

Minutes

Audio Tape No. 503

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 Tuesday, January 16, 2001. Mayor Peggy J. Dunn presided.

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

Staff present:

Patricia A. Bennett, City Attorney	Ben C. Florance, Fire Chief
Kathy Rogers, Finance Director	Bob Sadler, Internet Specialist
Joe Johnson, Public Works Director	Diane Binckley, Planning/Develop. Dir.
Sid Mitchell, Chief of Police	Jeff Cantrell, Neighborhood Serv. Admin.
Julie Hakan, Human Resources Director	Martha Heizer, City Clerk
Chris Claxton, Parks & Recreation Director	Deb Harper, Deputy City Clerk

1. PLEDGE OF ALLEGIANCE

200 **2. APPROVAL OF AGENDA**

The following items were added under Other Business:

- ** **9.A. Resolution calling for a public hearing to consider a draft ordinance pertaining to communication and cable operations.**

- ** **9.B. Refer to the Public Works Committee – memo from Finance Director dated January 9, 2001, relating to SMAC projects, for the purpose of reviewing the memo and comparing it to the CIP for priority projects.**

The agenda as amended was approved unanimously on motion of Gill, seconded by Rawlings.

3. PRESENTATION OF DONATION FROM THE CLOISTERS HOMES ASSOCIATION TO LEAWOOD POLICE AND FIRE DEPARTMENTS

The Mayor recognized the Association for their holiday gift in the amount of \$1,505.00 in appreciation of Police and Fire services to residents.

290 **4. CITIZEN COMMENTS** - None.

327 **5. 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. Approval of Appropriation Ordinance No. 908 for 2000 expenditures
- B. Approval of Appropriation Ordinance No. 909 for 2001 expenditures
- C. Minutes of the January 2, 2001, Governing Body meeting
- E. Minutes of the October 17, 2000, Historic Commission meeting
- F. Minutes of the November 14, 2000, Historic Commission meeting
- G. Minutes of the December 12, 2000, Parks & Recreation Advisory Board meeting
- H. Departmental reports
- I. Submit Remodeling Committee recommendations to the Public Works Committee for approval regarding Fire Station #2 remodeling project
- J. Approve payment of \$8,500 to Johnson County Unified Wastewater District for construction of a fence in return for their grant of an easement to give the City access to Ironhorse golf course for the purpose of servicing irrigation pumps.

Consent Agenda Item 5.D. was removed for discussion. On motion of Dunn, seconded by Rasmussen, the remainder of the Consent Agenda was unanimously approved. Mayor Dunn asked that the spelling of artist Stan Herd's name be corrected in the January 2, 2001, Governing Body meeting minutes.

5.D. Minutes of the November 30, 2000, Golf Course Committee meeting.

Councilmember Bussing reiterated a previous request for a prioritized list of planned expenditures for the golf course. Councilmember Rasmussen mentioned that presentation of the annual business plan for the golf course which included capital expenditures would be made once a final report was received from EAGL; the ending cash balance for the year 2000 was unknown. On motion of Bussing, seconded by Gill, Council unanimously approved the minutes.

570 **6. MAYOR'S REPORT**

- Recent Council of Mayors meeting – report on CARS program; final report and acceptance of the “Preserving Our Future, Community Infrastructure Summit Report” (infrastructure and parks the 2 most important issues to Johnson County residents); report on Juvenile Intake and Assessment Center; legislative delegation meeting in Topeka in the near future
- Recent Corinth Elementary School DARE graduation
- Recent retirement reception for Johnson County Commissioner Johnna Lingle
- Chinese New Year celebration on Wednesday, January 24, 2001
- Recognition of the Leawood Lions Club which over the holiday season earned over \$35,000 for the Salvation Army's bell ringing campaign

7. OLD BUSINESS**A. Ordinance approving Plan Commission's recommendation to adopt Leawood Comprehensive Plan and 135th Street Corridor Plan, in accordance with K.S.A. 12-747 – [continued from 12-18-00 Governing Body meeting].**

Planning Director Binckley reviewed the 3 key land use locations discussed at the December 18th Council meeting – 98th and State Line Road from “office” to proposed “medium density residential”; southwest corner of 112th and State Line Road proposed to remain “medium density residential” rather than changing to “office”; 137th & Chadwick from “high density residential” to proposed “medium density residential” (area residents weren’t interested in having apartments in that area). Mrs. Binckley said that John Peterson who spoke at the December 18th Council meeting requested that she advise the Council that he wanted the Comprehensive Plan to remain “high density residential” at 137th & Chadwick.

In response to Councilmember Rasmussen’s concern about the proposed 2000 Plan policies having the same detail as the 1997 Comprehensive Plan policies (specific mention of the infill development policy for north Leawood), Mrs. Binckley said that the Plan Commission/staff included those portions of the comprehensive plan policies developed over the years which they felt were pertinent.

Councilmember Bussing suggested that staff try to identify inconsistencies in nomenclature between the approved 2000 Comprehensive Plan and the Leawood Development Ordinance yet to be revised.

Councilmember Gill suggested that Councilmembers submit suggestions for wording changes. His examples – 1) on page 12 of the Plan, indicate that the Comprehensive Plan could be altered period, not restrict alteration just to reflect changing conditions; 2) remove reference that Council adopt as a policy the utilization of tiff financing – it was a financing vehicle, not a planning vehicle, and he was opposed to tiff financing; 3) remove references to statistical changes with speculative assumptions without evidence; 4) inconsistencies in the document as to the number of developable square feet; 5) as to the various development areas, no mention of the Saddle & Sirloin property – it should be included; 6) all statements with respect to 135th St. Corridor need to be accurate; 7) as to incenting, don’t restrict or identify what the incentives might be, don’t incent only with increased density. Mrs. Binckley said she would furnish the Governing Body a copy of the City’s tiff policy resolution for review.

Residents addressed the Governing Body; some of their comments follow. Regarding the proposed land use at 98th and State Line Road, Mike Zanders, 2012 W. 98th St., said that the current land use “office” was unacceptable, and he liked the proposed land use “medium density residential.” Neil Shortlidge, 11181 Overbrook, attorney for Bryson Cloon, owner of a vacant tract of land at 98th and State Line, requested that the “office” designation remain on his client’s property based upon sound land use planning and not dictated by private land use restrictions or by a plebiscite of the neighbors.

Regarding the land use at 112th and State Line Road, David King, 2135 W. 116th St., was opposed to a land use change from “medium density residential” to “office.” Joe Carter, 3000 W. 117th St., spoke about his proposed office project for the area. Mel Lavery of Hallbrook Development, 2000 W. 111th St., distributed a letter indicating that Hallbrook was opposed to any change in the medium density

residential designation on the land it owned or the adjacent tracts in the area, that Hallbrook's land wasn't for sale and that Hallbrook would neither develop nor sell the property in question for anything other than residential uses compatible with the existing Hallbrook Villas; he also said that Hallbrook would request rezoning on one of its tracts from special development district (allowing office and retail) to medium density residential. Several residents spoke in favor of Mr. Carter's "office" proposal. Greg Musil, representing Mr. Carter, spoke about the office development with 11 acres of green space and residential-style office building; based on neighbors' feedback, on the fact that one tract was already zoned to allow office/retail, that a master plan showing the northern 2 tracts as potential office development, was a good land use guide, and he hoped the Council would consider that.

Councilmember Rasmussen moved to approve the Comprehensive Plan land use map on page 64 of the Plan with modifications to the text suggested by Councilmembers given to the Planning Director to be returned to the Council for further acceptance and approval at the February 20th Council meeting. (Text changes would still be open to public comment.) Motion seconded by Taylor.

Councilmember Gulledge said he couldn't support the plan or the motion at this time based upon 112th and State Line; the Carter proposal made good sense with less density, more green space, support by residents, and there was still room to resolve issues in the area.

Councilmember Dunn felt the Carter plan was a good one and would be interested in seeing it go before the Plan Commission for consideration, however, he wasn't going to master plan backwards, not going to create the master plan based upon whether he liked an individual plan or not.

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

4190 **8. NEW BUSINESS.**

A. Request to support "Operation Green Light," a MARC project to improve coordination of traffic signals on major routes throughout the Metro Area.

Councilmember Taylor moved to support the project, seconded by Bussing. Leawood's share of Design Phase 1 Priority Corridors would be \$6,000, Corridors in Leawood being 135th St., 95th St., and State Line Rd. Councilmember Rasmussen talked about many similar studies in the metropolitan area in the past; he knew of 2 coordinations that cost tens of millions of dollars. He wouldn't support the motion. Motion carried; Rasmussen opposed; Gulledge, Bussing, Rawlings, Dunn, Gill, Taylor in favor.

B. Ordinance No. 1882C adding a new Article 5 to Chapter VIII of the City of Leawood Code 2000, relating to the establishment and implementation of an Insurance Proceeds Fund pursuant to K.S.A. 40-3901 et seq., and repealing existing ordinances of the City in conflict therewith.

On motion of Rasmussen, seconded by Gulledge, Council unanimously passed the ordinance on roll call vote.

4645 C. **Discussion regarding potential revisions to Code Sections 11-204 & 11-205, pertaining to Nuisances & Disturbing the Peace, respectively.**

Councilmember Gill wanted to defer the matter – to allow residents and Hallbrook Country Club an opportunity to give input on the City Attorney’s concept memo, to receive a copy of the Chapel Hill, North Carolina, ordinance, and to set a time to receive comments from the residents, the Country Club and any experts they brought to the City’s attention.

David King, 2135 W. 116th St., said he had had no opportunity to give input on the City Attorney’s memo, and it seemed to him that if her proposals were implemented, they would authorize all the problems he had had and make what Hallbrook Country Club was doing legal, and that wasn’t fair; he knew the City Prosecutor felt that the Country Club was in violation of City ordinance. The Mayor noted that it was the City Attorney’s intent for Mr. King and Hallbrook to give input and that the matter was on the agenda for discussion, not action. Jeff Alholm, 11701 High Dr., spoke about engineering issues. Jim Lora, General Manager of Hallbrook Country Club, also spoke and suggested retaining an expert.

Mr. Gill moved to defer the matter to the March 5, 2001, Governing Body meeting, to obtain input from Hallbrook and Mr. King and any other interested parties, holding off on retaining an expert. Motion seconded by Gullledge and carried unanimously.

6290 D. **Ordinance amending Section 1-208 of the City of Leawood Code 2000, pertaining to compensation.**

Councilmember Dunn moved to continue the matter to the February 5, 2001, Governing Body meeting since he wasn’t prepared to have a lengthy discussion and Councilmember Story, who had some strong feelings about the issue, wasn’t present. Motion seconded by Gullledge and carried unanimously.

6350 9. **OTHER BUSINESS.**

** A. **Resolution No. 1586 calling for a public hearing to consider a draft ordinance pertaining to communication and cable operations – hearing to be held February 20, 2001, 6:30 P.M.**

On motion of Dunn, seconded by Gill, Council unanimously adopted the resolution. Staff would give providers written notice that they would be limited to a certain period of time in which to make comments at the hearing and request that they submit any other comments in writing a week beforehand to be distributed to the Governing Body.

**** B. Refer to Public Works Committee.**

Councilmember Rasmussen moved to refer the Finance Director's January 9, 2001, cash flow analysis associated with approved and planned SMAC projects along with the pay-as-you-go Capital Project Fund 2001-2005 for stormwater to the Public Works Committee for the purpose of getting their input in order to have a tight recommendation ready for the upcoming budget sessions; he wanted to be sure that the safety-related projects were completed and have the Public Works Committee look at the significant carryover; he also wanted to know if any of the delayed projects would be coming up in the immediate future. Motion seconded by Gullede and carried unanimously.

ADJOURN. There being no further business, the meeting was adjourned at 10:45 P.M.

Martha Heizer, City Clerk