

Minutes

Audio Tape No. 493

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, August 21, 2000. Mayor Peggy J. Dunn presided. (2 public hearings on proposed assessments were held at 7:00 P.M. See below.)

Councilmembers present: Scott E. Gulledge, Gary L. Bussing, Jim Rawlings, Patrick L. Dunn, * Shelby Story (arrived at 8:35 P.M.), Mike Gill, Louis Rasmussen, and James E. Taylor, Sr.

Staff present:

Richard J. Garofano, City Administrator

Patricia A. Bennett, City Attorney

Julie Hakan, Director of Human Resources

Bob Sadler, Internet Specialist

Joe Johnson, Director of Public Works

Randy Wiler, Exec. Police Planning

Sid Mitchell, Chief of Police

Officer

Ben C. Florance, Fire Chief

Deb Harper, Paralegal

Chris Claxton, Director of Parks & Recreation

Diane Binckley, Planning Services Admin.

Kathy Rogers, Finance Director

7:00 P.M.

1. PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR COLLEGE BOULEVARD IMPROVEMENTS, TOMAHAWK CREEK PARKWAY TO EL MONTE. The Mayor opened the hearing. There being no public input, the hearing was closed.

2. PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR THE NORMANDY PLACE SUBDIVISION ROAD IMPROVEMENT PROJECT. The Mayor opened the hearing. There being no public input, the hearing was closed.

7:30 P.M.

3. PLEDGE OF ALLEGIANCE.

4. APPROVAL OF AGENDA. Approved unanimously on motion of Rasmussen, seconded by Gulledge, after Item 13 was moved prior to Item 7.B., 7.B. to become 7.C.

5. CITIZEN COMMENTS. None.

6. CONSENT AGENDA.

- A. Minutes of the August 7, 2000 Council meeting
- C. Minutes of the July 11, 2000, Parks & Recreation Advisory Board meeting
- D. Departmental reports
- G. Pay Request No. 5 (FINAL) from Black & Veatch in the amount of \$15,399.20 for preliminary engineering study, SMAC project DB-04-024 (82nd Terr. & Wenonga south to 86th & Cherokee)

Items 6 B, E, and F were removed for discussion. The remaining items were approved unanimously on motion of Rasmussen, seconded by Taylor.

B. Minutes of the August 16, 2000, Public Works Committee meeting. The Mayor said a correction needed to be made to the second bullet on page 4 regarding the statement that Somerset and Lee Boulevard intersection concerns was not an assignment to the Public Works Committee – it was assigned to the Committee at the August 7th Council meeting. On motion of Dunn, seconded by Rawlings, Council unanimously approved the minutes.

E. Resolution No. 1559 approving the final plat for 135th & Roe Development, southwest corner of 135th & Roe. Councilmember Taylor recused himself from the matter. On motion of Gulledge, seconded by Rasmussen, Council adopted the resolution; Gulledge, Rawlings, Dunn, Gill, Rasmussen, in favor; Bussing opposed (he opposed the project and its preliminary plat; he didn't believe it complied with the spirit and letter of the 135th Street Corridor Plan).

F. Resolution No. 1560 approving the final plat of Wilshire Place 1st Plat, approximately 133rd & High Dr. Staff confirmed that stormwater was part of stipulation #15 and Public Works' memo regarding Wilshire Place. On motion of Gill, seconded by Taylor, Council unanimously adopted the resolution.

7. PLAN COMMISSION.

A. **Approve special use permit for A.T.&T. for the construction of a 30-foot height extension onto existing Southwestern Bell cellular tower and placement of an additional cellular antenna on the extension, Saddle & Sirloin Club property south side of I-435 at approximately Mission Rd. (to expire December 23, 2003).** There was discussion about extension of the height of the tower at the time of the original application, completion of improvements (masonry enclosure and landscaping), and maintenance of the area. Councilmember Gill suggested that the special use permit be revoked in the event that the property wasn't properly maintained. The applicant, Curtis Holland, said he would agree to that and, in fact, that was how a special use permit worked, subject to revocation at any time. Councilmember Rasmussen wanted a stipulation added to that effect.

In response to Mr. Rasmussen, City Administrator Garofano said that the County Appraiser couldn't by law take the value of subleases on the tower into consideration when determining the appraised value of the property, that the original lease between the land owner and Southwestern Bell was the lease that determined the value assigned to the property.

Councilmember Dunn moved to approve the special use permit with added stipulation #11 that failure to maintain the property would be basis for revocation of the permit, seconded by

Bussing. Mr. Rasmussen moved to amend the motion to add stipulation #12 that replacement of City-owned property damaged during the construction as indicated by staff be accomplished within the next 90 days, seconded by Gulledge. Motion to amend carried; Gulledge, Bussing, Rawlings, Dunn, Gill, Rasmussen in favor; Taylor abstained. The main motion as amended carried; Gulledge, Bussing, Rawlings, Dunn, Gill, Rasmussen in favor; Taylor opposed (he was opposed to the tower from the beginning and the additional height was an increase in blight in the area).

8:10 P.M.

B. Executive session. On motion of Dunn, seconded by Gulledge, Council voted unanimously to convene in executive session for a period not to exceed 20 minutes to discuss a matter under attorney-client privilege, regular session to resume at 8:30 P.M.

8:30 P.M. Council returned to regular session. On motion of Dunn, seconded by Bussing, Council voted unanimously to resume the open meeting.

8:35 P.M. Councilmember Story arrived.

On motion of Gill, seconded by Taylor, Council unanimously approved the memorandum agreement with Robert and Suzanne McQuain to settle pending litigation and move forward with Fire Station No. 3.

C. Resolution No. 1561 approving resubmission of preliminary site plan for Fire Station No. 3 located at 148th & Mission Rd., as a public improvement/facility of a type embraced with the recommendations of the Comprehensive Plan and contemplated in the City's Capital Improvement Program. Councilmember Dunn moved to adopt the resolution with the additional stipulation that the training tower be removed from the plan, seconded by Gill. Motion carried unanimously.

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

- a. Advance voting sites, Elections 2000, and youth voting statistics
- b. Public Works employees Chris Campbell and Scott Tinder who saved the life of an individual involved in a car accident; Chris Campbell to receive City's exceptional service award
- c. Command emergency response training at City Hall August 16, 17 & 18
- d. Police Department open house on August 23, 5:00 – 8:00 P.M.
- e. Arrival of delegation from sister city I-Lan, Taiwan, on October 8, and planned events

9. OLD BUSINESS.

A. Discussion of sidewalks along 143rd Street, Camden Woods 1st Plat.

Developer Paul Robben requested that the stipulation to construct a temporary sidewalk along the south side of 143rd Street along the 1st plat be eliminated. Sidewalks already existed along the north side of 143rd Street from Kenneth Rd. west to Mission Rd. He said he was willing to participate in whatever signage or markings would be necessary for a crosswalk for people to get from the south to the north side of 143rd.

Councilmember Taylor recommended that the Council continue the condition that the developer do grading and remove trees in the right-of-way for the future sidewalk to avoid problems over tree removal in the future. If the Council decided not to impose the paving at this time, he would go along with that.

Councilmember Story said that unless a sidewalk extended fully to Kenneth Rd., thereby offering some access to something, he questioned both the value and safety of it. If the plan was to put a crosswalk at the entrance to Camden Woods subdivision, then the City should skip the temporary sidewalk and force people to cross at that area in one particular spot.

Mr. Taylor moved that the Council uphold the condition set forth for approval of the plat with the exception that the option of paving the sidewalk would be an option for the developer, but grading and removal of trees in the right-of-way for installation of the sidewalk would be done at this time by the developer. Motion seconded by Rasmussen. Councilmember Gullede questioned removing cover adjacent to homes already bordering 143rd Street (eliminating a barrier or buffer to 143rd St.) so that the right-of-way would be ready for street improvements which were 5 to 10 years away.

Mr. Gullede called for the question, seconded by Bussing and carried unanimously. Mr. Taylor's motion failed; Taylor, Rasmussen, Story in favor; Gullede, Bussing, Rawlings, Dunn opposed; Gill recused.

Mr. Gullede moved that the developer be allowed to not install the temporary sidewalk at this time and to allow progress to handle the problem with the final completion of 143rd Street improvements, and that the developer fund the crosswalk and signage and any other improvements to make a safe crossing deemed by the Public Works and Police Departments. Motion seconded by Bussing. Motion carried; Gullede, Bussing, Rawlings, Dunn, Story in favor; Rasmussen, Taylor opposed; Gill recused.

B. Cancellation of traffic signal project – traffic signalization at 92nd & State Line Rd. Councilmember Dunn said that the City of Kansas City, Missouri, didn't intend to pay any more than \$184,000 and expected Leawood to pay for necessary easements on the east side of State Line Rd. if the City was to proceed with the intersection improvements. Mr. Dunn considered the issue a dead one. The project was cancelled.

C. Resolution No. 1562 adopting the Fiscal Year 2001 Annual Budget. On motion of Dunn, seconded by Bussing, Council adopted the resolution; Gullede, Bussing, Rawlings, Dunn, Story, Gill, Taylor in favor; Rasmussen opposed (even though the mill levy was reduced from the 2000 levy by 1.5 mills, he felt that in reality, there was a tax increase with reappraisal money on top of reappraisals).

D. Ordinance No. 1872 levying assessments on lots, pieces, and parcels of property in the amount of \$476,000.00 for the purpose of paying for the cost of improving College Boulevard from Tomahawk Creek Parkway to El Monte. On motion of Dunn, seconded by Rasmussen, Council unanimously passed the ordinance on roll call vote.

E. Ordinance No. 1873 levying assessments on lots, pieces, and parcels of property in the amount of \$315,000.00 for the purpose of paying for the cost of improving

roads located within Normandy Place subdivision. On motion of Taylor, seconded by Dunn, Council unanimously passed the ordinance on roll call vote.

F. Ordinance No. 1871 adopting the Codification of Ordinances of the City of Leawood, providing for the repeal of certain other ordinances not included therein, excepting certain ordinances from repeal and saving certain accrued rights and liabilities. On motion of Rasmussen, seconded by Taylor, Council unanimously passed the ordinance on roll call vote.

G. Schedule work session to discuss park plans for Nall Park and South Park. On motion of Dunn, seconded by Rasmussen, Council voted unanimously to have the work session on September 18th from 6:00 – 7:30 P.M.

10. COUNCIL COMMITTEE REPORTS.

A. From the Public Works Committee regarding 119th & Mission Road intersection improvements. Continental Consulting Engineers presented the Committee with a preliminary estimate and drawings of 3 proposed scenarios for improvements. The Committee recommended that the City go forward with scenario “D” which included 5 lanes. On motion of Rasmussen, seconded by Taylor, Council voted unanimously to accept the recommendation. Councilmember Dunn noted that Continental Consulting Engineers did a wonderful job on the project and were directly responsible for coming up with a proposal that saved a significant amount of money.

11. NEW BUSINESS.

A. Approval of Appropriation Ordinance No. 898. On motion of Dunn, seconded by Rasmussen, Council unanimously passed the ordinance on roll call vote.

12. OTHER BUSINESS. None.

13. EXECUTIVE SESSION. Moved to 7.B.

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