

Minutes

Audio Tape No. 516

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, June 4, 2001. Mayor Peggy J. Dunn presided.

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

Staff present:

Patricia A. Bennett, City Attorney	Kathy Rogers, Finance Director
Diane Binckley, Planning/Develop. Dir.	Ben C. Florance, Fire Chief
Joe Johnson, Public Works Director	Julie Hakan, Human Resources Director
Major Craig Hill, Leawood Police	Mark Andrasik, Info. Systems Director
Chris Claxton, Parks & Recreation Director	Jeff Cantrell, Neighborhood Serv. Admin.
Deb Harper, Deputy City Clerk	

1. PLEDGE OF ALLEGIANCE

124 **2. APPROVAL OF AGENDA**

Councilmember Rasmussen asked that Item # 8A be added under **Other Business**, regarding trespassing occurring at IRONHORSE. Councilmember Gulledge stated the date located at the bottom of the Agenda, advising of the next Governing Body meeting should be June 18, 2001, instead of June 21, 2001. A motion was made by Councilmember Gulledge, seconded by Councilmember Gill to approve the agenda, as amended. The motion passed unanimously.

146 **3. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Lane, made comments.

255 **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. Approval of Appropriation Ordinance No 919
- B. Minutes of the May 21, 2001, Governing Body meeting

- C. Minutes of the April 24, 2001, Arts Council meeting
- D. Acceptance of Donation in the amount of \$3,200 to Leawood Fire Department from the Leawood Woman's Club
- E. Renewal of retail liquor license for Wolff's Fine Wines & Spirits, located at 11841 Roe
- F. Appointments for Development Ordinance Review Task Force
- G. Approve and authorize Mayor to enter into agreement with Merit Construction, subject to non-substantive revisions approved by the City Attorney; and approve Alternate No. 2 to the agreement between the City and Merit Company for the construction of Fire Station No. 3
- H. Approve and authorize execution of an Interlocal Agreement between the City and the Board of County Commissioners of Johnson County, Kansas, for construction improvements to Dykes Branch, located at 84th & State Line, SMAC Project, DB-04-015
- I. Approve and authorize execution of an Amendment to Interlocal Agreement between the City and the Board of County Commissioners of Johnson County, Kansas, regarding the Board's Commitment of Funding from \$249,075 to \$942,683 for SMAC Project, located at 82nd Terrace & Wenonga, DB-04-024
- J. Approve and authorize execution of an Agreement between the City and Schmitz, King & Associates, Inc., in the amount of \$6,500.00 to conduct a boundary survey in conjunction with the 2002 Street Improvement Program
- K. First and Final Payment in the amount of \$39,680.00 to Commercial Waterproofing, Inc., for repainting at the Aquatic Center
- L. Approve Request to Purchase in the amount of \$44,604 from Union Jack for the purchase of soccer league uniforms

Councilmember Taylor requested Items # 4A, and 4C be pulled from the Consent Agenda for discussion. On motion of Councilmember Taylor, seconded by Councilmember Rasmussen, the remainder of the Consent Agenda was approved unanimously.

Item #4A. Councilmember Taylor had questions regarding Appropriation Ordinance Items # 81508 [John Marshall Co., in the amount of \$20,557.32]; 81583 [Weather or Not, in the amount of \$4,995.00]; and 81646 [Nat'l Hole-In-One Assoc, in the amount of \$2,271.00]. Additionally, in regards to # 81508, Councilmember Taylor stated he would like Staff to be more diligent in the future to solicit other companies that offered like products and services. Staff responded and after further discussion, Councilmember Taylor made a motion to approve Item #4A. The motion was seconded by Councilmember Rasmussen, followed by a unanimous vote.

Item # 4C. Mayor Dunn requested the language, "unless funder has restricted use of the funds;" be added under Ms. Rogers explanation of cost recovery to read as follows: *"Explains 'cost recovery,' total expense is budgeted for; if a portion of total is raised/received from other source, the amount raised is 'cost recovery' and goes back into general fund **unless funder has restricted***

the use of the funds; does not increase the funds available for budgeted expense. A motion was made by Councilmember Dunn, seconded by Councilmember Taylor to approve Item 4C, as amended. The motion carried unanimously.

523 **5. MAYOR'S REPORT**

- ?? Attended DARE graduations
- ?? Attended Council of Mayor's year-end meeting with Johnson & Wyandotte counties legislation delegates, including Senator Brownlee present. Discussions centered around Senate Bill # 306 and the telecom issue; future state revenues; school financing; excise taxes; and E-911. Mayor Dunn advised the Kansas League has created a Telecom Task Force with various representatives from certain cities selected to participate. Even though representatives from Leawood were not selected, our concerns regarding the City's position will be relayed to these representatives.
- ?? Attended the Leawood Woman's Club Philanthropic Luncheon
- ?? Press event regarding the Cornerstone development and annexation position
- ?? Groundbreaking ceremonies for the construction of Fire Station #3
- ?? Dedication of the Historic Commission Display Case

722 **6. OLD BUSINESS**

- A. Resolution No. 1614 amending Resolution No. 1553 finding as to the advisability and authorizing the improvement and construction of the 135th Street and Roe Avenue Project, pursuant to K.S.A. 12-16a01 et seq. [Reauthorization from May 21, 2001 Governing Body meeting]**

Councilmember Taylor recused himself from this agenda item.

A motion was made by Councilmember Gill, seconded by Councilmember Dunn to approve the Resolution. The motion carried unanimously.

Councilmember Taylor returned to the Chambers.

767 **7. NEW BUSINESS**

- A. Approve revised construction schedule for CIP Project Nall Avenue from 135th Street to 143rd Street to be conducted in 2003 instead of 2005**

Councilmember Taylor recused himself from this agenda item.

Public Works Director, Joe Johnson, stated the widening of Nall between 135th Street and 143rd Street is currently scheduled to begin in 2005, in accordance with the City's CIP Plan. The Kansas Priority Committee met in April, and has approved \$2 Million for funding for this project. Because the federal

program expires in 2003, there would be approximately \$ 3.1 Million available to use for this project. The City of Overland Park has also agreed to move this project forward at the \$3 Million funding level. Based upon this information, Staff is recommending the Nall improvement project be accelerated to 2003. The City's share of \$2,433,000 would remain the same. Mayor Dunn asked if this improvement project could be extended to 151st Street. Mr. Johnson stated there is not funding available and the improvement project would only be between 135th Street and 143rd Street. After further discussion, a motion was made by Councilmember Gill, seconded by Councilmember Rasmussen to approve the revised construction schedule for CIP Project Nall from 135th to 143rd Street to be conducted in 2003 instead of 2005. The motion carried by a unanimous vote.

Councilmember Taylor returned to the Chambers.

952 **8. OTHER BUSINESS**

*****A. Trespassing and damage occurring at IRONHORSE Golf Course**

Councilmember Rasmussen stated recently there has been some trespassing and chopping down of trees on IRONHORSE Golf Course occurring, resulting in damage. The Golf Course Committee recommended and Councilmember Rasmussen moved that the City Council direct the City Attorney to take appropriate action to remedy the trespassing situation and to seek reimbursement for the damage that has occurred. The motion was seconded by Councilmember Gill, and the motion passed unanimously.

9. *EXECUTIVE SESSIONI**

A motion was then made by Councilmember Gullede, seconded by Councilmember Rasmussen to recess into Execution Session for 90 minutes, commencing at 8:10 P.M.

The Governing Body reconvened into regular session at 9:45 P.M.

ADJOURN. There being no further business, the meeting was adjourned at 9:45 P.M.

Deb A. Harper, Recording Clerk