

Minutes

Audio Tape No. 484

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, April 17, 2000. Mayor Peggy J. Dunn presided.

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

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 Patricia A. Bennett, City Attorney.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA. The agenda was approved unanimously on motion of Dunn, seconded by Story, after Councilmember Rasmussen requested that 9J be moved to the beginning of Old Business and Councilmember Gill requested the addition of 15B, a discussion of soccer field availability.

3. PRESENTATION OF LIFESAVING AWARD FROM THE POLICE DEPARTMENT AND AMERICAN HEART ASSOCIATION TO 3 POLICE OFFICERS – Sergeant Tayne Smith, Corporal Chris Vaughn, and Officer Robert Mahon. Police Chief Mitchell presented department lifesaving uniform ribbons to the officers and Mayor Dunn presented the American Heart Association heart saver award to them in recognition of their efforts to save a man's life on February 23rd in the 12700 block of Cambridge Lane.

4. RECOGNITION OF POLICE SERGEANT TAYNE SMITH FOR SERVICE TO THE CITY. The Mayor presented a plaque to Sergeant Smith for 20 years of service to the Leawood Police Department, March 17, 1980 to March 17, 2000.

5. CITIZEN COMMENTS. Citizens were invited to speak to the Governing Body. Stephen C. Johnston, 2032 W. 96th St., presented a petition to the City Clerk requesting that the City complete a thorough restoration of 96th St. between State Line Rd. and Lee Blvd. in the year 2000.

6. CONSENT AGENDA

- A. Committee reports
 1. Leawood Foundation report (minutes) on their March 2, 2000 Board of Directors meeting
 2. Arts Council report (minutes) on their March 28, 2000 meeting
 3. Golf Course Committee report (minutes) on their March 23, 2000 meeting
 4. Parks & Recreation Advisory Board report (minutes) on their March 20, 2000 meeting
 5. Public Works Committee report (minutes) on their April 12, 2000 meeting;
- B. Departmental reports;
- C. 1999 Municipal Court report;
- D. Application for a 1-day temporary permit to serve alcoholic liquor, City Hall courtyard, June 3, 2000 Grazing the Trail event sponsored by the Leawood Chamber of Commerce;
- E. Purchase of a truck bed from Scherer Truck Equipment in the amount of \$12,034.00 (a 1998 bid figure).

The Consent Agenda was approved unanimously on motion of Taylor, seconded by Story, after Councilmember Taylor requested that a work session be scheduled in the future to hear a staff presentation on court operations.

7. PLAN COMMISSION

A. **Resolution No. 1519, attached as part of the record, denying Columbian Bank's request for a special use permit and preliminary site plan approval for a 2-lane drive thru commercial bank facility addition to an existing office building at 4701 College Blvd.** The Plan Commission recommended denial, one major concern being safety and traffic flow. The applicant John Petersen of Polsinelli, White, Vardeman & Shelton law firm gave a presentation. He noted that he was committed to not having a curb cut onto 112th St.

Mr. Petersen proposed that the matter be returned to the Plan Commission for them to consider an offer – to condition the special use permit with a specific time limit of 5 years.

Residents of Leawood Country Manor subdivision, all opposed to the plan, addressed the Council. The biggest concern was a crosscut or curb cut onto 112th St., entrance to Leawood Country Manor, with an increase in traffic and safety hazard. There didn't need to be another drive thru bank facility in the immediate area or a third bank at the intersection of College and Roe.

Councilmember Gill said the plan was not acceptable, made no sense with the cut through to 112th St., tearing up the berms, traffic would increase, there was an unacceptable intersection at Nall and 112th St., Roe was already overburdened. He was concerned about the lack of a traffic study to make a meaningful decision. He wanted to hear from the tenants of the office complex. He would entertain a remand to the Plan Commission but only for the purpose of looking at a significantly different plan with no access onto 112th St.

Councilmember Rasmussen moved to uphold the Plan Commission's recommendation to deny the request, seconded by Taylor. Councilmember Dunn didn't think a 24-hour ATM was consistent with the plan described; it was consistent with a retail bank and a retail bank wasn't a proper use for the area for reasons he believed the Plan Commission stated. Councilmember Bussing favored a remand to allow everyone to review the matter with more complete information, review the troublesome issues (for instance, the 24-hour ATM and traffic), in recognition that the property owner had concerns and rights with regard to the development of the property in which they had invested a significant amount of money.

Motion to deny carried; Bussing opposed; Bold, Rawlings, Dunn, Story, Gill, Rasmussen, Taylor in favor.

B. Ordinance No. 1856 amending Section 4-2 of the Leawood Development Ordinance, specifically relating to changes to prohibited uses, providing regulations for temporary protective coverings (tarps). On motion of Rasmussen, seconded by Bold, Council unanimously passed the ordinance on roll call vote, except for Councilmember Story who was not seated for the vote.

Councilmember Story returned to his Council seat.

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

- a. Council of Mayors meeting;
- b. League of Kansas Municipalities' request for a Council resolution in support of the State's restoration of demand transfers to the fiscal year 2000 levels;
- c. a Plan Commission/Planning Department sponsored focus group on the City's comprehensive plan;
- d. an art show at Gold Bank;
- e. City's April 30th volunteer appreciation event.

9. OLD BUSINESS

J. Public hearing and Ordinance for the vacation of street right-of-way at approximately 111th & State Line Rd. The Mayor opened the public hearing. Dave King, 2135 W. 116th St. (Hallbrook South Villages), didn't necessarily oppose the vacation but wanted an opportunity to review the plans. Fire Chief Florance said his only concern was being able to access the Hallbrook maintenance facility and the Hall Family mansion and its associated structures. Public Works Director Johnson said the City was merely vacating the public right-of-way and maintaining an access easement. George Raulp, 2148 W. 114th Terr., wanted 111th St. kept open until hopefully construction of the entire Hallbrook Office Center development was completed. Mel Lavery of the Hallbrook Office Center development said that the traffic signal at 112th and State Line would be installed when the building was ready for occupancy approximately the first of 2001. He said the vacation merely transferred the road responsibility from the City to Hallbrook Office Center; they had no intentions of

closing 111th St., it would remain until Overbrook was connected to College Blvd. Once that connection was made, the road would disappear. The intent was for construction vehicles to continue to use 111th St. throughout the construction period. On motion of Rasmussen, seconded by Gill, Council voted unanimously to close the hearing.

Councilmember Rasmussen moved to continue consideration of the ordinance to the May 1st Council meeting for clarification as to how the access road would be used for construction purposes, seconded by Gill. Motion carried unanimously.

A. Resolution of finding as to the advisability and authorizing the improvement and construction of 133rd Street from Roe Ave. to Mission Rd.

AND

B. Resolution of finding as to the advisability and authorizing the improvement and construction of 133rd Street from Mission Rd. to State Line Rd. Councilmember Gill moved to continue the resolutions to the May 1st Council meeting in order to have an opportunity to review the documents. Motion seconded by Bold and carried unanimously.

C. Authorize agreement with Water District No. 1 for a water main relocation along Lee Blvd. south of I-435. (for Lee Blvd. realignment), City to pay Water District \$17,950.00. On motion of Rasmussen, seconded by Rawlings, Council unanimously approved the agreement.

D. Resolution No. 1520, attached as part of the record, waiving the bidding process in accordance with Charter Ordinance No. 32 to use a design/build concept for the construction of the Public Works Maintenance Facility. Adopted unanimously on motion of Dunn, seconded by Taylor.

E. Public Works Committee recommendation on the selection of firm to provide construction management services for the Public Works Facility. On motion of Dunn, seconded by Rasmussen, Council unanimously approved the recommendation for ACI-Boland, Inc., of Leawood, Kansas.

F. Change Order No. 1 (deduct) to the contract for Lee Blvd./City Park improvements, total contract price revised from \$5,928,540.50 to \$5,568,703.13. Approved unanimously on motion of Taylor, seconded by Gill.

G. Approve agency to complete employee compensation and classification study. Councilmember Gill moved to reject staff's recommendation of FBD Consulting, seconded by Taylor. Mr. Gill said the City wanted an impartial study and he had concerns that FBD wasn't the appropriate firm to do the study. He was also concerned about why the City was doing the study and what would they get for the money. Councilmember Dunn said he couldn't support the motion; he didn't want to see the issue die as a result of the motion, so to the extent it was necessary to have a work session, he wanted to schedule one. Mr. Gill said he would support a work session. Councilmembers Taylor and Bold agreed with Mr. Gill. Mr. Gill's motion carried; Dunn opposed; Bold, Bussing, Rawlings, Story, Gill, Rasmussen, Taylor in favor.

Mr. Taylor moved to retain Burgess & Associates for the amount of \$18,850, seconded by Dunn and carried unanimously.

H. Ordinance No. 1857 amending Ordinance No. 1855 authorizing temporary notes (\$5,500,000) for public improvement projects. On motion of Rasmussen, seconded by Gill, Council unanimously passed the ordinance on roll call vote.

I. Public hearing and Ordinance No. 1858 for the vacation of a permanent drainage easement, Tract "C" in The Woods subdivision. The hearing was opened and immediately closed – no public input. On motion of Dunn, seconded by Taylor, Council unanimously passed the ordinance on roll call vote.

10. APPROVAL OF APPROPRIATION ORDINANCE NO. 889. On motion of Rasmussen, seconded by Dunn, Council unanimously passed the ordinance on roll call vote.

11. PRESENTATION TO COUNCILMEMBER ADAM BOLD. The Mayor presented a plaque and Key to the City to Mr. Bold in recognition of his service to the City as a member of the Leawood City Council from 1996 to 2000.

12. OATHS OF OFFICE ADMINISTERED TO COUNCILMEMBERS-ELECT – Ward 1, Patrick Dunn; Ward 2, Louis Rasmussen; Ward 3, Gary L. Bussing; Ward 4, Scott Gulledege.

13. ROLL CALL OF NEW COUNCIL: Gulledege, Bussing, Rawlings, Dunn, Story, Gill, Rasmussen, Taylor.

11:00 P.M. On motion of Story, seconded by Gill, Council voted unanimously to extend the meeting to 11:30 P.M.

14. NEW BUSINESS

A. Authorize interlocal agreement with Johnson County for construction of SMAC project DB-04-017, Overhill Rd., south of 86th St. On motion of Rasmussen, seconded by Dunn, Council unanimously approved the agreement.

B. Approve bid/authorize contract for 2000 Street Improvement Program. On motion of Dunn, seconded by Rawlings, Council unanimously approved a contract with the low bidder Seal-O-Matic Paving in the amount of \$2,183,347.87.

C. Schedule executive session. On motion of Dunn, seconded by Gill, Council voted unanimously to convene in executive session at the end of the meeting for a period not to exceed 30 minutes to discuss litigation and a personnel matter.

15. OTHER BUSINESS.

A. Discussion of action minutes (requested by Councilmember Rasmussen).

Instead of merely recording final votes, reasons for the votes should be recorded when voting was not unanimous.

B. Discussion of soccer field availability. Councilmember Gill said that staff wasn't able to provide practice fields on the Tuesday through Thursday practice schedule for a number of teams playing in the Leawood soccer program. As a result, there was at least one team comprised largely of Leawood children that wasn't able to practice on the very fields that their parents were paying for. And children must practice at least one day a week. He asked that staff consider making practice fields available on Mondays.

WORK SESSION FOR TECHNOLOGY VISION REPORT. Councilmember Bussing wanted to see some economic payback or cost benefit analysis on Mark Andrasik's recommendations. The work session was scheduled for 6:30 P.M. on May 1st.

16. ADJOURN. 11:20 P.M. Council convened in executive session and returned to regular session at 12:20 A.M. There being no further business before the Council, the meeting was adjourned.

Martha Heizer, City Clerk