

Minutes

Audio Tape No. 479

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 4800 Town Center Drive, at 7:30 p.m., Monday, March 6, 2000. Mayor Peggy J. Dunn presided.

Councilmembers present: Adam Bold, Gary L. Bussing, Jim Rawlings, Patrick L. Dunn, Shelby Story, Louis Rasmussen, and James E. Taylor, Sr. Mike Gill was absent.

Staff Present: Richard J. Garofano, City Administrator; Julie Hakan, Director of Human Resources; Mark Andrasik, Director of Information Services; Sarah Hilton, Administrative Services Manager; Sid Mitchell, Chief of Police; Joe Johnson, Public Works Director; Diane Binckley, Planning Services Administrator; Ben C. Florance, Fire Chief; Kathy Rogers, Finance Director; Chris Claxton, Parks & Recreation Director; Martha Heizer, City Clerk; and Lisa Wetzler, Assistant City Attorney.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA. The agenda was approved unanimously on motion of Rasmussen, seconded by Taylor, after Councilmember Bussing requested the addition of 9E, a discussion about store front sales prohibited by the Leawood Development Ordinance.

3. PROCLAMATIONS. The Mayor proclaimed:

1. March 31, 2000, as "Arbor Day"
2. March 5-11, 2000, as "Juvenile Arthritis Awareness Week"

4. CITIZEN COMMENTS. Citizens were invited to speak to the Governing Body.

5. CONSENT AGENDA

1. Golf Course Committee report (minutes) on their February 16, 2000 meeting;
2. Parks & Recreation Advisory Board report (minutes) on their February 15, 2000 meeting;
3. Action Center yearly report;
4. Declaration of surplus property no longer needed by the Parks & Recreation Department to be sold at auction – 500 T-Posts from recent road project tree plantings; old swimming pool furniture and diving board; and 1 1989 Chevrolet ¾ton pickup truck (VIN 3757);
5. Appointment of a Brokerage Service Task Force to assist in drafting an RFP (or RFQ) to potential brokers for the City's employee benefits – Councilmembers Bussing and Rawlings; Ken Moorman, 13004 Meadow Lane; Deena Robben, 12532 Catalina; and John R. Wells of Gold Bank at 11301 Nall;
6. Purchase of vehicles for Parks & Recreation.

After removal of item #6 for discussion by Councilmember Taylor, motion to approve the Consent Agenda by Councilmember Rasmussen, seconded by Councilmember Dunn, and unanimously approved.

6. MAYOR'S REPORT. The Mayor reported on:

1. the Sister City Committee's Chinese New Year's celebration;
2. a recent Council of Mayors meeting;
3. the dedication of Christ Community Church at 142nd & Kenneth Rd. on March 5th;
4. March was "Spot Light on Corinth Elementary School Month" and "National Youth Art Month";
5. a letter complimenting a Leawood police officer for helping with a flat tire near I-435 and State Line Rd.;
6. the promotion of Police Sergeant Scott Barton to the rank of Captain.

7. OLD BUSINESS

A. Public hearing on Axon Telecom's right to operate facilities in public right-of-way.

There was no public input. On motion of Rasmussen, seconded by Taylor, Council voted unanimously to close the hearing.

B. Ordinance No. 1851 granting Axon Telecom the right, privilege or franchise to construct, operate and maintain conduit facilities – final reading. On motion of Rasmussen, seconded by Dunn, Council unanimously passed the ordinance on roll call vote.

C. Resolution concerning the issue of sales tax on Internet commerce. Discussed at the February 22nd meeting. Councilmember Rasmussen moved to table (indefinitely) the resolution, seconded by Bussing. Motion carried; Dunn opposed; Bold, Bussing, Rawlings, Story, Rasmussen, Taylor in favor.

8. NEW BUSINESS

A. Approval of Appropriation Ordinance No. 885. On motion of Rasmussen, seconded by Taylor, Council unanimously approved the ordinance on roll call vote.

B. Resolution No.1500, attached as part of the record, requesting County participation in the City's 5-year (2001-2005) CIP through CARS. Adopted unanimously on motion of Bussing, seconded by Dunn.

C. Authorize engineering design services agreement with Continental Consulting Engineers in the amount of \$328,000 for intersection improvements at 119th & Mission Rd. On motion of Taylor, seconded by Bold, Council unanimously approved the agreement.

D. Approve bid/authorize contract with the low bidder Pyramid Excavation & Construction, Inc., in the amount of \$480,000.00, for construction of SMAC storm drainage improvement project DB-04-017, Dykes Branch, Overhill Rd., south of 86th St. Councilmember Rasmussen noted for the record that the project was first started in 1993 or 1994. On motion of Dunn, seconded by Story, Council unanimously approved the contract.

E. Approve Certification of Real Property Acquisition Procedures for 151st St. improvements, Metcalf to Nall. On motion of Taylor, seconded by Rasmussen, Council unanimously approved the document.

F. Approve bid for 2000 Slurry Seal Program. Councilmember Rasmussen moved to approve the low bid of \$1.05 per square yard (\$157,500.00) from Musselman & Hall Contractors, seconded by Bussing. Motion carried; Bold opposed; Bussing, Rawlings, Dunn, Story, Rasmussen, Taylor in favor.

G. Authorize Right-of-Way Maintenance Agreement, Mission Farms 1st Plat – to allow the developer to install certain amenities within public right-of-way, and setting forth the developer's responsibilities for maintaining the amenities. On motion of Rasmussen, seconded by Rawlings, Council unanimously approved the agreement.

9. OTHER BUSINESS

A. Staff report on stormwater inlet stenciling to advise people against dumping waste into storm drains. Staff recommended that the City undertake the program and proposed supplying volunteers with supplies and the instruction necessary to ensure that a consistent quality project was produced, cost to the City approximately \$25-\$30 per supply kit and a small amount of staff time for instruction. On motion of Bussing, seconded by Dunn, Council unanimously approved staff's recommendation.

B. Discussion of space needs – lower level of City Hall. There was discussion (requested by Councilmember Taylor) about KBI requirements for the municipal court, especially requirements for court records storage, and the impact they had on lower level space needs.

C. Discussion of schedule for Nall Ave. improvements, 135th St. to 143rd St.

D. Discussion of Leawood's reappraisal growth and possible mill levy impact. Councilmember Rasmussen moved to direct staff to prepare one scenario for presentation to the budget and finance committee showing reduction of the current mill levy rate to reflect the increase in residential reappraisal, seconded by Bold. Motion carried unanimously.

E. Discussion of store front sales prohibited by the Leawood Development Ordinance.

Councilmember Bussing moved to direct staff, specifically Jeff Cantrell, Neighborhood Services Administrator, to investigate the issues and concerns related to store front sales which were prohibited by the LDO and to determine if there were amendments to the ordinance that could resolve the issues brought by retailers while at the same time preserving the original intent of the ordinance, and further requested that Mr. Cantrell have a recommendation by the second Council meeting in April and that he offer a specific invitation to managers of Hen House at 119th & Roe, Cosentino's Price Chopper at Ranchmart, Earl May at Camelot Court Shopping Center, and Hy-Vee at 123rd & State Line. Motion seconded by Bold and carried unanimously.

10. ADJOURN. 9:05 P.M. There being no further business before the Council, the meeting was adjourned.

Martha Heizer, City Clerk