating by reference the "Standard Traffic Ordinance for Kansas Cities, 2006 Edition," [STO] with certain amendments, such incorporation being authorized by K.S.A. § 12-3009 through 12-3012, and K.S.A. § 12-3301 and 12-3302; repealing existing sections 14-101 through 14-105; and other sections in conflict herewith [Roll Call Vote]

- D. Ordinance amending Chapter X1, Article 9 of the Code of the City of Leawood, Kansas, 2000, pertaining to Smoking, and repealing existing Chapter XI, Article 9 [Roll Call Vote]

**Staff Comment:** *This ordinance is before you for your consideration. The options available to the Governing Body are to consider adoption, schedule a public hearing or a work session. It is the City Administrator's recommendation that this ordinance represents a satisfactory compromise with regards to this issue and there have been ample number of public hearings on this subject throughout the metro area that the Governing Body should consider its adoption as presented.*

**14. OTHER BUSINESS**

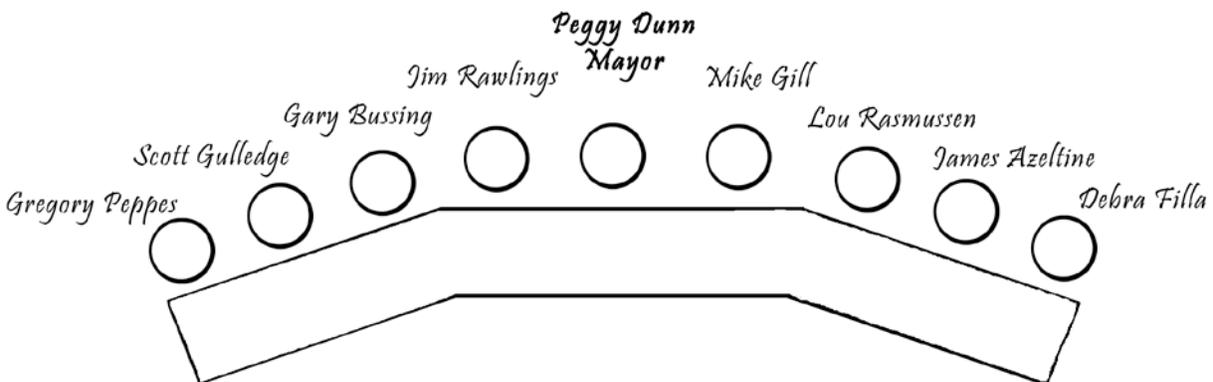
- A. Discussion of restoration of Non-conforming Land Uses

**Staff Comment:** *The City staff has been approached with a request for the City to change its policy with regards to legal non-conforming land uses. The City has been requested to establish a procedure whereby if a structure holding a legal non-conforming land use status is lost or destroyed by more than 50%, that it could be restored to its original condition. The existing policy of the City is that if 50% or more of the structure is lost or destroyed then its legal status is automatically removed and any reconstruction must adhere to the City's current zoning ordinance.*

- B. Schedule a Governing Body Executive Session immediately following the Governing Body meeting to discuss matters related to the attorney-client privilege  
**-CONTINUED TO THE DECEMBER 4, 2006 GOVERNING BODY MEETING**

**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.

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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.