

# CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Tuesday, September 8, 2009  
Council Chamber  
4800 Town Center Drive  
Leawood, KS 66211  
7:30 P.M.

SEPTEMBER							OCTOBER						
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			
	<u>Ward One</u>	<u>Ward Two</u>	<u>Ward Three</u>	<u>Ward Four</u>
	Debra Filla	Louis Rasmussen	Gary Bussing	Julie Cain
	Gregory Peppes	Jim Rawlings	Mike Gill	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 Councilmember Filla

### 6. SPECIAL BUSINESS

- A. **Resolution No. 3256**, authorizing the issuance and delivery of \$14,885,000 principal amount of General Obligation Temporary Notes, Series 2009-1; and \$4,985,000 Taxable General Obligation Improvement Temporary Notes, Series 2009-2, of the City of Leawood, Kansas, for the purpose of financing a portion of the costs of certain public improvements in the City; and prescribing the terms and details of said notes and certain covenants and agreements with respect thereto - **Approved**

- B. **Ordinance No. 2409**, authorizing and providing for the issuance and delivery of \$14,885,000 principal amount of General Obligation Temporary Notes, Series 2009-1; and \$4,985,000 Taxable General Obligation Improvement Temporary Notes, Series 2009-2, of the City of Leawood, Kansas, to provide funds to finance the cost of certain public improvement projects within the City; and making certain covenants with respect thereto [Roll Call Vote] - **Passed**
- C. **Resolution No. 3257** amending the City Special Benefit District Policy, previously adopted on October 18, 2004, and repealing Resolution No. 2299 - **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.

- A. Accept Appropriation Ordinance Nos. 2009-32, 2009-33, and 2009-34 - **Accepted**
- B. Accept Minutes of the August 3, 2009 Governing Body meeting - **Accepted**
- C. Accept Minutes of the August 17, 2009 Governing Body meeting - **Accepted**
- D. Accept Minutes of the August 17, 2009 Governing Body Work Session meeting - **Accepted**
- E. Accept Minutes of the May 28, 2009 Leawood Foundation meeting - **Accepted**
- F. Accept Minutes of the June 16, 2009 Public Works Committee meeting - **Accepted**
- G. Accept Minutes of the June 23, 2009 Leawood Arts Council meeting - **Accepted**
- H. Accept Minutes of the July 14, 2009 Parks and Recreation Advisory Board meeting - **Accepted**
- I. Approve renewal of Retail Liquor Store License for Ranchmart Wine & Spirits, LLC, located at 3748 W. 95<sup>th</sup> Street - **Approved**
- J. Approve Change Order No. 3 in the amount of \$130,000 to O'Donnell & Sons Construction, pertaining to the joint repair at 103<sup>rd</sup> & State Line Road - **Approved**
- K. **Resolution No. 3258** approving and authorizing the Mayor to execute Amendment No. 1 to that certain Professional Engineering Agreement, dated September 15, 2008, in the amount of \$12,400, between the City and Phelps Engineering, Inc., for the design of the Gezer Park Tablet, located at 133rd and Mission Road [# 76006] - **Approved**
- L. Approve Change Order No. 7, in the amount of \$50,600 to Mega Industries, Inc., for the base improvement for the monument located at Gezer Park, 133<sup>rd</sup> and Mission Road [# 76006] - **Approved**
- M. **Resolution No. 3259** approving the recommended distribution of alcohol taxes by Johnson County Drug and Alcoholism Council [DAC] for allocations of the 2010 alcohol tax fund for an amount not to exceed \$110,000 - **Approved**
- N. **Resolution No. 3260** approving the 2010 Human Service Fund Recommendation Report [United Community Services-UCS] and the City of Leawood's participation for an amount not to exceed \$10,000 - **Approved**
- O. **Resolution No. 3261** approving and authorizing the Mayor to accept a Special Warranty Deed from Merlyn P. McMorris, Trustee and Larry D. Parsons, pursuant to that certain Lease Agreement dated April 1, 1995, as amended, for real property located at 14701 Mission Road known as Ironwoods Park, [f/n/a South Park] - **Approved**
- P. **Resolution No. 3262** consenting to the enlargement of Consolidated Main Sewer District of Johnson County, Kansas, by the Board of County Commissioners [BOCC],

- Q. Resolution No. 3263 consenting to the enlargement of Consolidated Main Sewer District of Johnson County, Kansas, by the Board of County Commissioners [BOCC], pursuant to Johnson County Charter Resolution No. 29-92, for property located at Merry Lea Farms, Lot 2, 3904 W. 140<sup>th</sup> Drive - **Approved**
- R. Resolution No. 3264 accepting a Permanent Sidewalk Easement from Paul Keane, for property located at Lot 6, 1<sup>st</sup> Plat, Mission Farms Subdivision, located at 10421 Howe Lane - **Approved**
- S. Cancellation of October 19, 2009 meetings - **Approved**

**8. MAYOR’S REPORT**

**9. COUNCILMEMBERS’ REPORT**

**10. STAFF REPORT**

***COMMITTEE RECOMMENDATIONS***

**11. *[from the March 24, 2009 Planning Commission meeting]***

- A. Ordinance approving a Revised Preliminary Site Plan for Town Center Business Park, Lots 4, 5 and 6, located on the northeast corner of 117<sup>th</sup> Street and Roe Avenue [ Case # 04-09] [Roll Call Vote] – ***CONTINUED TO THE SEPTEMBER 21, 2009, GOVERNING BODY MEETING***

***STAFF COMMENT:***        *The City Administrator recommends that this item be continued to a date certain, March 1, 2010, in accordance with the City of Leawood’s Development Ordinance [LDO] § 16-5-2.2*

**12. PUBLIC WORKS COMMITTEE**

***[from the August 18, 2009 Public Work Committee meeting]***

- A. Recommendation for amendment to the Leawood Development Ordinance [LDO] to provide pedestrian access from the street right-of-way to buildings for commercial and office developments - **Approved**

**13. OLD BUSINESS**

**14. OTHER BUSINESS**

**15. NEW BUSINESS**

- A. Ordinance No. 2410C amending Chapter 3, Article 2 of the Code of the City of Leawood, 2000, by amending Section 3-208 entitled “Exemptions,” pertaining to the permitting of alcoholic liquor on certain property owned or leased by the City of Leawood, and repealing existing Section 3-208 and other sections in conflict herewith - **Passed**

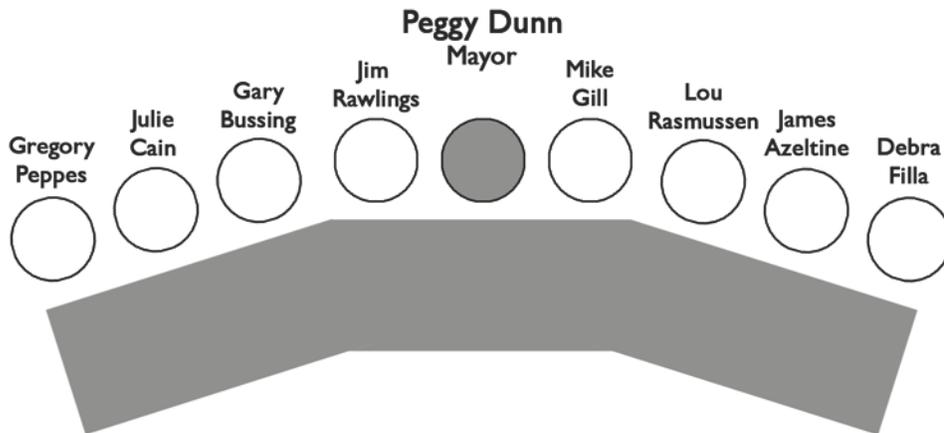
- B. Schedule a Governing Body Executive Session on Tuesday, September 8, 2009, immediately following the regular meeting to discuss matters related to attorney-client privilege - **Approved**
- C. Re-schedule a Governing Body Work Session on Monday, December 7, 2009 at 6:00 P.M., to discuss Informational Signs - **Approved**

DATE	TIME	SUBJECT	LOCATION
September 8	6:15 PM	Land Use of State Line Business Park	Main Conf. Room
September 21	After regular meeting	Personnel matter; City Administrator's 6-month review	Main Conf. Room
September 21	6:00 PM	Front Yard Accessory Uses	Main Conf. Room
September 28	6:30 PM	TDD for One Nineteen Development Project [119 & Roe Avenue]	Main Conf. Room
October 5	6:00 PM	Recycle Bins at area schools	Main Conf. Room
November 2	6:00 P.M.	Transportation Development District [TDD] financing for Park Place Improvement District	Main Conf. Room
November 16	6:00 P.M.	**Transportation Development District [TDD] financing for Park Place Improvement District	Main Conf. Room
December 7	6:00 PM	Discuss Informational Signs	Main Conf. Room

**\*\*If needed**

**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:**  $\frac{3}{4}$  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.