

**CITY OF LEAWOOD
GOVERNING BODY
MEETING AGENDA**

Monday, April 21, 2008
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

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

ACTION 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

Arbor Day Proclamation, April 25, 2008

**National Volunteer Week, April 27-
May 3, 2008**

Building Safety Week, May 5-11, 2008

5. PRESENTATIONS/RECOGNITIONS

**Distinguished Budget Presentation
Awards Program**

6. SPECIAL BUSINESS

A. Pre-Budget Public Hearing on 2009 Fiscal Budget for the City of Leawood, Kansas

- B. Presentation of 2007 Annual Audit
- C. **Resolution No. 2996** accepting the 2007 Comprehensive Annual Financial Report [Audit] for the City of Leawood, Kansas - **Approved**
- D. **Resolution No. 2997** approving and authorizing the Mayor to execute a Lease Agreement between the City and Orion Management Systems, Inc., for the purpose of the sale of alcoholic beverages at Ironhorse Golf Club, located at 15400 Mission Road – [**Continued from the April 7, 2008 Governing Body meeting**] - **Approved**
- E. **Resolution No. 2998** approving and authorizing the Mayor to execute a Third Amendment to that certain agreement, dated October 16, 2006, between the City of Leawood, Kansas and Orion Management Solutions, Inc., for the management of the IRONHORSE Golf Course [2007-2009] - **Approved**
- F. Ordinance amending § 2-104, of the Code of the City of Leawood, Kansas, 2000, entitled Trapping, allowing for the limited and restricted use of snaring and trapping devices for the intended purposes of controlling the population of coyotes [Roll Call Vote] – **Continued to May 19, 2008 Governing Body meeting.**

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. 1101A, and 1101B - **Accepted**
- B. Accept Minutes of the April 7, 2008 Governing Body meeting - **Accepted**
- C. Accept Minutes of the March 31, 2008 Special Call Governing Body meeting – **Accepted**
- D. Accept Minutes of January 31, 2008 IRONHORSE Golf Advisory Board - **Accepted**
- E. Accept Minutes of the January 18, 2008, Public Works Committee Meeting – **Accepted**
- F. Certification of General Obligation at-large Project Cost in the amount of \$1,600,000, for 2007 Residential Streets Improvement Project [CIP # 80206] – **Approved**
- G. Certification of General Obligation at-large Project Cost in the amount of \$1,530,000, for Creek Bank Stabilization Improvement Project [CIP # 80171] - **Approved**
- H. Certification of Special Assessment Project Cost in the amount of \$130,000, for Storm drainage improvements Ironhorse Golf Course, in accordance with SMAC project # NC-04-001; IRONHORSE Golf Club Stormwater Project [CIP # 80172-Easements] - **Approved**
- I. Certification of Special Assessment Project Cost in the amount of \$505,000, for Cornerstone - Water Feature [CIP # 83192] - **Approved**

- J. Certification of Special Assessment Project Cost in the amount of \$5,585,000, for Parkway Plaza Improvement Project [CIP # 83195] - **Approved**
- K. Certification of Special Assessment Project Cost in the amount of \$2,700,000, for Villaggio Development Improvement Project [CIP # 83198] - **Approved**
- L. Approve Change Order No. 4, in the amount of \$41,144.00, to Miller Paving & Construction, pertaining to the Park Place Improvement Project, Phase III [CIP # 83196] - **Approved**
- M. Fourteenth [14th] and Final Pay Request in the amount of \$495,057.79 to Continental Construction Company, pertaining to the Parkway Plaza Project [Project # 80195] - **Approved**
- N. Approve purchase in the amount of \$20,390.00, from M&M Golf Cars, LLC, Turf Utility Vehicles, pertaining to equipment for the Parks and Recreation Department - **Approved**
- O. **Resolution No. 2999** approving and authorizing the Mayor to execute Amendment No. 3, to that certain Master Lease Agreement dated September 5, 2006, between the City and Lanier Corporation for a 5-year Lease for a copy/fax machine for Fire Station No. 1, located at 9609 Lee Boulevard - **Approved**
- P. **Resolution No. 3000** approving and authorizing the Mayor to execute Amendment No. 3 to that certain Master Maintenance Agreement dated September 5, 2006, between the City and Foto Office Systems for a 5-year Maintenance Agreement for a copy machine for Public Works Maintenance Department - **Approved**
- Q. **Resolution No. 3001** approving and authorizing the Mayor to execute Construction Agreement in the amount of \$1,995,000.00 between the City and J.M. Fahey Construction Company, pertaining to the 2008 Residential Street Reconstruction Project [Project # 80208] - **Approved**
- R. **Resolution No. 3002** approving and authorizing the Mayor to execute Construction Agreement in the amount of \$1,195,076.91 between the City and J.M. Fahey Construction Company, pertaining to the 2008 Residential Mill & Overlay Reconstruction Project [Project # 70004 & 77008] - **Approved**
- S. **Resolution No. 3003** approving and authorizing the Mayor to execute an Easement and Maintenance Agreement, between the City, Parkway Plaza, LLC, and Parkway Plaza Retail/Office Owners Association, Inc., pertaining to the property located on Lot 2, 133rd Street and Briar [Project # 80195] - **Approved**
- T. Declaration of surplus property; leaf collector trailer [serial # 1174] and Bike Racks and other miscellaneous Parks equipment - **Approved**
- U. **Resolution No. 3004** approving a Final Plat for Park Place Third Plat, located at the northeast corner of 117th Street and Nall Avenue [*from the March 25, 2008 Planning Commission meeting*] - **Approved**
- V. **Resolution No. 3005** approving a Final Plat for Hazelwood 5th Plat, located at 11701 Pawnee Lane [*from the March 25, 2008 Planning Commission meeting*] - **Approved**
- W. **Resolution No. 3006** approving a Final Site Plan for One Nineteen - Mitzy London's, located at the southeast corner of 119th Street and Roe Avenue [*from the March 25, 2008 Planning Commission meeting*] - **Approved**

- X. **Resolution No. 3007** approving a Final Site Plan for Monarch Real Properties - Plaza Pointe Lot 11, located at 135th Street and Roe Avenue [from the March 25, 2008 Planning Commission meeting] - **Approved**
- Y. Fire Department March Monthly Report
- Z. Municipal Court March Monthly Report
- AA. Police Department March Monthly Report

8. MAYOR'S REPORT

9. COUNCILMEMBERS' REPORT

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. PUBLIC WORKS COMMITTEE

[from the April 4, 2008 Public Works Committee meeting]

- A. Recommendation to Council regarding North Leawood street island issue – **Approved the Public Works Committee's recommendation that the City be responsible for an amount not to exceed \$37,000 for the repairs specifically identified at the following locations, and to be expended from the 2009 budget.**

- A. 81st Street and Lee – east side
- B. 81st Street and Lee – west side
- C. 83rd Terrace & Lee
- D. 84th Street & Lee – east side
- E. 84th Terrace & Lee – west side
- F. 8008 Meadow Lane

Staff Comment: *City ordinance assigns maintenance of islands on public streets to the respective Homeowners Association. The current ordinance is silent with regards to the street/island interface. This resolution will establish City policy with this regard without changing current City policy on the interior maintenance obligation of the Homeowners Association.*

- B. **Resolution No. 3008** Regarding maintenance or replacement of stone or brick islands in public right of way in the City of Leawood. – **Approved**

12. PLANNING COMMISSION

[From the February 26, 2008 Planning Commission meeting]

- A. Ordinance approving the Planning Commission's Recommendation to deny a Special Use Permit, Preliminary Site Plan and Final Site Plan for One Nineteen - Building A - Green Earth Cleaners, located at the southeast corner of 119th Street and Roe Avenue [Roll Call Vote] – **Remanded to Planning Commission.**

[From the March 25, 2008 Planning Commission meeting]

- B. Ordinance approving a rezoning from AG [Agriculture] and RP-1 [Planned Single-family Residential] to R-1 [Planned Single-family low density Residential]; Preliminary Site Plan; and Preliminary Plat, for the Church of the Nativity, located north of the intersection of 119th Street and Mission Road [Roll Call Vote] – *Continued to May 5, 2008 Governing Body meeting.*
 - C. Resolution approving a Final Site Plan and Final Plat for Church of the Nativity, located north of the intersection of 119th Street and Mission Road – *Continued to May 5, 2008 Governing Body meeting.*
 - D. Ordinance approving a Special Use Permit for the Church of the Nativity, located north of the intersection of 119th Street and Mission Road [Roll Call Vote] – *Continued to May 5, 2008 Governing Body meeting.*
 - E. **Resolution No. 3009** approving a Final Site Plan for Chadwick Place, located at the southeast corner of 135th Street and Chadwick Place - *Approved*
 - F. **Resolution No. 3010** approving a Final Site Plan for Bi-State/Centennial Park - Design Guidelines, located at 143rd Street and Kenneth Road - *Approved*
 - G. **Ordinance No. 2315** approving a Special Use Permit [SUP] for Bi-State/Centennial Park - Kiddie Academy, located south of 141st Terrace and east of Overbrook [Roll Call Vote] - *Passed*
 - H. **Ordinance No. 2316** approving a Preliminary Site Plan for Bi-State/Centennial Park - Kiddie Academy, located south of 141st Terrace and east of Overbrook [Roll Call Vote] – *Passed*
 - I. **Ordinance No. 2317** approving a Preliminary Site Plan for Bi-State/Centennial Park - PARS Engineering Building, located north of 141st Terrace and east of Cambridge [Roll Call Vote] - *Passed*
13. **OLD BUSINESS**
- A. **Resolution No. 3011** approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$82,000 between the City and Jorge Blanco, pertaining to the placement of 2 sculptured art pieces to be located in City Park, 10601 Lee Boulevard - *Approved*
14. **RESOLUTION No. 3014 OF RECOGNITION TO COUNCILMEMBER SCOTT GULLEDGE**
15. **OATHS OF OFFICE ADMINISTERED TO COUNCILMEMBERS-ELECT [RASMUSSEN, BUSSING, FILLA, AND CAIN]**

16. **ROLL CALL OF NEW COUNCIL**

17. **NEW BUSINESS**

- A. **Resolution No. 2991**, amending Resolution No. 1684 authorizing the improvement of a certain section of 143rd Street, a Main Trafficway, between Mission Road and Nall Avenue within the City of Leawood; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689 and for the issuance of temporary notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 80162] [\$13,500,000] - **Approved**
- B. **Resolution No. 2992**, amending Resolution No. 2625, as heretofore amended authorizing the improvement of a certain section of Nall Avenue, a Main Trafficway, between 143rd Street and 159th Street within the City of Leawood. [Project #80143] [\$5,300,000] - **Approved**
- C. **Resolution No. 2993**, authorizing the improvement of a certain section of Roe Avenue, a Main Trafficway, between 140th Street and 143rd Street within the City of Leawood; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. §12-689 and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 80189] [\$1,300,000] - **Approved**
- D. **Resolution No. 2994**, determining it necessary and advisable and ordering the resurfacing and repair of certain residential streets or portions thereof within the City of Leawood, Kansas pursuant to K.S.A. § 12-614 et seq. [Project # 80209] [\$1,500,000] - **Approved**
- E. **Resolution No. 2995**, authorizing the acquisition, construction and installation of improvements to existing City Parks within the City of Leawood, Kansas; providing for the issuance of General Obligation Bonds of the City pursuant to K.S.A. § 12-1302 to provide funds to pay the costs thereof, and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; expressing the intent to reimburse costs of the project so incurred from proceeds of such Temporary Notes and General Obligation Bonds; and authorizing and approving certain related matters and actions [Project # 80118] [\$600,000] - **Approved**

- F. **Resolution No. 3012** approving and authorizing the Mayor to execute a Professional Engineering Agreement in the amount of \$170,123.00, between the City and Howard, Needles, Tammen & Bergendoff, [HNTB] pertaining to the design of the Roe Avenue Improvement Project between 140th and 143rd Street [Project # 80189] - **Approved**

- G. **Ordinance No. 2314** calling for an election to be held on August 5, 2008, for the purpose of voting on a proposition to re-authorize the City of Leawood, Kansas, to levy a one-eighth of one percent (.125%) City Retailers' Sales Tax, in addition to the One Percent (1.4%) currently levied, within the City of Leawood, Kansas, and to use the revenue from the additional tax to fund an Accelerated Residential and Thoroughfare Street Improvement Program and to make necessary Stormwater Improvements when such improvements are not otherwise eligible for funds from other governmental entities; such additional tax to take effect on July 1, 2010, and to end June 30, 2015 [Roll Call Vote] - **Passed**

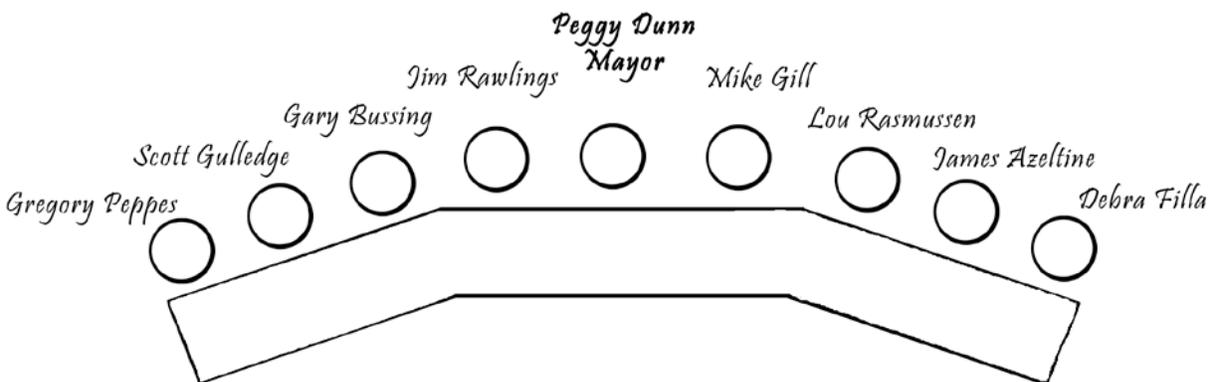
- H. **Resolution No. 3013** expressing the City of Leawood, Kansas' Governing Body support of the renewal and continuation of the one-fourth [1/4] cent countywide sales tax in Johnson County, now set to expire on December 31, 2008, and endorsing use of the County's revenue from that tax for capital and operating costs related to public safety programs of the County and the administration of justice - **Approved**

- I. Discussion of County's request for the City to identify the city's use of the ¼ cent County sales tax

18. 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 the members-elect of the City Council [5]
- **Approving, Overriding, Amending or Revising Recommendation after Remand:** Majority of the members-elect of the City Council [5]
- **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.