

Minutes

Audio Tape No. 531

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, November 5, 2001. Mayor Peggy J. Dunn presided.

Councilmembers present: Scott E. Gullledge, Gary L. Bussing, Jim Rawlings, * Patrick L. Dunn (arrived at 8:05 P.M.), Shelby Story, Mike Gill, and James E. Taylor, Sr. **Councilmembers absent:** Louis Rasmussen.

Staff present:

Scott M. Lambers, City Administrator
Patricia A. Bennett, City Attorney
Diane Binckley, Planning/Develop. Dir.
Sid Mitchell, Police Chief
Chris Claxton, Parks & Recreation Dir.
Martha Heizer, City Clerk

Kathy Rogers, Finance Director
Mark Klein, Planner
Ben C. Florance, Fire Chief
Jeff Cantrell, Neighborhood Serv. Admin.
Joe Johnson, Public Works Director
Bob Sadler, Internet Specialist

1. PLEDGE OF ALLEGIANCE

215 **2. APPROVAL OF AGENDA**

Consent Agenda Items 6.G. & H. were removed from the agenda and continued to the November 19, 2001, Governing Body meeting. Item 10.A., a discussion of policy for the purchase and disposition of City vehicles, was added. With respect to the continued items 6.G. & H., Councilmember Gill requested that Council receive a copy of the written request for continuation with staff's comments in their November 19, 2001, Governing Body Council meeting packets. On motion of Bussing, seconded by Story, Council unanimously approved the agenda as amended.

3. PROCLAMATIONS – None.

320 **4. PRESENTATIONS/RECOGNITIONS**

Kansas State Fire Marshal Gale Haag presented Fire Chief Florance and his staff the 2000 Life Safety Achievement Award in recognition of local fire prevention activities that contributed to reducing the number of lives lost in residential fires; Leawood Fire Department recorded zero fire deaths in structures in 2000. Chief Florance also noted that Leawood Fire Marshal Gene Hunter was recognized by the

International Association of Arson Investigators as a Certified Fire Investigator, the 15th such investigator in the State of Kansas.

730 **5. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Lane, commented on Agenda Item 8.C., Leawood Market Center at 135th and Kenneth Parkway; he couldn't understand how the City could justify another strip shopping center.

900 **6. 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. 930
- B. Minutes of the October 15, 2001, Governing Body meeting
- C. Minutes of the September 11, 2001, Parks & Recreation Advisory Board meeting
- D. Approve and authorize execution of a revised Lease/Maintenance Agreement with IOS Capital [IKON] for copier equipment billing
- E. Purchase of team soccer pictures in the amount of \$6,613.20 from The Sports Section of Lawrence, Kansas
- F. Approve and authorize transfer of monetary donations totaling \$6,542 made to the Leawood Arts Council to the Community Foundation of Johnson County, an affiliate of the Greater Kansas City Community Foundation
- G. Resolution approving Final Plat of Wilshire Place, 2nd Plat, located at approximately 132nd & High Drive – [*Continued to the November 19, 2001, Governing Body meeting*]
- H. Resolution approving Final Plat of Wilshire Place, 3rd Plat, located at approximately 132nd & High Drive – [*Continued to the November 19, 2001, Governing Body meeting*]
- I. Resolution No. 1648 approving Final Plat of Pinnacle III, located at approximately 115th & Tomahawk Creek Parkway

Item 6.B. was removed for discussion. On motion of Taylor, seconded by Bussing, Council unanimously approved the remainder of the Consent Agenda.

6.B. On motion of Gill, seconded by Taylor, Council unanimously approved the October 15, 2001, Governing Body meeting minutes with a correction to the last sentence of Item 12.A. on page 10 to read, “.....appointed Councilmembers Rasmussen and Gill with their consent to be involved in the negotiations.”

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7. MAYOR'S REPORT

- ?? Thanked Parks & Recreation Director Claxton and her staff for a great rededication of Leawood City Park at 106th & Lee Boulevard; the contractor J.M. Fahey Construction Company and subcontractors donated \$12,000 to 4 charities to acknowledge the cooperation they received on the project
- ?? Rode on the American Royal Johnson County Mayors and Commissioners' float; the Leawood Lions Club, who rode on the Korean War Veterans' float, won first place in their division
- ?? The Leawood Chamber of Commerce held their first annual Board retreat
- ?? Congratulated Police Officer Randy Wiler as a winner of the Wheat State Crime Prevention Award presented by the Kansas Attorney General's Committee on Crime and Violence Prevention in recognition of his outstanding crime prevention efforts
- ?? Thanked Public Works Director Johnson for a very successful completion of improvements to 119th Street between State Line Road and Roe Avenue

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8. PLAN COMMISSION RECOMMENDATIONS

[from October 23, 2001, Plan Commission meeting]

- A. Approve Plan Commission recommendation regarding street connection to Hills of Ironhorse subdivision from Blackthorne Estates in Overland Park, located at approximately 154th & Cherokee.**

The Plan Commission recommended approval of the street closure with a gate with the stipulation that the design of the gate and landscaping be provided to staff for review and approval by staff and the Plan Commission prior to installation. Residents of Hills of Ironhorse were supportive of the gate and agreed to pay for the fabrication and installation. On motion of Taylor, seconded by Gill, Council unanimously approved the Plan Commission's recommendation.

- 1430 **B. Resolution No. 1649 approving Final Site Plan for the Public Works Facility salt dome to be located at 14303 Overbrook.**

Public Works Director Johnson said that the Public Works sub-committee for the new maintenance facility recommended approval of a dome to replace a rectangular structure in the original design of the facility, for a cost savings of \$177,000. The Plan Commission recommended denial of the dome because it wasn't in keeping with the remainder of the site aesthetically and the cost differential wasn't a Plan Commission issue, but a City Council issue, and wasn't a reason for abandoning the original design.

* 8:05 P.M. Councilmember Dunn arrived.

Resolution adopted unanimously on motion of Bussing, seconded by Rawlings, overriding the Plan Commission recommendation.

2000 C. **Resolution approving a preliminary site plan and preliminary plat for Leawood Market Center, located on the southwest corner of 135th and Kenneth Parkway.**

Attorney John Petersen appeared as the applicant and gave a presentation. He indicated a problem with stipulation #s 3,4, and 6 which stated that the applicant was responsible for installation of an additional lane on 135th Street as well as any other improvement deemed necessary by Public Works, and was responsible for a Park Impact fee and K-150 Impact fee. He said that there were some agreements between the City and the current owners of the property that indicated that in exchange for right-of-way that the City acquired for the 135th Street improvement project at no cost to the City, the development of the site wouldn't be saddled with the responsibility for the cost of a 4th lane on 135th Street and impact fees would be waived for the project under consideration. He also addressed the potential and future construction of 137th Street to the west of the project site. He said he took the position that the developer shouldn't have to participate in the cost of the future construction of 137th Street because the project didn't need the future alignment of 137th Street to provide a safe street network to support the project, and because the project was already participating in an improvement district to improve Kenneth Road. Public Works Director Johnson said that if the configuration of 137th Street was changed in the future, the City would look to assess all abutting frontage property.

3520 Councilmember Gill liked the project, however, wouldn't vote in favor of it unless and until the issue of the waived fees was resolved and he felt that the proper location of 137th Street should be planned prior to approving the applicant's application. Councilmember Taylor felt that the final design for the focus point (monument piece) at 135th and State Line needed to be returned to the City Council for their input, and that the developer have total control of all the structures in the project approved by his architectural committee for architectural consistency. The Mayor said she wasn't aware of any agreement between the City and current property owners that Mr. Petersen mentioned and that it was important for the Governing Body to have that information in advance, so she felt a continuance was warranted.

4680 Mr. Gill was interested in the preservation of stormwater detention as an option if required, the location and funding of 137th Street, and use of the buildings. Mr. Petersen requested a continuance. On motion of Taylor, seconded by Story, Council voted unanimously to continue the matter to the November 19, 2001, Governing Body meeting.

4920 **9. NEW BUSINESS**

A. Renewal of Employee Health Benefit Plan [Section 125; dental & health coverage] for 2002.

Councilmember Bussing needed more information and wanted to work with staff to further his understanding of the plan and to look at some alternatives beyond what was provided to the City

Administrator. On motion of Bussing, seconded by Gulledge, Council voted unanimously to continue the matter to the November 19, 2001, Governing Body meeting.

- 5195 **B. Approve payment in the amount of \$15,500 to Kansas City Power & Light [KCPL] for the raising of utility power lines over the future Public Works Facility at 14303 Overbrook.**

On motion of Bussing, seconded by Gulledge, Council unanimously approved the payment.

- 5240 **C. Approve and authorize execution of a Purchase Agreement with Pierce Manufacturing pertaining to the purchase of an aerial platform truck for the Fire Department.**

On motion of Dunn, seconded by Gill, Council unanimously approved the agreement for the purchase in the amount of \$797,038.

Councilmember Rawlings recused himself from Items 9.D. through 9.J., and left the Council Chamber.

- 5460 **D. Ordinance No. 1920 authorizing the issuance and delivery of temporary notes of the City of Leawood in the principal amount of \$6,100,000 to provide temporary financing of the cost of certain public improvement projects within the City of Leawood.**

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

- E. Resolution No. 1642 authorizing and providing for the issuance and delivery of temporary notes for the State Line, Phase IV, Improvement Project [137] in the principal amount of \$200,000 to provide temporary financing of the cost of improvement.**

Adopted unanimously on motion of Dunn, seconded by Gulledge.

- F. Resolution No. 1643 authorizing and providing for the issuance and delivery of temporary notes for the Public Works Complex Project [156] in the principal amount of \$3,500,000 to provide temporary financing of the cost of improvement.**

Adopted unanimously on motion of Dunn, seconded by Story.

- G. Resolution No. 1644 authorizing and providing for the issuance and delivery of temporary notes for the 119th & Mission Road Intersection Improvement Project [159] in the principal amount of \$200,000 to provide temporary financing of the cost of improvement.**

Adopted unanimously on motion of Gulledge, seconded by Bussing.

- H. Resolution No. 1645 authorizing and providing for the issuance and delivery of temporary notes for the Lee Boulevard Improvement Project [177] in the principal amount of \$1,100,000 to provide temporary financing of the cost of improvement.**

Adopted unanimously on motion of Dunn, seconded by Story.

- I. Resolution No. 1646 authorizing and providing for the issuance and delivery of temporary notes for the 133rd Street [between State Line and Mission Road] Improvement Project [178] in the principal amount of \$700,000 to provide temporary financing of the cost of improvement.**

Adopted unanimously on motion of Bussing, seconded by Gulledge.

- J. Resolution No. 1647 authorizing and providing for the issuance and delivery of temporary notes for the 133rd Street [between Mission Road and Roe Avenue] Improvement Project [179] in the principal amount of \$400,000 to provide temporary financing of the cost of improvement.**

Adopted unanimously on motion of Gulledge, seconded by Bussing.

Councilmember Rawlings returned to the Council Chamber.

5920 **10. OTHER BUSINESS**

A. Discussion of policy on purchase and disposition of City vehicles.

Councilmember Taylor moved to have the City Administrator review the matter and report back to the Council by the January 7, 2002, Governing Body meeting. Motion seconded by Gulledge. City Administrator Lambers stated it should be made clear to the Governing Body during the budget process as to whether newly purchased vehicles would be replaced and how they would be replaced or reauthorized within the existing fleet. Motion carried unanimously.

6542 **ADJOURN.** There being no further business, the meeting was adjourned at 9:10 P.M.

Martha Heizer, City Clerk