

**Minutes**

Audio Tape No. 523

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, August 20, 2001. Mayor Peggy J. Dunn presided.

**Councilmembers present:** Scott E. Gullede, Gary L. Bussing, Jim Rawlings, \* Patrick L. Dunn (arrived at 7:45 P.M. during the executive session), Shelby Story, Louis Rasmussen, and James E. Taylor, Sr. **Councilmembers absent:** Mike Gill.

**Staff present:**

Patricia A. Bennett, City Attorney  
Diane Binckley, Planning/Develop. Dir.  
Julie Hakan, Human Resources Director  
Sid Mitchell, Police Chief  
Chris Claxton, Parks & Recreation Director  
Martha Heizer, City Clerk

Kathy Rogers, Finance Director  
Ben C. Florance, Fire Chief  
Mark Andrasik, Info. Services Dir.  
Jeff Cantrell, Neighborhood Serv. Admin.  
Joe Johnson, Public Works Director  
Deb Harper, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

230 **2. APPROVAL OF AGENDA**

Item 7.A., Executive Session, was moved up to follow the Approval of the Agenda, and Item 6.F. was moved to the beginning of Plan Commission Recommendations. On motion of Taylor, seconded by Rawlings, Council unanimously approved the agenda as amended.

285 **7. EXECUTIVE SESSION**

**A. Discuss personnel matter.**

On motion of Bussing, seconded by Story, Council voted unanimously to recess into executive session in the Main Conference Room for a period not to exceed 15 minutes to discuss a personnel matter.

311 7:35 P.M. Council convened in executive session.

\* 7:45 P.M. Councilmember Dunn arrived.

7:50 P.M. Council returned to regular session in the Council Chamber.

**B. Approve appointment of Scott M. Lambers as the City's City Administrator effective September 24, 2001.**

Councilmember Bussing moved to authorize the Mayor to appoint Scott M. Lambers as City Administrator effective September 24, 2001, seconded by Taylor. Motion carried unanimously.

**C. Approve and authorize execution of an Employment Agreement between the City and Scott M. Lambers, for the position of City Administrator, effective September 24, 2001.**

On motion of Bussing, seconded by Gullede, Council voted unanimously to authorize the Mayor to enter into an employment agreement with Scott M. Lambers as City Administrator. Motion carried unanimously. The Mayor presented background information on Mr. Lambers, City Manager of Ottawa, Kansas. She acknowledged Interim Co-City Administrators Kathy Rogers, Finance Director, and Patricia A. Bennett, City Attorney, for their hard work and leadership during the past several months.

500 **3. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Lane, spoke about people in elective office.

672 Carroll Gartrell, 3904 W. 149<sup>th</sup> St. in the Pavillions subdivision, was concerned about what appeared to be a lack of parking for the proposed amphitheater at the south park at approximately 146<sup>th</sup> and Mission Rd., to be discussed under Agenda Item 6.B. Residents of the Pavillions were concerned that park visitors would park on their entranceway and around their cul-de-sacs and swimming pool, and were concerned about trash and people walking across yards.

840 **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. Appropriation Ordinance No. 925
- B. Minutes of the August 6, 2001, Governing Body meeting
- C. Minutes of the June 12, 2001, Parks & Recreation Advisory Board meeting
- D. Departmental reports
- E. First and final pay request in the amount of \$133,658.64 to Musselman & Hall Contractors for the 2001 Slurry Seal Program
- F. Purchase of road salt for the 2001-2002 winter season in the amount of \$73,500 from Central Salt, LLC
- G. Pay request in the amount of \$7,500 to Kansas City Area Development Council (KCADC) for 2002 membership dues
- H. Third and final pay request in the amount of \$4,876.90 to Weigel Construction, Inc., for the construction of the Park Maintenance Building at City Park

- I. Approve and authorize execution of an agreement with Stinson, Mag & Fizzell for an amount not to exceed \$70,000 for the updating of the Leawood Development Ordinance
- J. Request to approve a one-day permit to sell/serve alcoholic liquor at Town Center Plaza on September 7, 2001 [Applicant: Blue Valley North High School Booster Club]
- K. Approve in-house computer program regarding access to building permit database

Item 4.K. was removed for discussion. On motion of Rasmussen, seconded by Rawlings, Council unanimously approved the remainder of the Consent Agenda.

4.K. The Mayor thanked Councilmember Dunn, Finance Director, City Attorney, Information Services Director, Public Works Director, and Neighborhood Services Director, for the idea of Internet access to a database of building permit applications for interested homes associations. On motion of Story, seconded by Dunn, Council unanimously approved the in-house computer program.

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## 5. MAYOR'S REPORT

- ?? Met with Executive Director of El Centro which planned to open an office at Metcalf South to assist the growing County Hispanic population; City of Overland Park contributed \$50,000 to assist with the opening
- ?? Recent ribbon-cutting for Aetna Insurance at the Pinnacle building on Tomahawk Creek Parkway
- ?? Open house at Police Department, Wednesday, August 22<sup>nd</sup>, 5:00-8:00 P.M.

1045

## 6. PLAN COMMISSION RECOMMENDATIONS

*[from July 24, 2001, Plan Commission meeting]*

- F. **Resolution approving recommendation for preliminary site plan and plat for commercial development located on the southwest corner of 135<sup>th</sup> Street and Kenneth Parkway. [Applicant: John Petersen; Polsinelli, Shalton & Welte]**

The Plan Commission recommended denial of the application, one stipulation of denial being that the project didn't meet the City's 135<sup>th</sup> Street Design Guidelines. Attorney John Petersen appeared on behalf of the developer and asked that the matter be remanded to the Plan Commission for further consideration. He felt that staff was supportive of the remand because everyone was now communicating about what the layout of the plan should look like. He also said that the landowner understood that more time was needed to obtain approval of the plan, and was removing a 35,000 square foot box user for a smaller square footage tenant mix with a pedestrian-oriented village type concept.

Councilmember Rasmussen said he thought a remand meant that the Council had further questions about the Plan Commission's decision and that the Council needed to give specific reasons for remanding the matter, not just that the applicant asked for a remand. He felt the Council should deny the preliminary site plan and have the applicant return to the Plan Commission with a new application.

1755 Mr. Petersen said that a denial would take him "out of contract" with his client, and an application refile would require a repeat of notice and procedural requirements; it was a time issue and there was a cost for refiling, and it wasn't like they were revamping the entire project, but were only modifying it to get closer to what staff and the Plan Commission desired.

Councilmember Bussing moved to remand the matter to the Plan Commission with the understanding that the applicant would continue to meet and work with the Commission and staff and resolve issues of site alignment, density, those items identified by Mr. Petersen and others, seconded by Story. Councilmember Taylor said that the developers had been well informed over the last few years that this type of project wouldn't be acceptable to the City; the Plan Commission should re-evaluate the project on a new application. Motion to remand carried; Bussing, Rawlings, Dunn, Story in favor; Gulledge, Rasmussen, Taylor opposed.

*[from June 26, 2001, Plan Commission meeting]*

2270 **A. Resolution No. 1623 approving Conditional Use Permit and Preliminary Plan for a ZIPZ Convenience Store & Retail Center located at Plaza Pointe, south of 135<sup>th</sup> Street, west of Roe. [Applicant: Jack Beal & Jerry Colovich, ZIPZ, L.L.C.] – Continued from August 6, 2001, Governing Body meeting.**

Councilmember Taylor recused himself to avoid the appearance of a conflict of interest and left his Council seat. Architect David Suttle addressed an alternative to a monument sign. He reviewed an option for the monument sign in a landscape setting on 135<sup>th</sup> Street and an option to place the signage on the building structure itself (canopy sign), both acceptable to his clients and to their business arrangement with their petroleum resources. Councilmember Gulledge favored the monument signage; it was less offensive to the eye, more appealing. Councilmember Story felt the Council had to consider what the long-term effect of approving a monument sign would be on other future developments along 135<sup>th</sup> Street wanting the same thing. Planning Director Binckley said the canopy signage was more in keeping with the 135<sup>th</sup> Street Corridor Plan, but she did agree with Mr. Gulledge that if the monument sign could be tucked into the landscaping and provide something attractive, then it would just become an extra piece in the area. She said ZIPZ was a different type of user, and if the City could limit the monument sign to that type of user, maybe that would differentiate monument sign requests from banks or restaurants.

3275 The hours of operation were clarified – Monday through Thursday, 20 hours (4 a.m. to midnight), and Friday and Saturday, 21 hours (4 a.m. to 1 a.m.). Stipulation #16 of the resolution would have to be changed. In response to Councilmember Rasmussen, City Attorney Bennett said the Council could

approve the monument sign drawing it to the uniqueness of the property - the fact that it was a gas station.

Councilmember Gullede moved to adopt the resolution with a stipulation that the applicant proceed with the monument signage drawing it to the particular usage of the property as a gas station, and a change in stipulation #16 to show an additional hour to 1:00 a.m. on Fridays and Saturdays. Motion seconded by Story. Mr. Story commented that in order for the applicant to do business, they had to have a sign that showed the price of their fuel, otherwise they couldn't get fuel, and that was obviously a distinction from most of the City's applicants that he felt warranted some consideration in the application of the City's 135<sup>th</sup> Street Corridor Plan. Mr. Story's comment was part of the intent of the motion. Mr. Gullede's motion carried; Gullede, Rawlings, Dunn, Story, Rasmussen, in favor; Bussing opposed (he opposed the project from the outset, the entire site plan being inconsistent with the spirit and letter of the 135<sup>th</sup> Street Corridor Guidelines).

Councilmember Taylor returned to his Council seat.

*[from July 24, 2001, Plan Commission meeting]*

3912

**B. Resolution No. 1631 approving recommendation for preliminary and final site plan, and rezoning from AG to REC, for a public park [South Park] located east of Mission Road and south of 146<sup>th</sup> Street. [Applicant: City of Leawood] [companion ordinance]**

Parks & Recreation Director Claxton addressed the parking concerns brought up at the beginning of the meeting under Citizen Comments. There was discussion about berm work on the north side of the park with landscaping, and fencing by future developers on the east and south sides of the park. It was noted that the berm across the north would in no way hinder the City's ability to ultimately develop it into fields if it chose to do so. On motion of Taylor, seconded by Rasmussen, Council unanimously adopted the resolution.

Stan Bowling, 14913 Delmar, was concerned about overnight camping and fireworks displays being a fire hazard with unirrigated ground. Mrs. Claxton explained that fireworks displays weren't being considered for the immediate future but might be explored later, and strict guidelines would be followed for the launching of fireworks as they had always been followed on the 4<sup>th</sup> of July at Leawood City Park. J.D. Mooney, 14701 Delmar in the Pavillions, asked about law enforcement for campers. Mrs. Claxton explained that the camping facility was for organized groups only who had to go through the Parks & Recreation Department to camp and there would be a supervising staff member present 24 hours a day. The park wouldn't be open to the public for camping. Gary McLain, 4204 W. 150<sup>th</sup> St., asked about the policing of the park and park hours. Mr. McLain felt that counselors should be monitored closely and should meet certain requirements.

5900 **C. Ordinance No. 1911 rezoning from AG, Agricultural, to REC, Planned**

**Recreation, for a public park [South Park] located at approximately 146<sup>th</sup> Street and Mission Road.**

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

**D. Resolution No. 1632 approving recommendation for preliminary and final site plan for a public park [I-Lan Park] located at approximately 126<sup>th</sup> & Nall Avenue. [Applicant: City of Leawood]**

Adopted unanimously on motion of Dunn, seconded by Story.

6060 **E. Resolution No. 1633 approving recommendation for preliminary site plan for an office building for Plaza Pointe, Lot 3, located at approximately 135<sup>th</sup> & Roe Avenue. [Applicant: CDFM2]**

Councilmember Taylor recused himself to avoid the appearance of a conflict of interest and left his Council seat. Architect David Suttle gave a presentation. On motion of Gullede, seconded by Dunn, Council adopted the resolution; Gullede, Rawlings, Dunn, Story, Rasmussen in favor; Taylor recused; Bussing opposed (for the same reason he opposed Resolution No. 1623 regarding the ZIPZ Convenience Store and Retail Center at Plaza Pointe).

7260 **ADJOURN.** There being no further business, the meeting was adjourned at 9:30 P.M.

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Martha Heizer, City Clerk