

**Minutes**

Audio Tape No. 517

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 18, 2001. Mayor Peggy J. Dunn presided.

**Councilmembers present:** Scott E. Gullede, 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
Diane Binckley, Planning/Develop. Dir.	Ben C. Florance, Fire Chief
Joe Johnson, Public Works Director	Julie Hakan, Human Resources Director
Sid Mitchell, Police Chief	Karl Weinfurter, Info. Systems Specialist
Chris Claxton, Parks & Recreation Director	Jeff Cantrell, Neighborhood Serv. Admin.
Martha Heizer, City Clerk	Deb Harper, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

182 **2. APPROVAL OF AGENDA**

The following items were added to the agenda: Item 11.B., schedule work session for July 16, 2001, 5:30 p.m., to discuss park plans; Item 11.C., schedule work session for August 6, 2001, to discuss the CIP; and Item 11.D., schedule executive session following the regular meeting to discuss a matter under attorney-client privilege. On motion of Taylor, seconded by Gill, Council unanimously approved the agenda as amended.

**3. PROCLAMATION**

National Small Cities "Investing in Communities" Day – June 22, 2001.

**4. CITIZEN COMMENTS**

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

612 **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. Appropriation Ordinance No. 920
- B. Minutes of the June 4, 2001, Governing Body meeting
- C. Minutes of the April 26, 2001, Golf Course Committee meeting
- D. Minutes of the May 8, 2001, Parks & Recreation Advisory Board meeting
- E. Minutes of the May 8, 2001, Historic Commission meeting
- F. Minutes of the May 23, 2001, Public Works Committee meeting
- G. Minutes of the May 24, 2001, Strategic Spending Committee meeting
- H. Minutes of the May 29, 2001, Strategic Spending Committee meeting
- I. Departmental reports
- J. Approval of Leawood Police Department's continued participation via grant in the State-sponsored Bullying Prevention Program
- K. Resolution No. 1615 adopting a Special Benefit District Policy for the City of Leawood, and repealing Resolution No. 694
- L. Resolution No. 1616 calling for a Public Hearing at 7:30 P.M., on July 16, 2001, to consider the 2002 Fiscal Budget for the City of Leawood, Kansas
- M. Change Order No. 4 to the contract with Pyramid Excavation & Construction in the amount of \$9,368.00 regarding DB-04-017 SMAC Project located at 86<sup>th</sup> & Overhill
- N. Bid in the amount of \$23,555 from G.W. VanKepple Company for the purchase of a Vibratory Asphalt Compactor
- O. Bid in the amount of \$28,394 from Knapheide Truck Equipment for the purchase of a Tandem Axle Dump Body [Option 1]
- P. Bid in the amount of \$2,887 from Paving Maintenance Supply, Inc., for the purchase of a Carry Capacity Trailer [10,000 lbs]
- Q. Approve and authorize execution of a Second Supplemental Engineering Services Agreement between the City and Shafer, Kline & Warren, Inc., in the amount of \$94,200 pertaining to 133<sup>rd</sup> Street Improvement Project [CIP Projects 178 & 179]
- R. Approve and authorize the execution of Supplemental Agreement No. 2 between the City and Bucher Willis & Ratliff Corporation, in the amount of \$24,950, to conduct final phase of a Comprehensive Citywide Traffic Study
- S. Approve and authorize execution of a Lease Agreement between the City and IKON for a copy machine to be used by the Police Department for the amount of \$358 per month for 48 months
- T. Resolution No. 1617 approving the Final Plat for Pinnacle II located at approximately 114th Street and Tomahawk Creek Parkway [Applicant: Hoefler Wysocki Architects] [from May 22, 2001, Plan Commission meeting]

- U. Resolution No. 1618 approving Final Plat for St. Michael the Archangel Catholic School and Church located at approximately 143<sup>rd</sup> Street and Nall Avenue [Applicant: GLPM Architects, Inc.] [from May 22, 2001, Plan Commission meeting]

On motion of Rasmussen, seconded by Taylor, Council unanimously approved the Consent Agenda.

- 650 **6. SPECIAL BUSINESS**  
A. **First of Three Readings: An ordinance granting to and authorizing to Everest Connections Corporation a Franchise Agreement authorizing the right to construct, operate, and maintain a communications system using the rights-of-way in the City.**

- 690 **7. MAYOR'S REPORT**  
?? Recent Leawood Chamber of Commerce luncheon meeting at which Parks & Recreation Director Chris Claxton was the featured speaker regarding Leawood park plans and her department's activities  
?? Groundbreaking for the new Public Works Facility to be constructed at 14303 Overbrook Rd.  
?? Mid-America Regional Council's 5<sup>th</sup> annual regional assembly regarding the importance of careful planning in order to influence the future and the continuance of face-to-face interaction despite the era of technology  
?? City of Mission's 50<sup>th</sup> Anniversary  
?? Ribbon cutting for the Institute for Women's Health in Leawood Commons on Nall  
?? "Taste of Leawood" on June 9<sup>th</sup> at City Hall courtyard  
?? Grand Opening of newly remodeled 8700 State Line office building  
?? Reminder about 2002 budget meetings June 19<sup>th</sup> & 20<sup>th</sup> at 5:30 p.m.

## COMMITTEE RECOMMENDATIONS

- 1035 **8. PLAN COMMISSION – [from May 22, 2001, Plan Commission meeting]**  
A. **Resolution No. 1619 approving a Preliminary Site Plan and Special Use Permit for a temporary building for classrooms at Prairie Star Middle School located north of 143<sup>rd</sup> Street and east of Mission Road. [Applicant: Greischar Dungan Architects]**

Adopted unanimously on motion of Rasmussen, seconded by Gulledge.

- 1145 **9. PUBLIC WORKS COMMITTEE – [from May 23, 2001, Public Works Committee meeting]**  
A. **Drainage issue at Ironhorse Golf Club.**

Councilmember Dunn, Chairman of the Public Works Committee, said that the Committee considered a potential SMAC project that could deal with erosion on a significant portion of the creek running along the golf course and get some nearby homes out of the floodplain. The Committee recommended that the City submit the project for SMAC approval so the City could do a preliminary engineering study to get some answers about the impact on the golf course before making a final decision about proceeding.

Councilmember Rasmussen explained why he wouldn't vote in favor of the recommendation. He told about the history of the golf course land, well recognized floodplain property forever to be prone to flooding. The course was built within budget - \$6.8 million – after a vote of the people, and was designed accordingly, recognizing that it would flood. Construction of the golf course occurred before many nearby homes were built. People building in areas close to floodplains needed to be very alert. In his judgment, nearby residents were unwilling victims of circumstances they might not have been aware of, even though those circumstances were public record. Mr. Rasmussen was concerned that what was originally a \$6.8 million investment by Leawood residents was now \$9 million due to various improvements over the years. He said the City made a covenant with residents that the golf course would pay its way. If the County approved the project for SMAC funding and it resulted in a change in the well designed floodplain to accommodate the golf course, that would break the covenant – the golf course would become tax-supported. It was unfortunate that people built in the floodplain; what bothered him most of all was that people were still building in the floodplain and he thought that was wrong. The City had priorities in other areas that needed to be accomplished, and for the City to spend engineering money on a study when the facts were well known was wrong.

1800 Public Works Director Johnson said the City wasn't permitting structures to be built in the floodplain; plats were required to show the limits of the floodplain as defined by FEMA or by the new flood study done under the SMAC program for structures along Tomahawk Creek Parkway. There was discussion about the FEMA map versus the new flood study.

1930 Councilmember Dunn said the Committee recommendation was based on the fact that there were a number of homes experiencing problems that would become worse if not dealt with and based on the practical recognition that unless the City applied to SMAC, the City couldn't get 75% County reimbursement for the engineering work necessary to determine if work could be done with minimal impact on the golf course.

Councilmember Taylor thought that the engineering study was to emphasize creek bank stabilization and not necessarily the flooding conditions of the golf course. Councilmember Bussing thought that the focus of the study was clearly to be on the preservation of the residential properties that were endangered by flooding of the nearby creek; he didn't recall any specific language about bank stabilization as it related to the golf course.

Mr. Johnson said the intent of the preliminary engineering study was to address the flooding issues and how to bring homes out of the floodplain; if the focus was what could be done to stabilize the channel, he didn't think the County would reimburse the City 75% because bank stabilization wasn't a project

that would be funded by the County. Mr. Dunn noted that that was the reason why the issue of erosion control for the golf course as a whole hadn't been submitted to SMAC as a project.

2685 Mark Bodine, 15325 Rosewood near golf course fairway #13, felt that the recommendation was unanimously supported by homeowners in the area.

3600 On motion of Taylor, seconded by Bussing, Council approved the Public Works Committee's recommendation; Gullede, Bussing, Rawlings, Dunn, Story, Gill, Taylor in favor; Rasmussen opposed.

3660 **10. OLD BUSINESS**

**A. Ordinance No. 1895C amending Chapter 15, Article 4, of the Code of the City of Leawood, Kansas, 2000, pertaining to Solid Waste Management, and repealing existing Article 4. [Continued from May 7, 2001, Governing Body meeting]**

Complaints and inquiries from homes associations regarding the City's mandatory recycling provisions prompted staff to review the ordinance. Provisions requiring all contracts for trash disposal to provide for recycling remained in the ordinance. General liability insurance coverage for trash disposal contractors was increased from \$250,000 to \$500,000. On motion of Rasmussen, seconded by Gullede, Council unanimously passed the ordinance on roll call vote.

3905 **11. NEW BUSINESS**

**A. Ordinance No. 1896C amending Chapter 14, Article 1, of the Code of the City of Leawood, 2000, by adding new Section 14-108 pertaining to Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties, specifically Section 30 of the 2000 Standard Traffic Ordinance [STO], incorporated by reference under the provisions of K.S.A. 12-3009 through 12-3012, and K.S.A. 12-3302, by adoption of Ordinance No. 1871, and repealing existing Section 30 of the 2000 Standard Traffic Ordinance [STO].**

The proposed ordinance was necessary to comply with revised DUI laws for the State of Kansas effective July 1, 2001. On motion of Gill, seconded by Story, Council unanimously passed the ordinance on roll call vote.

**B. Schedule work session for July 16, 2001, at 5:30 p.m., to discuss park plans.** On motion of Dunn, seconded by Gullede, Council voted unanimously to schedule the work session.

**C. Schedule work session for August 6, 2001, at 5:30 p.m., to discuss the CIP.** On motion of Dunn, seconded by Rawlings, Council voted unanimously to schedule the work session.

**D. Schedule executive session.**

8:50 P.M. On motion of Dunn, seconded by Gullede, Council voted unanimously to convene in executive session at the end of the meeting for a period not to exceed 30 minutes to discuss Pending Litigation, Attorney/Client privilege.

**12. OTHER BUSINESS** – None.

5320 9:00 P.M. Council convened in executive session.

**ADJOURN.** Council returned to regular session at 9:20 P.M. No action was taken. There being no further business, the meeting was adjourned.

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Martha Heizer, City Clerk