

Minutes

Audio Tape No. 497

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, October 16, 2000. Mayor Peggy J. Dunn presided.

Councilmembers present: Scott E. Gulledge, 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	Patricia A. Bennett, City Attorney
Joe Johnson, Public Works Director	Ben C. Florance, Fire Chief
Randy Wiler, Exec. Police Planning Officer	Bob Sadler, Internet Specialist
Sid Mitchell, Chief of Police	Jeff Cantrell, Neighborhood Services
Chris Claxton, Director of Parks & Recreation Administrator	
Diane Binckley, Planning Services Admin.	Deb Harper, Paralegal
Kathy Rogers, Finance Director	

1. PLEDGE OF ALLEGIANCE.

2. APPROVAL OF AGENDA. Approved unanimously on motion of Taylor, seconded by Gill, after 1) the addition of Item 9.A. for a discussion about the repair of streets within Normandy Place subdivision, 2) the addition of Item 9.B. regarding a request for SMAC project information, and 3) the addition of Item 9.C. regarding the 86th and Overbrook street improvement project.

3. CITIZEN COMMENTS. None.

4. CONSENT AGENDA.

- A. Minutes of the October 2, 2000 Council meeting
- B. Departmental reports
- C. Renewal of Data Access and License Agreement with Johnson County to allow the City's access to the County's Automated Information Mapping System (AIMS)

4.D. was removed for discussion. On motion of Bussing, seconded by Gulledge, the remainder of the Consent Agenda was approved unanimously.

- D. Resolution No. 1570 approving and ratifying the Mayor's execution of a Personal Services Agreement with Orion Management Solutions, Inc., to provide for the management of Ironhorse Golf Club, and rescinding Resolution No. 1569. Several people were thanked for their efforts in resolving some issues. On motion of Gulledge, seconded by Bussing, Council unanimously adopted the resolution.

5. PLAN COMMISSION.

A. Request for a Special Use Permit (SUP) for the placement of a Sprint cellular antenna in the clock tower of Commerce Bank located on the northeast corner of Town Center Drive and Nall Avenue. On motion of Rasmussen, seconded by Rawlings, Council approved a permit for a term of 5 years from the date of Council approval. All Councilmembers voted in favor except Mr. Gill who recused himself to avoid the appearance of a conflict of interest.

6. MAYOR'S REPORT.

- a. Expressed condolences to City Attorney Bennett on the death of her father, former Kansas Governor Robert Bennett, and asked for a moment of silence.
- b. National Day celebration hosted by Elizabeth Chu, Director General of the Taipei Economic and Cultural Office in Kansas City.
- c. Council of Mayors meeting – good possibility that the juvenile intake and assessment program sponsored by the County would not be funded, needing \$450,000 to continue; cities might contribute funding.
- d. I-Lan, Taiwan delegation's visit to Leawood and City volunteer appreciation dinner the last night of the delegation's visit.
- e. Moody's Investors Service presentation leading up to Moody's assignment of a rating on the City's upcoming bond issue.
- f. Recent Victims' Rights Walk in the vicinity of City Hall.
- g. Legislative reception at the Union Station in Kansas City, Missouri, sponsored by the Greater Kansas City Restaurant Association.
- h. October 20th art show by Barbara Stoll and Mary Elmusa at Gold Bank.

7. OLD BUSINESS.

A. Ordinance No. 1874 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). Councilmember Dunn explained the difficulties involved with the Sheek residence at 2007 W. 84th St. and their neighbors directly behind them on the opposite side of the creek. He said that the neighbors agreed to convey some property along the edge of the Sheek's side of the creek to the Sheeks that would allow the Sheeks the area necessary to landscape to maintain their privacy. He said that unfortunately, the effort to convey would involve replatting, a survey, and other costs that someone would have to pay to accomplish it. Since it was a joint problem, he proposed that the Council authorize the expenditure of \$5,000 which was approximately half of the cost that would be incurred to

remedy the problem contingent upon staff being able to work out the language of the easements with the Sheeks and the easements being dedicated. He moved to pass the ordinance and approve the authorization of the expenditure of \$5,000 to help reimburse the Sheeks for the costs they had to incur to deal with a very unique problem contingent upon dedication of the easements, seconded by Gill.

Margie Mellody, 2008 W. 84th St., asked if she could be reimbursed for her attorney's fees. The Mayor suggested that Mrs. Mellody discuss any reimbursements with staff for any future consideration by the Council. Mrs. Mellody reiterated her concerns about the construction of the project, especially the effect it could have on her health and access to her property.

Mr. Dunn's motion carried unanimously on roll call vote.

B. Discussion of transfer of ownership of real property to specific abutting property owners and placement and installation of a fence pertaining to the Market Square Development located at 133rd and Mission Rd. Staff recommended that the fence be placed at the 24-foot location on all lots with the exception of Lot 17 which was located on the east side of Pawnee separate from the other seven contiguous lots. The fence could be designed to only provide 12 feet of property at that location. Staff further recommended that the seven residents pay \$1.11/square foot of the additional 12 feet as set out in a list attached to staff memo and \$400/lot (for all 8 lots) for the surveying and platting of the property to be conveyed. Councilmember Rasmussen moved to approve staff's recommendation, seconded by Gill. Motion carried unanimously.

C. Committee report regarding value engineering on Fire Station No. 3. Councilmember Rasmussen moved that the Council accept the recommendation in the second paragraph of the October 16, 2000, Committee memo report that the summary sheet presented by Bill Scott of Shaughnessy Fickel and Scott Architects identified in green and green/yellow be accepted as the value engineering items to be incorporated in the contract documents for public bidding of the project, plus another list of Committee recommendations following the second paragraph. Motion seconded by Gullede. Fire Chief Florance expressed concerns about some items, especially those that were safety related and related to the function of the fire station, specifically the fire pole. There was discussion about a chain link fence around the property as the Committee recommended; Mr. Scott said it wasn't intended that there be a chain link fence as part of the project, and if it was part of the specifications, it needed to be removed. Mr. Scott also said that he had recommended that brick veneer be limited to the administration area and to a wainscot on the operations area, not limited to front, west elevation only as the Committee recommended. Mr. Rasmussen moved to amend his motion to add an alternate for all brick, seconded by Gill. Mr. Scott talked about the 7 alternates in the Committee's report.

Councilmembers Bussing and Dunn felt there were too many issues and differences of opinion that had to be resolved, that Council shouldn't discuss and attempt to resolve at the Council meeting. Councilmember Gullede called for the question, seconded by Bussing and carried unanimously. Mr. Rasmussen and Mr. Gill agreed that Mr. Rasmussen's amendment to his motion be considered a friendly amendment.

Mr. Rasmussen's motion carried; Gullede, Rawlings, Story, Gill, Rasmussen, Taylor in favor; Bussing, Dunn opposed.

D. Discussion 133rd Street improvement regarding Greenbrier subdivision.

Councilmember Bussing said that a number of residents near the old airport property had concerns about the proposed layout of 133rd Street as it moved towards State Line Rd. Councilmember Gill said the City needed to find ways of mitigating the impacts of the improvement on existing homes.

Public Works Director Johnson said the owners of the airport property agreed to work with the City on a new “straight shot” alignment of the street off of State Line. Mr. Johnson talked about buffering/landscaping and the relocation of a bike/hike trail. Discussion about alignments and development of the airport property followed. Councilmember Rasmussen wanted to know if the alignment of 133rd St. was specified by the airport property owners in the (Price Chopper project) benefit district petition; City Attorney Bennett would check.

Residents addressed the Council. Concerns included 1) 133rd Street hopefully to provide traffic relief to Sagamore Road and High Drive in Leawood South, 2) Greenbrier residents shouldn't have to bear the burden of traffic in their backyards, 3) having to have a 10-foot wide asphalt bike path in one's side yard was disturbing, 4) for Greenbrier, there were aesthetics, safety, noise, and speed issues.

Councilmember Gill moved to direct staff to meet with residents, listen to their concerns, and figure out how to mitigate the impacts heard at the Council meeting; and to ask the Public Works Committee to consider aspects and make recommendations to the Council if it seemed prudent to do so after staff's meeting with homeowners. Motion seconded by Taylor. Mr. Bussing wanted to clarify Mr. Gill's motion – that the meeting needed to be with all the homeowners at a time acceptable to as many of the homeowners as possible, at City Hall, with plenty of notice, to find a resolution acceptable to as many parties as possible. Motion carried unanimously.

8. NEW BUSINESS.

A. Approval of Appropriation Ordinance No. 902. On motion of Gulledge, seconded by Bussing, Council unanimously passed the ordinance on roll call vote.

B. Approve and authorize the execution of Addendum No. 1 to the engineering design contract with Shafer, Kline & Warren for landscaping (Wilshire subdivision) and design of traffic signals located at the intersection of 133rd Street and Mission Road in the amount of \$21,000. Councilmember Rasmussen moved to approve the addendum, seconded by Dunn. Public Works Director Johnson talked about landscaping plans for Wilshire. There was discussion about who would maintain the buffered area; Councilmember Gulledge said he would review maintenance by the Wilshire Homes Association as an option and discuss it with the Homes Association as a potential solution.

Joe Cates, 13213 El Monte, talked about his concerns about stormwater drainage in the area. He was particularly concerned about protecting homes during construction of 133rd Street in the spring which would probably necessitate removal of the current berm which acted as a dam. Gerald Johnson of SK&W talked about 133rd Street in the Wilshire area being a detention basin. He also addressed the construction period.

Alec Weinberg, 13252 Delmar Court, said it was very important to him that the uncompleted berm be continued to the east so that landscaping could be planted immediately to provide a buffer

against future development. Mr. Johnson said that the addendum covered landscaping design from Roe to Blue Valley school which covered Mr. Weinberg's concern.

Mr. Rasmussen's motion carried unanimously.

C. Approve KDOT Request for Construction Project Form 1302 regarding Capital Improvement Project (CIP) #110, Roe Avenue, 124th Street to 135th Street. On motion of Taylor, seconded by Dunn, Council unanimously approved the form.

9. OTHER BUSINESS.

A. Discussion regarding repair of streets located within Normandy Place subdivision. Councilmember Taylor explained that with additional construction work which involved the removal of remaining asphalt paving, base, sub-base, the contractor or sub-contractor inadvertently tore out existing irrigation system lines and control wiring. As a result of that, the Normandy Place Homes Association was faced with an additional charge of approximately \$12,000. Mr. Taylor felt that the contractors or the City should be responsible for the additional cost. He moved that staff find a way to pass the cost on to the contractors or the City would take the responsibility and pay the cost, seconded by Gill. Public Works Director Johnson explained construction process and damage to irrigation systems and said that if the Council wanted to reimburse the homes association for the additional cost, it would have to be at the City's expense.

Mr. Taylor's motion was restated that the City would pay the additional cost, not to exceed \$12,000. Motion carried unanimously.

B. Request for SMAC Project information. Due to some of his concerns about the SMAC program, Councilmember Rasmussen moved to direct the City Administrator to prepare a memorandum that listed SMAC projects that had been approved that the City was responsible for, their geographical locations, with a forecast of the cash flow requirements to fund them for the next 3 years out (2001, 2002, 2003), and what funds the City had. Motion seconded by Taylor and carried unanimously. City Administrator to report within 60 days.

C. 86th Street & Overbrook street improvement project – short cul-de-sac that went north off of 86th Street. Councilmember Story said that only half of the cul-de-sac was being improved, leaving the other half in an old, dilapidated state. He felt the City should adopt a policy regarding road reconstruction so that whenever possible the City avoid taking out half of a cul-de-sac and returning later to take out the other half. If it was possible, and Public Works Director Johnson was going to look into it but it was going to have to be done quickly in order to get it done in the same construction period, he wanted to see the other half of the cul-de-sac improved. If it wasn't possible, he wanted further discussion to come up with a policy. Mr. Johnson said he would get an estimate from the contractor on what it would take to complete the

cul-de-sac and see how much money was in contingency, and if it was possible, return at the next Council meeting with a change order, but have the contractor go ahead and start the work. If it couldn't be accomplished, he'd get some direction from Councilmembers Story and Dunn.

ADJOURN. 11:00 P.M. There being no further business before the Council, the meeting was adjourned.

Martha Heizer, City Clerk