

**Minutes**

Audio Tape No. 499

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., on Monday, November 20, 2000. Mayor Peggy J. Dunn presided.

**Councilmembers present:** Scott E. Gullledge, Gary L. Bussing, Jim Rawlings, Shelby Story, Mike Gill, and James E. Taylor, Sr. **Councilmembers absent:** Lou Rasmussen and Pat Dunn.

**Staff present:**

Richard J. Garofano, City Administrator

Patricia A. Bennett, City Attorney

Joe Johnson, Public Works Director

Ben C. Florance, Fire Chief

Sid Mitchell, Chief of Police

Sarah Hilton, Admin. Services Mgr.

Chris Claxton, Director of Parks & Recreation

Kathy Rogers, Finance Director

Diane Binckley, Planning Services Admin.

Deb Harper, Deputy City Clerk

Julie Hakan, Human Resources Director

**1. PLEDGE OF ALLEGIANCE.**

**2. APPROVAL OF AGENDA.** Mayor Dunn requested items # 9A & 9B immediately follow Old Business items; adding Item 7B, Approve waiver of Special Use Permit [SUP] stipulation of construction and completion of decel lane and allow Columbian Bank to proceed with bank building improvements; and adding Item #10A under Other Business, Approve and authorize the execution of an Employment Agreement between the City of Leawood and City Administrator, Dick Garofano. A motion was entered by Mr. Bussing, seconded by Mr. Gullledge to approve the agenda with these aforementioned changes. The motion carried unanimously.

**3. CITIZEN COMMENTS-** No comments.

**4. CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

A. Minutes of the November 6, 2000 Governing Body meeting

B. Minutes of the October 26, 2000 Golf Course Committee meeting

C. 2000 Goals & Objectives Updated Report

D. Departmental Reports

E. Renewal of Hy-Vee Cereal Malt Beverage License

- F. Approval of 2001 Alcohol Tax Fund Recommendation
- G. Approval of 2001 Human Service Fund Recommendation
- H. Bid approval of Property and Casualty Insurance for 2001
- I. Approve purchase of various office equipment for reconfiguration of Planning & Development Department from John A. Marshall Company, in the amount of \$14,630.33
- J. Second and Final Payment to Schmitz, King & Assoc., Inc., in the amount of \$2,200.00 for the 2001 Street Program Boundary Survey

Consent Agenda Items #4C, #4H and #4I were removed for discussion. A motion was made by Mr. Taylor, seconded by Mr. Story to approve the remainder of the Consent Agenda. The motion passed unanimously.

- 4C. Mr. Taylor complimented Ms. Hilton in updating the 2000 Goals & Objectives Report and requested a report be submitted to the Governing Body on a quarterly basis instead of nine [9] months to one [1] year. A motion was made by Mr. Taylor, seconded by Mr. Gill to approve Consent Agenda Item # 4C. The motion was passed unanimously.
- 4H. Mr. Bussing stated the Staff had done a tremendous job in a short time in conducting the necessary research along with organizing and distributing the bids. Mr. Bussing made a motion, seconded by Mr. Gullede to approve the Property & Casualty Insurance for 2001 Bid to St. Paul Insurance Company. The motion was passed unanimously.
- 4I. Mr. Taylor stated he realized this purchase from the John A. Marshall Company was more or less a continuation of existing equipment, however, he would like Staff to solicit other manufacturers in the future that offered like product quality and discounts. Mr. Taylor made a motion, seconded by Mr. Gill to approve Consent Agenda Item 4I. The motion was passed unanimously.

## 5. PLAN COMMISSION

- A. Approval of Special Use Permit [SUP] Request for temporary structure located at Leawood Police Department, 9615 Lee Boulevard [*from 10-28-00 Plan Commission meeting*]

A motion was made by Mr. Bussing, seconded by Mr. Story to approve the SUP. Chief Mitchell stated these are modular units that would remain on the police complex for an indeterminate amount of time and would be dependent upon a decision to build a justice center. The motion passed by a unanimous vote.

**6. MAYOR'S REPORT**

- a. The City of Leawood, along with the City of Olathe, will serve on the Kansas City Area Development Council [KCADC] for a one year term. Mayor Dunn will be attending these meetings.
- b. Attended the Council of Mayors Meeting; discussions regarding distribution delays of local sales tax to municipalities; recodification of liquor laws; state wide building codes and school financing
- c. Attended the JCCC Fund raiser which honored City of Mission Hills Mayor, Betty Keim, as Johnson Countian of the Year.
- d. Attended Arts Council sponsored Stan Herd lecture held on November 16, 2000, at Rockhurst College
- e. Mayor Dunn extended her congratulations to Bob Reid, IronHorse Golf Course Advisory Board member, being inducted to Kansas Golf Hall of Fame.
- f. Attended Police Needs Task Force meeting

**7. OLD BUSINESS**

**A. Discussion regarding soccer fields at South Park**

Chris Claxton, Parks & Recreation Director, advised the Parks Department, the Park Board and Theis Doolittle, Design Consultant, are recommending the Governing Body approve 'Option C,' which is a culmination of all plans presented at earlier workshops. Concerns were discussed regarding the dimensions of the soccer fields and the ratio of parking spaces to those fields. The park will have a total of 329 parking spaces. After further discussion, a motion was made by Mr. Gill, seconded by Mr. Taylor to approve the recommended 'Option C'.

Mr. Tony Vasquez, 11359 W. 147 Street, stated Option C is a fair compromise, however didn't want the focus on this park to be exclusively on soccer fields.

The motion passed unanimously.

**B. Approve waiver of Special Use Permit [SUP] stipulation of construction and completion of decel lane and allow Columbian Bank to proceed with bank building improvements**

Patty Bennett, City Attorney, stated a SUP was approved for this project with a condition that at Columbian Bank's expense, the City install a decel lane, to be constructed concurrently with the building improvements. The schedule to construct the decel lane does not coincide with the building improvements and Staff is requesting the City Council waive this stipulation so that the building improvements can proceed, followed by the installation of the decel lane in March-April of 2001.

A motion was made by Mr. Bussing, seconded by Mr. Gill, to approve the waiver of the stipulation, with the condition Columbian Bank will place the decel lane construction money in escrow, and will reimburse the City the full amount of the cost of said installation, including any additional cost amount

that exceeds the escrowed amount. Mr. Curt Holland, representative for Columbian Bank stated the bank would concur with this stipulation.

The motion passed unanimously.

## **9. PUBLIC WORKS COMMITTEE RECOMMENDATIONS**

### **A. Approve selection of firm for Design/Build of the Public Works Facility at 143<sup>rd</sup> & Overbrook Road**

Mr. Joe Johnson, Public Works Director, stated Staff is recommending approval of the firm, Bruner Construction, and to exclude the bid alternates at this time, with a total amount of \$3,952,901.03. Approval of the bid alternates will be submitted to the Governing Body at a later time. A motion was made by Mr. Taylor, seconded by Mr. Rawlings to approve staff's recommendation and to execute the design/build agreement. The motion passed unanimously.

### **B. Discussion regarding 133<sup>rd</sup> Street issues**

The Public Works Committee has met with the affected property owners regarding the location of 133<sup>rd</sup> Street. Presently, the property owners are opposed to the recommendation. Staff is recommending the Governing Body approve the Public Works Committee's recommendation that 133<sup>rd</sup> Street be built along Option "A", which is a more easterly route. The section of 133<sup>rd</sup> Street adjacent to Greenbrier would be relocated as far south within the existing right-of-way to allow additional room on the north side for buffering and landscaping. In addition, the City is currently working with the Attorney General's office to exclude the abutting Greenbrier property owners from the benefit district. However, if these property owners cannot be omitted from the benefit district, this issue will again be referred back to the Public Works Committee.

Property owners, Jerry Malone, 13108 Pembroke; Boris Peharda, 2305 W. 131<sup>st</sup> Street; and Mark Lindsey, 2301 W. 131<sup>st</sup> Street, stated they were disappointed with this recommendation. After further discussion, a motion was made by Mr. Bussing, seconded by Mr. Story to approve the recommendation. Councilmember Gill stated he felt this was not the correct solution to this issue and is opposed to this recommendation. The motion carried with the following vote: Yea: Councilmembers Bussing, Story, Rawlings, and Taylor. Nay: Councilmembers Gill and Gullede. Ms. Bennett stated if the Attorney General's opinion is not received prior to the next Governing Body meeting, December 4, 2000, hopefully it would be available at the next meeting on December 18, 2000.

## **8. NEW BUSINESS**

### **A. Resolution No. 1572 authorizing and providing for the issuance and delivery of temporary notes for the FLan Park Project # 111 in the principal amount of \$100,000 to provide temporary financing of the cost of improvement**

Councilmember Rawlings recused himself from this agenda item. A motion was made by Mr. Bussing, seconded by Mr. Taylor to approve the resolution. The motion carried by a unanimous vote.

- B. Resolution No. 1573 authorizing and providing for the issuance and delivery of temporary notes for the South Park Project # 116 in the principal amount of \$400,000 to provide temporary financing of the cost of improvement**

Councilmember Rawlings recused himself from this agenda item. A motion was made by Mr. Taylor, seconded by Mr. Story to approve the resolution. The motion carried by a unanimous vote.

- C. Resolution No. 1574 authorizing and providing for the issuance and delivery of temporary notes for the Fire Station # 3 Project # 151 in the principal amount of \$600,000 to provide temporary financing of the cost of improvement**

A motion was made by Mr. Taylor, seconded by Mr. Gill to approve the resolution. The motion carried by a unanimous vote.

- D. Resolution No. 1575 authorizing and providing for the issuance and delivery of temporary notes for the Public Works Complex Project # 156 in the principal amount of \$100,000 to provide temporary financing of the cost of improvement**

A motion was made by Mr. Taylor, seconded by Mr. Rawlings to approve the resolution. The motion carried by a unanimous vote.

- E. Resolution No. 1576 authorizing and providing for the issuance and delivery of temporary notes for the 119<sup>th</sup> Street and Mission Road Intersection Improvement Project # 159 in the principal amount of \$200,000 to provide temporary financing of the cost of improvement**

Councilmember Rawlings recused himself from this agenda item. A motion was made by Mr. Story, seconded by Mr. Gill to approve the resolution. The motion carried by a unanimous vote.

- F. Resolution No. 1577 authorizing and providing for the issuance and delivery of temporary notes for 151<sup>st</sup> Street between Nall and Mission Road Project # 167 in the principal amount of \$700,000 to provide temporary financing of the cost of improvement**

Councilmember Rawlings recused himself from this agenda item. A motion was made by Mr. Bussing, seconded by Mr. Taylor to approve the resolution. The motion carried by a unanimous vote.

- G. Ordinance No. 1878 authorizing the issuance and delivery of temporary notes of the City of Leawood in the principal amount of \$ 2,100,000 to provide temporary financing of the cost of certain public improvement projects within the City of Leawood, Kansas**

A motion was made by Mr. Bussing, seconded by Mr. Gullledge to pass the ordinance. The motion passed by a unanimous roll call vote.

- H. Resolution No. 1578 making certain findings and determinations of costs of City Public Improvement Projects financed with the proceeds of \$8,310,000**

**principal amount of General Obligation Improvements Bonds, Series 2000-A, of the City of Leawood, Kansas**

A motion was made by Mr. Bussing, seconded by Mr. Story to approve the resolution. The motion carried by a unanimous vote.

**I. Approval of Appropriation Ordinance No. 904**

A motion was made by Mr. Taylor, seconded by Mr. Gullledge to pass the ordinance. The motion was passed unanimously by a roll call vote.

**10. OTHER BUSINESS**

**A. Approve and authorize the execution of an Employment Agreement between the City of Leawood and City Administrator, Dick Garofano**

Mayor Dunn stated, effective December 1, 2000, Mr. Dick Garofano, current City Administrator, would convert from the City Administrator to a consultant for the city for a period of 24 months. The City will initiate a search for a new City Administrator. Mayor Dunn recognized Mr. Garofano's service to the City for over 20 years. A motion was entered by Mr. Bussing, seconded by Mr. Taylor to approve and authorize the Mayor to execute the submitted Employment Agreement. The motion passed unanimously.

**ADJOURN.** There being no further business before the Council, the meeting was adjourned at 9:25 P.M.

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Martha Heizer, City Clerk

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Deb A. Harper, Recording Clerk