

Minutes

Audio Tape No. 490

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, July 3, 2000. Mayor Peggy J. Dunn presided.

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

Staff present: Julie Hakan, Director of Human Resources; Patricia A. Bennett, City Attorney; Sid Mitchell, Chief of Police; Shahram Pourazari, City Engineer; Diane Binckley, Planning Services Administrator; Ben C. Florance, Fire Chief; Kathy Rogers, Finance Director; Chris Claxton, Parks & Recreation Director; Deb Harper, Paralegal, and Bob Sadler, Internet Specialist.

1. PLEDGE OF ALLEGIANCE.

2. APPROVAL OF AGENDA. Approved unanimously on motion of Bussing, seconded by Rawlings, after the scheduling of a work session at the conclusion of the regular session, time permitting.

3. PRESENTATION TO THE POLICE DEPARTMENT BY THE LEAWOOD LIONS CLUB - \$300 donation to purchase trading cards for the Police Department in recognition of the Department's work with youth in the community.

4. PROCLAMATION. The Mayor proclaimed June 19-25, 2000, as "Amateur Radio Week."

5. CITIZEN COMMENTS. Citizens were invited to speak to the Governing Body. Margie Melody, 2008 W. 84th St., spoke about her concerns regarding the SMAC Project DB-04-015 stormwater improvements at 84th & State Line Rd.

6. CONSENT AGENDA.

- A. Minutes of the June 19, 2000 Council meeting
- B. Committee reports
 - 1. Parks & Recreation Advisory Board report (minutes) on their June 14, 2000, meeting
 - 2. Public Works Committee report (minutes) on their June 21, 2000 meeting
- C. Pay Request No. 3 (FINAL) by Mac's Fence in the amount of \$1,000 for 135th St. fence removal and replacement
- H. Acceptance of the Plan Commission's approval of the 2001-2005 Capital Improvements Program at their May 23rd meeting

Items 6 D, E, F, and G were removed for discussion. The remaining items were approved unanimously on motion of Bussing, seconded by Gulledge.

D. Approval of vehicle purchase for use by Police Chief. After discussion that the City would purchase the Chief's privately-owned vehicle so that he could receive adequate insurance coverage which he was unable to obtain while driving his own car, Council unanimously approved the purchase on motion of Taylor, seconded by Gill.

E. Resolution No. 1533 approving the final plat for Pavilions of Leawood 6th Plat at approximately 148th and Granada. The Mayor requested that an additional stipulation of approval #11 be added regarding the South Leawood Transportation Impact Fee to total \$27,930. Councilmember Taylor was concerned that there were no minutes taken on Plan Commission consent agenda items that were not pulled for discussion, and then sent on to the City Council for consideration. He requested additional staff comments for further clarification of the reasons why the City Council should approve the Plan Commission's recommendations. On motion of Taylor, seconded by Gill, the resolution was adopted unanimously with the additional stipulation.

F. Resolution No. 1534 approving the final plat for Mission Prairie at approximately 141st and Mission Rd. Mr. Taylor made the same comments as he did with Resolution No. 1533. On motion of Taylor, seconded by Gullede, the resolution was adopted unanimously.

G. Resolution No. 1535 approving and authorizing the Mayor to execute a Second Amendment to the McMorris Lease Agreement dated April 1, 1995, regarding an option to purchase and access to the property. Councilmember Taylor questioned the total acreage noted in the Amendment, an increase from the original 2.5 acres to 4.65 acres, and wanted to know the reason behind the 4.65 acres and how the additional acres would affect the overall plan of Fire Station No. 3. Bill Scott of Shaughnessy Fickel and Scott Architects described the new improvement area since the park entrance road had been removed from the Fire Station project. Mr. Taylor wanted to continue the matter until Fire Station No. 3 was discussed under Old Business.

Councilmember Gill called for the question, seconded by Gullede; Taylor opposed, all others in favor. On motion of Gill, seconded by Bussing, the resolution was adopted unanimously.

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

- a. Mid-America Regional Council's annual meeting with wrap-up of the Creating Quality Places sessions
- b. Meeting of State Link Mayors and their plans for a Spring 2001 project
- c. Dedication of public art (deer) along Tomahawk Creek Parkway
- d. Reception hosted by Leawood residents for the Deputy Lord Mayor of Belfast, Ireland, who was in Kansas City for the Children for Peace in Ireland project
- e. Groundbreaking for the JD Reece building at 115th & Roe Ave.
- f. State-of-the-City address at the Leawood Lions Club meeting
- g. Energy warning preventative measures and comfort tips for the summer months

- h. Leawood Woman's Club donation of \$1300 to the Police Department
- i. Leawood Stage Company's musical production "Over The Rainbow" July 13th through July 16th at City Hall
- j. Request by Public Works Director Joe Johnson to have a work session regarding Lee Blvd. improvements, 103rd St. to 105th St. Councilmember Taylor requested that Public Works give the Council information on street improvements and how they were ranked and gaged
- k. In honor of the 4th of July, the Mayor read an article regarding the lives of the signers of the Declaration of Independence

8. OLD BUSINESS.

A. Reconsideration of Fire Station No. 3 plan. City Attorney Bennett said it was requested that the Council find that the plan was in conformity with the comprehensive plan and the CIP. There was discussion of a super majority vote requirement. Ms. Bennett said that the safest way to get a super majority vote would be to take the membership of the Governing Body which would be 7 of 9 for a super majority, as opposed to (tonight's) members present and voting. Councilmember Gill moved to continue the matter to the August 7th Council meeting, seconded by Bussing. Don Gossman, 4100 W. 150th St. in the Pavilions of Leawood, said he would work with Diane Binckley in the Planning Department to schedule a meeting for City staff and residents of the Pavilions to discuss the plan; residents wanted a fire station in south Leawood, but were opposed to several aspects of the plan, including the training tower. Motion to continue carried unanimously. Mr. Gossman would notify residents in the Pavilions; the City wasn't required to notice residents since the matter was continued to a date certain.

9. NEW BUSINESS.

- A. Approval of Appropriation Ordinance No. 894.** On motion of Bussing, seconded by Gulledge, Council unanimously passed the ordinance on roll call vote.
- B. Resolution No. 1536 appointing a local Freedom of Information Officer for the City and providing for the Officer's duties.** Adopted unanimously on motion of Bussing, seconded by Gill.
- C. Resolution No. 1537 authorizing issuance of temporary notes; Project 137; State Line Road, Phase 4; \$200,000.** Adopted unanimously on motion of Gill, seconded by Rawlings.
- D. Resolution No. 1538 authorizing issuance of temporary notes; Project 144; Mission Road improvements, 103rd – I-435; \$1,400,000.** Adopted unanimously on motion of Bussing, seconded by Gill.
- E. Resolution No. 1539 authorizing issuance of temporary notes; Project 148; City Park, Phase 1; \$1,900,000.** Adopted unanimously on motion of Gulledge, seconded by Bussing.
- F. Resolution No. 1540 authorizing issuance of temporary notes; Project 156; Public Works Complex; \$200,000.** Adopted unanimously on motion of Rawlings, seconded by Gill.

G. Resolution No. 1541 authorizing issuance of temporary notes; Project 159; 119th St. and Mission Rd. intersection improvements; \$200,000. Adopted unanimously on motion of Bussing, seconded by Gullledge.

H. Resolution No. 1542 authorizing issuance of temporary notes; Project 164; Normandy Place; \$100,000. Adopted unanimously on motion of Bussing, seconded by Gullledge.

I. Resolution No. 1543 authorizing issuance of temporary notes; Project 168; Mission Road improvements, 83rd St. to 95th St.; \$100,000. Adopted unanimously on motion of Bussing, seconded by Gill.

J. Resolution No. 1544 authorizing issuance of temporary notes; Project 169; Roe Ave., 137th St. to 138th Terr.; \$200,000. Adopted unanimously on motion of Bussing, seconded by Gullledge.

K. Resolution No. 1545 authorizing issuance of temporary notes; Project 171; Municipal Pool Bathhouse; \$200,000. Adopted unanimously on motion of Gill, seconded by Rawlings.

L. Resolution No. 1546 authorizing issuance of temporary notes; Project 178; 133rd St., State Line Road to Mission Road; \$400,000. Adopted unanimously on motion of Gill, seconded by Rawlings.

M. Resolution No. 1547 authorizing issuance of temporary notes; Project 179; 133rd St., Mission Road to Roe Avenue; \$200,000. Adopted unanimously on motion of Bussing, seconded by Rawlings. Councilmember Gill reminded everyone that there was an absolute Council mandate that landscaping be part of the planning and this was planning money. City Attorney Bennett said that at the design level, the Public Works Director was on top of it, but whether the City could ultimately do the landscaping and how it would be done was something that had to be nailed down in the next couple of months. Finance Director Kathy Rogers said that before any payment was made, she and Ms. Bennett could make sure that landscaping was covered.

N. Ordinance No. 1868 authorizing issuance of temporary notes in the principal amount of \$5,100,000 to provide temporary financing of the cost of certain public improvement projects. On motion of Rawlings, seconded by Bussing, Council unanimously passed the ordinance on roll call vote.

O. Resolution declaring it necessary to appropriate private property for the use of the City for the stormwater improvement at 84th St. and State Line Rd., SMAC Project DB-04-015. Councilmember Gill said that given the significance of the issue to Ward 1 and given some

uncertainty that surrounded the benefit district which appeared to be fairly complicated but would probably be resolved, he was in favor of a continuance. Nacolle Burke, 2011 W. 84th St., was totally opposed to the project as proposed – she had several concerns, including the fact that she wouldn't have much yard left. She would be meeting later in the week with Public Works staff. Kim Sheek, 2007 W. 84th St., who was in favor of the project, said that the temporary construction easement that she had been asked to sign actually passed through her house; she hadn't seen a corrected easement. She was also worried that there could be structural damage to her house, and had requested a structural analysis prior to construction. She mentioned several other concerns, including decrease in property value.

Councilmember Bussing moved to continue the matter to the July 17th Council meeting with the stipulation that staff conclude meetings, specifically with the Burkes and Ms. Sheek and that there be written documentation of the issues and the City's response to be included in the next Council packets. Motion seconded by Taylor and carried unanimously. Mr. Bussing asked Public Works staff to contact Councilmembers Dunn and Story as soon as possible to update them on the discussion, specifically on the allegations, questions, concerns of the Burkes and Ms. Sheek.

10. ADJOURN. 9:50 P.M. There being no further business before the Council, the meeting was adjourned.

Martha Heizer, City Clerk