

Minutes

Audio Tape No. 501

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, December 18, 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:

Patricia A. Bennett, City Attorney

Kathy Rogers, Finance Director

Joe Johnson, Public Works Director

Scott Barton, Police Captain

Chris Claxton, Director of Parks & Recreation

Julie Hakan, Human Resources Director

Sarah Hilton, Admin. Services Mgr.

Ben C. Florance, Fire Chief

Diane Binckley, Planning Services Admin.

Bob Sadler, Info. Services Director

Jeff Cantrell, Neighborhood Serv. Admin.

Deb Harper, Deputy City Clerk

Martha Heizer, City Clerk

1. PLEDGE OF ALLEGIANCE.

- 2. APPROVAL OF AGENDA.** Agenda Items # 4I was removed from the Agenda and Agenda Item #6A was tabled to the 01-02-2001 Governing Body meeting. A motion was then made by Mr. Rasmussen, seconded by Mr. Gill to approve the Agenda. The motion carried by a unanimous vote.

- 180 **3. CITIZEN COMMENTS.** – None

215 **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 December 4, 2000, Governing Body meeting

B. Minutes of the November 15, 2000, Public Works Committee meeting

C. Minutes of the November 29, 2000, Public Works Committee meeting

D. Minutes of the November 14, 2000 Park and Rec. Advisory Board Committee meeting

E. Departmental Reports

F. CMB License Renewal for Osco Drug, 11729 Roe

G. CMB License Renewal for Cosentino's Price Chopper, 3700 W. 95th Street

- H. Sixth & Final Payment in the amount of \$10,000.00 to Heartland Construction Company for the Aquatic Center Bath House Renovation Project [CIP # 171]
- I. Request for Septic Tank Permit for property located at 14800 Mission Road, Lot, 2, Strawberry Hill Subdivision –** **REMOVED FROM AGENDA**
- J. Approve Bid in the amount of \$8,947.00, from Info. Care Consulting Services for placement of underground cable conduits for Police Department, as of –01-01-2001
- K. Approve purchase from Baker-Lockwood-Western Awning for shade awnings at Aquatic Center, for an amount not to exceed \$7,793.00
- L. Approve and authorize the execution of two [2] joint agreements between the City and George Butler Associates and Pyramid Excavation & Construction to repair the Old Mission Road Jogging Trail Bridge, located north of College and east of Roe Avenue
- M. Approve and authorize the execution of an agreement between the City and Total Electric Construction Company for traffic signal improvements located at 119th & Tomahawk Creek Parkway, for an amount not to exceed \$10,000
- N. Approve Change Order/Claim Settlement between the City, KDOT, and Massman Construction, for work performed on the Mission Road [between 103rd & I-435] Improvement Project
- O. Approve renewal of Parks & Recreation Maintenance Agreement between the City and Midwest Service Co., to provide for maintenance and mowing services for an amount not to exceed \$71,366
- P. Approve and authorize execution of an Inter-local Agreement between the City and Board of County Commissioners [BOCC] of Johnson County, pertaining to the 2001 CARS Projects: Lee Boulevard between 103 & Mission Road; 119th Street between State Line Road & Roe Avenue; and State Line Road between 92nd & 103rd Street

Consent Agenda Item 4Q was removed for discussion. On motion of Mr. Rasmussen, seconded by Mr. Gill, the remainder of the Consent Agenda was unanimously approved.

258 **4Q. Resolution No. 1584 approving and authorizing the Mayor to execute a Cooperation Agreement between the City and Sedgwick County, the cooperating jurisdiction, in connection with the issuance of Single Family Mortgage Revenue Bonds**

Mr. Taylor questioned if Leawood residents would be able to participate based upon the income limitations and purchase price limitations. Councilmember Dunn advised there are residences that would fall within the limitations and the potential would exist for first-time homeowners to participate in this program. A motion was then made by Mr. Taylor, seconded by Mr. Dunn to approve the resolution. The motion carried unanimously.

453 **5A. Ordinance approving Plan Commission’s recommendation to adopt Leawood Comprehensive Plan, in accordance with K.S.A. § 12-747**

A motion was made by Mr. Gill, seconded by Mr. Taylor to continue this item to the January 16, 2001, Governing Body meeting to allow sufficient time to thoroughly review the Plan and entertained comments from Staff and from citizens.

Diane Binckley, Planning Services Admin., advised this Comprehensive Plan will be relied upon when the Development Ordinance is revised. The proposed changes have been made due to policy changes. These policies were revised after numerous meetings with residents, developers, real estate agents, attorneys, and the Plan Commission. Mr. Rasmussen requested those changes be forwarded to the Governing Body for review in tandem with the Plan.

Mr. Mike Zander, 2012 W. 98th Street, President of Leawood Estates, advised he is in favor of changing the area of 98th & State Line as shown on the land use map, from the current land use of Office to Medium Density Residential.

Mr. Dave King, 2135 W.116th Street; Ms. Susan Horowitz, 2104 W. 115th Street; Mr. Dick Shull, 2100 W. 115th Street; Mr. Mel Lavery, 2000 W. 111th Street; and Ms. Diane Styers, 11432 High Drive, advised they are opposed to zoning changes for the area of 112th Street and State Line to allow any commercial development.

John Peterson, Esq., Polsinelli, et al., representing Kessinger-Hunter, as agent for property owner, J. C. Nichols, The High Woods Corporation, located on the southwest corner of 135th & Chadwick, [approximately 67 acres] spoke on their behalf of their objections to changing a portion of this area from High Density Residential to Medium Density Residential. This would cause a loss of value for this piece of property and a devaluation when costs of development along 135th Street Corridor are considered.

Greg Musil, Esq., Shughart, Thomson & Kilroy, representing property owner, Carter, 3000 W. 117th Street, for property located at 112 & State Line, stated Carter is opposed to this area being zoned Medium Density Residential, as it would restrict development of any type of upscale office projects.

Councilmember Bussing left the Chamber.

After further discussion, the motion to continue this item to the January 16, 2001, Governing Body meeting was passed unanimously. Councilmember Bussing returned to the Chamber.

2525 **5B. Approve Special Use Permit [SUP] request for a Sprint Cellular Antenna to be located on Saddle & Sirloin Cell Tower**

A motion was made by Mr. Rawlings and seconded by Mr. Story to approve the SUP.

Councilmembers Taylor, Rasmussen, Dunn, Gill, Story, and Bussing again, reiterated their concerns regarding the landscaping and screening issues that have not been adequately addressed when the original SUP was granted to Southwestern Bell Wireless. The Governing Body's frustration level is raised each time an applicant appears requesting placement of an antennae on the existing monopole when the original screening and landscaping concerns have consistently been disregarded.

Curtis Holland, Esq., Polsinelli, et al., appeared on behalf of applicant, Sprint. Mr. Holland stated, even though he is not representing the property owner nor the original SUP applicant, some of the concerns have been completed. The installation of sod on the berm has been completed along with putting in a concrete driveway. There is some landscaping that requires replacement and also some replacement of trees that cannot be completed until spring.

Staff directed a letter dated December 13, 2000, to the property owner which advises if the outlined outstanding concerns are not satisfied by April, 2001, the original SUP will be subject to revocation.

Mr. Bussing requested Staff provide the Governing Body an outline of what items that have been completed and the items that still need to be addressed. After further discussion, the SUP was approved with the following vote: Yea: Councilmembers Story, Rawlings, Bussing and Gulledge; Nay: Councilmembers Taylor, Rasmussen and Dunn. Councilmember Gill recused himself.

3391 **5C. Resolution No. 1585 approving preliminary site plan, preliminary plat, and rezoning request from AG, Agriculture, to RP-4, Planned Cluster Residential, for property located on SW corner of 151 & Mission Road, Summertree Villas, Phase II [companion ordinance]**

Councilmember Gill recused himself from this agenda item.

Stuart Stein, Esq., Morrison Hecker, representing the applicant, made a presentation. Mr. Stein stated the plan has been revised, placing nine [9] villas in Phase II, however they are requested two [2] villas be removed from Phase I.

A motion was made by Mr. Rasmussen, seconded by Mr. Taylor to approve the resolution.

Ms. Sandy Schowgurow, 15230 Fontana, stated her opposition to the development. After further discussion, the motion passed by a unanimous vote, with Councilmember Gill recused.

4124 **5D. Ordinance No. 1881 accepting rezoning from AG, Agriculture, to RP-4, Planned Cluster Residential, for property located on SW corner of 151 & Mission Road, Summertree Villas, Phase II**

Councilmember Gill recused himself from this agenda item.

A motion was made by Mr. Taylor, seconded by Mr. Rasmussen to pass the rezoning ordinance. The motion was passed by a roll call vote, with Councilmember Gill recused.

6. COMMITTEE RECOMMENDATIONS - PUBLIC WORKS

- A. Approve Public Works Committee recommendation of design/build alternate amounts with Bruner Construction Company, pertaining to the construction of Public Works Maintenance Facility [143 & Overbrook] [CIP # 156] TABLED TO 01-02-2001 MEETING**

4147 **7. MAYOR'S REPORT**

- ☞ Mayor Dunn expressed the Governing Body's appreciation to the Public Works Department for the excellent job performed in getting the streets cleared after the recent snow storms
- ☞ Usage of the City's Action Line has diminished in recent months, and requested more people become aware of the Action Line
- ☞ Police Officer Culbertson has returned to work after he sustained severe injuries while attempting to subdue a suspect
- ☞ Appreciation to the Safety Committee and related staff members for reduced rates in the KERIT Program
- ☞ The Governing Body meetings scheduled in January, 2001, will be conducted on Tuesdays: January 2, 2001, due to the holiday on Monday, January 1st ; and the second meeting will be held on Tuesday, January 16, 2001, due to the holiday on Monday, January 15, 2001

4401 **8. OLD BUSINESS**

- A. Further discussion regarding 133rd Street configuration and assessment**

Patty Bennett, City Attorney, advised the Legal Department had received the Attorney General's Opinion regarding the possibility of excluding certain abutting property owners from being assessed for this project. The AG has opined these property owners cannot be excluded from the improvement district. Therefore, it is recommended this issue be referred back to the Public Works Committee for further review, options and study.

A motion was entered by Mr. Bussing, seconded by Mr. Gill to refer this item back the Public Works Committee to be held on Wednesday, January 17, 2001. Mr. Gill stated he is opposed to any city financial participation for this project; these certain abutting property owners should be excluded from this district; and feels the road was poorly designed.

5069 **9. NEW BUSINESS**

A. Approval of Appropriation Ordinance No. 906

A motion was made by Mr. Taylor and seconded by Mr. Rasmussen to pass the ordinance. The ordinance was passed by a unanimous roll call vote.

5100 **9B. Approve appointment of Planning & Development Director**

Ms. Diane Binckley, the current Planning Services Administrator for the last 18 months is promoted to the Planning & Development Director. A motion was made by Mr. Taylor, seconded by Mr. Rasmussen to promote Ms. Binckley to this position.

Councilmember Taylor echoed the Governing Body's recognition and appreciation of Ms. Binckley's excellent work and exceptional efforts in all phases of the Planning Department, and feels she is the most qualified choice for this position.

The motion carried by a unanimous vote.

5150 **9C. Approve and authorize execution of an engineering agreement between the City and Bohl & Associates, to conduct engineering services for the Water Playground, Leawood Aquatic Center**

A motion was made by Mr. Taylor, seconded by Mr. Dunn to approve the execution of the agreement. The motion carried unanimously.

5249 **9D. Approve Selection Committee's recommendation of executive search firm for City Administrator's position and authorize execution of a Letter Agreement**

A motion was made by Mr. Gulledge and seconded by Mr. Story to approve the execution of the Letter Agreement with the PAR Group. The motion carried unanimously.

5277 **10. NEW BUSINESS**

A. Discussion regarding Governing Body expenses, allowances, and reimbursements

Mr. Rasmussen stated direct expenses associated with a councilmember's role have increased. This position demands computers, fax machines, copiers and requested discussion regarding the possibility of increasing councilmembers' allowances and/or reimbursement of expenses. A study was conducted of area cities and it reflects various expenses, reimbursements, and equipment provided, such as computers, laptops, cell phones, etc.

Mr. Bussing stated he is adamantly opposed to any increase in compensation. This position is a volunteer position and doesn't feel it necessary to reimburse councilmembers' expenses and would not personally accept any increase.

After further discussion, a motion was made by Mr. Dunn and seconded by Mr. Taylor to conduct a work session at 6:30 P.M. on Tuesday, January 2, 2001, immediately preceding the regularly scheduled Governing Body meeting, to further discuss this issue.

ADJOURN. There being no further business before the Council, the meeting was adjourned at 10:35 P.M.

Martha Heizer, City Clerk

Deb A. Harper, Recording Clerk