CITY OF LEAWOOD
GOVERNING BODY
MEETING AGENDA
Monday, May 18, 2009
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

*** ACTION AGENDA***

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

<table>
<thead>
<tr>
<th>Mayor Peggy Dunn</th>
<th>Ward One</th>
<th>Ward Two</th>
<th>Ward Three</th>
<th>Ward Four</th>
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<tbody>
<tr>
<td></td>
<td>Debra Filla</td>
<td>Louis Rasmussen</td>
<td>Gary Bussing</td>
<td>Julie Cain</td>
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<td>Gregory Peppes</td>
<td>Jim Rawlings</td>
<td>Mike Gill</td>
<td>James Azeltine</td>
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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**
   Public Works Week, May 17-23, 2009

5. **PRESENTATIONS/RECOGNITIONS**
   Retirement of Fire Captain Peter W. Chronister

6. **SPECIAL BUSINESS**
   A. Approve Change Order No. 5 in the amount of $55,000 to Mega Industries, pertaining to the Gezer Park Project located at 133rd and Mission Road [#76006] - Approved

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.

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.
The next regular meeting of the Leawood Governing Body will be
Monday, June 1, 2009

A. Accept Appropriation Ordinance Nos. 2009-17, and 2009-18 - Accepted
B. Accept Minutes of the May 4, 2009 Governing Body meeting – Accepted
C. Approve Minutes of April 14, 2009 Parks and Recreation Advisory Board - Approved
D. Approve renewal of Retail Liquor License for Wolff’s Fine Wines & Spirits, located at 11841 Roe Avenue - Approved
E. Approve purchase in the amount of $134,456.00 for 2,800 tons of road salt from Central Salt-Envirotech Central - Approved
F. **Resolution No. 3204** adopting the 2010-2014 Capital Improvement Program [C.I.P.] for the City of Leawood, Kansas - Approved
G. Approve Massage Therapist License for Integrite Salon to be located at 4800 W. 135th Street - Approved
H. Approve Purchase of Golf Course Equipment, in the amount of $71,027.00, from Turf Professionals Equipment Company, for maintenance of Ironhorse Golf Course - Approved
I. Approve Purchase of Golf Course Equipment, in the amount of $93,983.00, from Kansas Golf and Turf Equipment Company, for maintenance of Ironhorse Golf Course - Approved
J. **Resolution No. 3205** ordering a public hearing to be held on June 15, 2009 on proposed assessments for construction of certain public and private road and parking lot related improvements, and such other transportation related improvements for property located on the southeast corner of 119th Street and Roe Avenue, known as One Nineteen Development located within the City of Leawood, Kansas, and direction the City Clerk to publish notice thereof and provide written notice to owners of property of such assessments [ONE NINETEEN] [Project # 80456] - Approved
K. **Resolution No. 3206** accepting a Permanent Storm Sewer Easement from Richard O. Sword and Suzanne Haynes Sword, 3411 W. 87th Street, Lot 1, Leawood Heritage, a subdivision in the City of Leawood, Kansas, in connection to the 2010 Residential Street Reconstruction Program/Stormwater Improvement Project - Approved
L. **Resolution No. 3207** approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the City of Kansas City, Missouri, regarding the resurfacing of State Line Road between 92nd Street and 103rd Street - Approved
M. **Resolution No. 3208** approving and authorizing the Mayor to execute a Right-of-Way [ROW] Maintenance Agreement between the City and E. Denver and Susan S. Vold for property located at 12633 Cedar - Approved
N. **Resolution No. 3209** approving and authorizing the Mayor to execute a Development Agreement between the City and Timothy E. and Corrine O’Brien Trustee, pertaining to the acquisition of real property for the purpose of constructing an extension to Roe Avenue from 140th to 143rd Street [CIP # 80189] - Approved
O. **Resolution No. 3210** accepting Deed of Dedication, Permanent Drainage Easement, Permanent Utility Easement, and Temporary Construction Easement from Timothy E. and Corrine O’Brien, Trustee, for the purpose of constructing an extension to Roe Avenue from 140th to 143rd Street [CIP # 80189] - Approved
P. **Resolution No. 3211** approving and authorizing the Mayor to execute an agreement regarding real estate between the City and Brian and Melea McRae pertaining to the acquisition of real property adjacent to Ironhorse Golf Course for the purpose of maintaining storm drainage to Hole No. 5. - Approved

Q. **Resolution No. 3212** accepting a General Warranty Deed from Brian and Melea McRae for real property adjacent to Ironhorse Golf Course, pertaining to drainage on Hole No. 5. - Approved

R. **Resolution No. 3213** approving and authorizing the Mayor to execute an agreement regarding real estate between the City and Hills of Ironhorse Community Association pertaining to the acquisition of real property adjacent to Ironhorse Golf Course for the purpose of maintaining storm drainage to Hole No. 5. - Approved

S. **Resolution No. 3214** accepting a General Warranty Deed from the Hills of Ironhorse Community Association for real property adjacent to Ironhorse Golf Course, pertaining to drainage on Hole No. 5. - Approved

T. **Resolution No. 3215** approving and authorizing the Mayor to execute a Construction Agreement in the amount of $1,146,909.85 between the City and Amino Brothers, pertaining to the Roe Avenue Improvement Project, between 135th Street and 143rd Street [CIP # 80189] [Project # 72011]. - Approved

U. **Resolution No. 3216** approving and authorizing the Mayor to execute a Construction Agreement in the amount of $ 602,802.60, between the City and Miles Excavating, Inc., pertaining to the Mission Road Improvement Project, between 127th Street and 135th Street [Project # 72012]. - Approved

V. **Resolution No. 3217** approving a Revised Final Site Plan for Mission Farms - Zest Patio Plan, located on the northeast corner of Mission Road and I-435 Highway (PC Case # 18-09) [From the April 28, 2009 Planning Commission meeting] - Approved

W. Declaration of Surplus Property - Approved

X. Police Department Monthly Report

Y. Fire Department Monthly Report

Z. Municipal Court Monthly Report

8. **MAYOR’S REPORT**

9. **COUNCILMEMBERS’ REPORT**
   A. Councilmember Filla; Update on the E-Waste Project

10. **STAFF REPORT**

**COMMITTEE RECOMMENDATIONS**

11. **PLANNING COMMISSION**

   [From the April 14, 2009 Planning Commission meeting]

   A. **Ordinance No. 2392** approving a Revised Preliminary Site Plan for Park Place - Building G and Parking Garage B, located north of 117th Street and east of Nall Avenue (PC Case # 14-09) [Roll Call Vote] - Passed

The next regular meeting of the Leawood Governing Body will be

Monday, June 1, 2009
CITY ADMINISTRATOR COMMENT:

It is the opinion of the City Administrator that the Planning Commission recommendation contains several omissions that were recommended by the City staff that are appropriate to be included in the stipulations and that this item should be remanded back to the Planning Commission for their further consideration of those items.

[From the April 28, 2009 Planning Commission meeting]

B. Resolution No. 3218 approving a Revised Final Site Plan for Villaggio at Leawood - Revised Design Guidelines, located on the southeast corner of 135th Street and Roe Avenue (PC Case # 17-09) - Approved

C. Ordinance amending Section 16-4-1 (Accessory Uses) of the Leawood Development Ordinance [LDO], pertaining to Sunrooms. (PC Case # 19-09) [Roll Call Vote] CONTINUED TO THE JUNE 15, 2009, GOVERNING BODY MEETING

D. Ordinance No. 2393 amendment Section 16-2-10.3(C) (Roof Materials For All Buildings, Except Single-Family Residential) of the Leawood Development Ordinance [LDO], pertaining to the removal of asphalt shingles as a permitted roofing material on commercial buildings (PC Case # 21-09) [Roll Call Vote] - Passed

12. OLD BUSINESS

13. OTHER BUSINESS

A. Ordinance No. 2394C amending §4-904 of the of the Code of the City of Leawood, 2000, entitled ‘International Residential Code for One-and Two-Family Dwellings amended; Section R105.1 Permits, Required,’ and repealing existing by allowing for a 48-hour notice to be given to Homes Associations regarding existing Section 4-904 and other sections in conflict herewith [Roll Call Vote] - Passed

B. Ordinance No. 2395 authorizing and providing for the acquisition of lands or interests therein by condemnation for property located at the northeast corner of 117th Street and Roe Avenue for a Parks and Recreation or other public use, in accordance with K.S.A. §26-501, ET SEQ. [Roll Call Vote] - Passed

C. Discussion of Land Use Report on State Line Business Park

14. NEW BUSINESS

A. Schedule a Governing Body Work Session on Monday, June 8, 2009, at 6:30 P.M., to discuss Transportation Development District [TDD] for One Nineteen Development Project, located at 119th Street and Roe Avenue [Project # 80456] - Approved
B. Schedule a Governing Body Work Session on Monday, June 15, 2009, at 6:00 P.M., to discuss Bicycle Friendly Community - Approved

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]
- Zoning Ordinances and other Planning Commission Recommendations:
  - Passage of Ordinances Subject to Protest Petition: ⅓ 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: ⅔ majority of membership of Governing Body [6]

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