

Minutes

Audio Tape No. 494

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., Tuesday, September 5, 2000. Mayor Peggy J. Dunn presided.

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

Staff present:

Richard J. Garofano, City Administrator

Joe Johnson, Director of Public Works

Captain Craig Hill, Police Department

Ben C. Florance, Fire Chief

Chris Claxton, Director of Parks & Recreation

Diane Binckley, Planning Services Admin.

Kathy Rogers, Finance Director

Patricia A. Bennett, City Attorney

Jeff Cantrell, Neighborhood Services

Administrator

Deb Harper, Paralegal

1. PLEDGE OF ALLEGIANCE.

2. APPROVAL OF AGENDA. Approved unanimously on motion of Bussing, seconded by Taylor, after the addition of 1) 7.E., a resolution regarding the landscaping plan for Fire Station No. 3; 2) 8.D. to schedule a work session to follow the Council meeting to review the court space needs; and 3) 8.E. to discuss the scheduling of an executive session regarding a personnel matter.

3. PROCLAMATION. The Mayor proclaimed September 17 through 23, 2000, as "Constitution Week."

4. CITIZEN COMMENTS. Councilmember Taylor highly commended the Fire Department for their efforts fighting a fire across the street from his home 12500 block of Sherwood in the early morning hours of Saturday, September 2nd.

5. CONSENT AGENDA.

C. Appointment of Ad Hoc Strategic Spending Committee – Councilmember Bussing, Chairman; Adam Bold; Greg Bussing; Mark Meierhoffer; Finance Director Kathy Rogers.

D. Pay Request No. 11 (FINAL) by Seal-O-Matic Paving Co. in the amount of \$15,000 for the 1999 Street Improvement Program.

Items 5 A, B, and E were removed for discussion. The remaining items were approved unanimously on motion of Bussing, seconded by Gullede.

A. Minutes of the July 27, 2000, Golf Course Committee meeting. Councilmember Rasmussen said the Committee discussed the Riffe home where there were a number of problems (easements, retaining wall, drainage, etc.). The builder had flipped the house around on its lot, changing the setbacks, and built it essentially without the City's approval, and therefore, required a variance. The Committee felt the total package of problems should be handled, but now they knew that Riffe was granted a variance from rear setback requirements by the Board of Zoning Appeals. Mr. Rasmussen wanted to know how and why it got to that point without the total package being addressed. He wondered why no one read the Golf Course Committee minutes a month ahead of the Board of Zoning Appeals meeting. City Attorney Bennett described the Board of Zoning Appeals as an independent body, and also said that the cart path and retaining wall that the contractor wanted to build on the lot were still issues, and not Board of Zoning Appeals issues. Ms. Bennett said that the City could appeal the BZA's decision to the District Court. She said some of the other issues were still pending from the Golf Course Committee and staff but said she could report by the September 18th Council meeting on any progress. Councilmember Rasmussen moved to accept the minutes and to have Ms. Bennett include in her report a recommendation on the procedure the City would pursue regarding the BZA's decision. Motion seconded by Story and carried unanimously.

B. 2000 Goals & Objectives report. The Mayor asked that the Governing Body's goals and objectives be included in the document. She also noted that there was no status update on things going on in the Police Department, nothing mentioned about Parks & Recreation's research on potential programs/activities for senior citizens, and page numbers for Public Works in the Table of Contents needed to be changed. On motion of Taylor, seconded by Gullledge, Council voted unanimously to table the report to the September 18, 2000, Council meeting.

E. Resolution No. 1563 approving the final plat for Grace Gardens at approximately 143rd and Nall. The Mayor asked that the public art impact fee be added as a stipulation. On motion of Taylor, seconded by Rasmussen, Council adopted the resolution as amended; Gullledge recused himself, all others in favor.

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

- a. Her recent tour of the Lenexa justice center and court offices
- b. Meeting with State Line mayors regarding the State Link project; banners attached to KCP&L poles from 39th Street to 103rd Street at major intersections to link Kansas and Missouri
- c. Shawnee Mission Education Foundation breakfast; formulation of new school finance policy
- d. Police Officer Randy Wiler's activities as Kansas Bullying Prevention Director
- e. Councilmember Taylor's attendance at the Northeast Senior Leadership Program in the absence of the Mayor

7. OLD BUSINESS.

A. Ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the stormwater improvement project located at 84th Street and State Line Road (SMAC Project DB-04-015) – Tabled to the September 18, 2000, Council meeting.

B. Reconsideration of special use permit stipulation regarding Molle Toyota parking lot at 104th and State Line Rd. Molle was required to install 9 Norway maple trees along 104th Street, but due to the number of utilities on the property, the landscape contractor was unable to safely install the trees. Planning staff recommended that Molle be released of the requirement. Councilmember Taylor moved to accept the recommendation, seconded by Rawlings. Councilmember Story asked if any alternatives had been investigated instead of simply dropping the requirement of the trees that were to have acted as a visual screen from I-435. Diane Binckley said that Public Works was concerned about adding any kind of plant material in the area. There was very little area between a fence and the curb. No survey was done in the beginning to determine whether or not there were utilities in the area. Mrs. Binckley said she could talk to Molle about losing one parking space to create about 8 feet in which to plant the trees. Mr. Taylor and Mr. Rawlings withdrew their motion and second.

Councilmember Rasmussen moved to continue the matter to allow staff to return as soon as possible with alternative landscaping plans, seconded by Gullede. Motion carried unanimously.

C. Contract Change Order No. 1 with Seal-O-Matic Paving Company in the amount of \$12,698.99 for the 2000 Street Improvement Program. On motion of Rasmussen, seconded by Story, Council unanimously approved the change order.

D. Resolution No. 1564 waiving the bidding process in accordance with Charter Ordinance No. 32 in conjunction with the public roadway improvement project located at 135th Street and Roe Avenue – to allow current on-site contractor, Holland Corp., to construct the improvements, to provide a savings to all parties, improve coordination of work, and accelerate the completion of the improvements. Councilmember Taylor moved to deny the resolution; motion died for lack of a second. Mr. Taylor felt the Governing Body and City as a public entity needed to extend the opportunity to give a competitive bid to all bidders. Councilmember Bussing noted that the developer solicited bids and Holland won the contract, and that the public improvements were a small part of the overall improvements. On motion of Bussing, seconded by Story, Council adopted the resolution; Taylor opposed, all others in favor.

E. Resolution No. 1565 approving Ochsner Hare & Hare's architectural final landscape plan pertaining to the planning and construction of a fire station located at approximately 148th Street and Mission Road. On motion of Rasmussen, seconded by Bussing, Council unanimously adopted the resolution.

8. NEW BUSINESS.

A. Approval of Appropriation Ordinance No. 899. On motion of Bussing, seconded by Dunn, Council unanimously passed the ordinance on roll call vote. Check #76429 in the amount of \$5,000 to Hoefer Wysocki Architects for a courts study was pulled from the ordinance. Finance Director Rogers said the check should have been for \$3,750 for progress work completed. Councilmember Rasmussen said there was a question about the progress that justified the progress payment.

B. Selection of voting delegates for the League of Kansas Municipalities annual conference in Topeka, October 7-10, 2000. On motion of Bussing, seconded by Rasmussen, Council unanimously selected City Administrator Garofano to be the City's voting delegate.

C. Schedule work session regarding value engineering options for Fire Station No. 3. On motion of Taylor, seconded by Story, Council voted unanimously to have the work session on October 2, 2000, at 6:00 P.M.

D. Conduct work session immediately following the adjournment of the Governing Body to discuss court space. On motion of Bussing, seconded by Gulledge, Council voted unanimously to have the work session for up to one hour.

E. Schedule executive session regarding a personnel matter, City Administrator's annual review. Suggested dates to be faxed to the Council.

9. OTHER BUSINESS.

A. Discussion regarding the permit process. Staff was in the process of reviewing the Leawood Development Ordinance regarding detached structures. The Mayor asked that staff add attached structures to their review, and also report if the permit process could be reversed, having residents go to their homes associations for permissions before going to the City for permits, rather than the other way around. On motion of Dunn, seconded by Bussing, Council voted unanimously to ask staff to prepare the report on permit process for Council consideration (within 30 days).

ADJOURN. 8:45 P.M. There being no further business before the Council, the meeting was adjourned.