

**Minutes**

Audio Tape Nos. 532 & 533

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 19, 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:**

Scott M. Lambers, City Administrator  
Patricia A. Bennett, City Attorney  
Diane Binckley, Planning/Development Dir.  
Craig Hill, Police Major  
Chris Claxton, Parks & Recreation Dir.  
Mark Andrasik, Dir. of Information Services  
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  
Cindy Pitts, Human Resources Specialist  
Deb Harper, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

240 **2. APPROVAL OF AGENDA**

Items 8.A. and 9.A. were continued to the December 17, 2001, Governing Body meeting. Items 6.P. and 6.Q. were continued to the December 3, 2001, Governing Body meeting. Regarding 6.P. and 6.Q., Councilmember Gill renewed his request from the last time they were continued that the Governing Body be provided the information that prompted the requests for the continuances. On motion of Rasmussen, seconded by Gill, Council unanimously approved the agenda as amended.

**3. PROCLAMATIONS – None.**

**4. PRESENTATIONS/RECOGNITIONS – None.**

**5. CITIZEN COMMENTS – None.**

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## 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. 931
- B. Minutes of the November 5, 2001, Governing Body meeting
- C. Departmental reports
- D. Renewal of Cereal Malt Beverage License for Hy-Vee, Inc., located at 12200 State Line Rd.
- E. Letter of Understanding between the City and Johnson County Department of Human Services & Aging for an amount not to exceed \$1,287.00, for the 2002 Johnson County Utility Assistance Program
- F. Letter of Understanding between the City and Johnson County Department of Human Services & Aging for an amount not to exceed \$1,545.00, for the 2002 Johnson County Home Repair Program
- G. Relocation Agreement between the City and Johnson County Water District No. 1 for the relocation of water lines in conjunction with SMAC Project IC-04-039, 104<sup>th</sup> Street & State Line Road, the City to pay the Water District \$10,255.00
- H. Approve United Community Services [UCS] recommendation for allocations of the 2002 Human Service Fund; Leawood budgeted \$5,920.00 for this purpose
- I. Approve Johnson County Drug & Alcoholism Council [DAC] recommendation for allocations of the 2002 Alcohol Tax Fund; Leawood budgeted \$41,600.00 for this purpose
- J. Payment in the amount of \$9,400 to Creative Displays for storage and installation of holiday lights on City Hall for the 2001 holiday season
- K. Pay Request No. 10 [FINAL] in the amount of \$1,364.00 to Olsson Associates for design of the Indian Creek at State Line & 104<sup>th</sup> Street SMAC Project [IC-04-039]
- L. Change Order No. 4 in the amount of \$133,851.44 to Seal-O-Matic Paving Company for the 2000 Street Improvement Project
- M. Pay Request No. 11 [FINAL] in the amount of \$136,970.32 to Seal-O-Matic Paving Company for the 2000 Street Improvement Project
- N. Acceptance of Permanent Utility Easement from Alice B. Phister in conjunction with the Lee Boulevard Improvement Project, 103<sup>rd</sup> Street to 105<sup>th</sup> Street [CIP 177]
- O. Acceptance of Permanent Utility Easement from Henry L. Sumpter, Jr., Trustee, and Edna L. Sumpter, Trustee, in conjunction with the Lee Boulevard Improvement Project, 103<sup>rd</sup> Street to 105<sup>th</sup> Street [CIP 177]
- P. Resolution approving final plat of Wilshire Place, 2<sup>d</sup> Plat, located at approximately 132<sup>nd</sup> & High Drive – *[Continued from November 5, 2001, Governing Body meeting]* **CONTINUED TO THE DECEMBER 3, 2001, GOVERNING BODY MEETING**

- Q. Resolution approving final plat of Wilshire Place, 3<sup>d</sup> Plat, located at approximately 132<sup>nd</sup> & High Drive – *[Continued from November 5, 2001, Governing Body meeting]* **CONTINUED TO THE DECEMBER 3, 2001, GOVERNING BODY MEETING**

Item 6.A. was removed for discussion. On motion of Rasmussen, seconded by Gill, Council unanimously approved the remainder of the Consent Agenda.

6.A. Information Services purchased a special chair from John Marshall Company in the amount of \$612.50 for a staff member who suffered back problems. Councilmember Taylor didn't want to see it be a precedent for other chairs purchased for the same type of job description. On motion of Taylor, seconded by Rasmussen, Council unanimously approved the appropriation ordinance.

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## 7. MAYOR'S REPORT

- ?? On motion of Dunn, seconded by Gill, Council voted unanimously to hold 3 work sessions: 1) December 17, 2001, 7:00 P.M., to discuss debt service finance schedule; 2) December 10, 2001, 5:30 P.M., to discuss the RFP for the Police Efficiency Consultant; and 3) January 14, 2002, for the annual Governing Body goal setting. Regarding the December 10<sup>th</sup> work session, Councilmember Story requested some time to discuss some issues arising out of the Police Needs Task Force.
- ?? Prairie Village recently hosted Council of Mayors and Johnson and Wyandotte Counties legislative delegations – update on interim committee report on telecommunications (Senate Bill No. 306) and reapportionment of State House and Senate seats.
- ?? Thanked the American Academy of Family Physicians located on Tomahawk Creek Parkway for their Tomahawk Creek trail cleanup on November 9<sup>th</sup>.
- ?? The dedication of Lee Boulevard improvements south of 103<sup>rd</sup> St., including new street lights, to be held December 5<sup>th</sup> at 6:00 P.M. near 104<sup>th</sup> and Lee.
- ?? The holiday lighting ceremony at City Hall to be held November 28<sup>th</sup> at 7:00 P.M.
- ?? Councilmember Bussing to preside in the absence of the Mayor at the December 3<sup>rd</sup> Governing Body meeting.

## 8. PLANNING COMMISSION RECOMMENDATIONS

*[from August 28, 2001, Planning Commission meeting]*

- A. **Ordinance amending § 4-4 of the Leawood Development Ordinance pertaining to Off-Street Parking, Storage, Loading Regulations and Parking Lot Design Standards. *[Continued from October 15, 2001, Governing Body meeting]* – CONTINUED TO DECEMBER 17, 2001, GOVERNING BODY MEETING**

*[from October 23, 2001, Planning Commission meeting]*

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**B. Resolution No. 1650 approving preliminary site plan and preliminary plat for Leawood Market Center located on the southwest corner of 135<sup>th</sup> and Kenneth Parkway. *[Continued from November 5, 2001, Governing Body meeting]***

Attorney Larry Winn III spoke on behalf of the applicant. He said his client was willing to withdraw his objection to the impact fee stipulations 4,5, & 6 of the resolution, but did object to a stipulation regarding mandating future participation in the cost of any reconfiguration of the 137<sup>th</sup> Street/Kenneth intersection in light of Fleming Company's previous participation in payment for the current configuration of the intersection and due to the lack of certainty as to the potential cost of the future improvements. Councilmember Rasmussen moved to adopt the resolution, seconded by Taylor.

Councilmember Gill asked about construction of an additional 4<sup>th</sup> lane along the south side of 135<sup>th</sup> Street which could be used for accel and decel. Mr. Winn said that he and staff thought that a 4<sup>th</sup> lane was very, very remote, that the developer could go ahead and do their decel movements off of the 3<sup>rd</sup> lane. If a need for a 4<sup>th</sup> lane came up, the City still controlled enough right-of-way on the south side for a 4<sup>th</sup> lane, but Leawood Market Center wouldn't pay for it.

Mr. Winn reiterated that the developer would pay the K-150 impact fee, the Park impact fee, and the public art fee, totaling approximately \$180,000.

Mr. Rasmussen's motion to adopt the resolution carried unanimously.

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**C. Approve Special Use Permit [SUP] for a temporary bank facility for Town and Country Bank at Plaza Pointe, located on the southwest corner of 135<sup>th</sup> and Roe Avenue.**

On motion of Rasmussen, seconded by Gullede, Council unanimously approved the Plan Commission's recommendation for approval.

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**D. Resolution No. 1651 approving a revised preliminary site plan for Mission Farms Commercial, located at approximately 105<sup>th</sup> Street and Mission Road.**

The applicant, Doug Weltner, gave a brief presentation, including possible donation of land south of I-435 as park land as a continuation of the Leawood City Park. Architect Jay Tomlinson described changes in the plan.

Councilmember Taylor was opposed to a proposed roundabout on Mission Road at the main entrance to the development as an alternative to a traffic signal. He didn't see how the City had the authority to approve it since Mission Rd. was in both Leawood and Overland Park. He didn't see the necessity for it; Mission Rd. had recently been improved and tied into Tomahawk Creek Parkway, and a roundabout would be an interruption to the traffic pattern that residents were currently accustomed to. Mr. Tomlinson said the developers didn't weigh approval of the site plan on the roundabout; they thought it might have merit in terms of traffic calming efforts for Mission Rd., an idea they thought the Governing

Body might want to consider. The Mayor noted that Leawood Police Sergeant Tom Hogard disapproved of the roundabout. Traffic engineer Tom Swenson explained roundabouts in terms of why they were used and where they were used – as traffic control at intersections, for traffic calming, and they offered opportunities for aesthetic treatments.

3855 Councilmember Gill agreed with Mr. Taylor, and felt roundabouts were dangerous – Leawood residents were used to street systems with traffic signal controlled intersections. He liked the plan otherwise. The Mayor felt that Planning Director Binckley suggested that Council could add a stipulation that a roundabout not be part of the plan and that the developer participate in the cost of construction of a traffic signal when warranted in the future. Councilmember Dunn was content to leave decisions to the experts to decide if a roundabout was appropriate for the site or not, and felt Council should approve the plan as presented rather than trying to design it at preliminary phase. Councilmember Rasmussen said he remembered that traffic engineers had in the past advised the City that a traffic control system wasn't needed, but to simply let traffic flow straight through on Mission Rd. He proposed that the Council approve the development plan presented, excluding the roundabout on a continuation basis to a date unknown because there wasn't a traffic study of the areas on either side of Mission Road and the ingress and egress from Leawood City Park. Councilmember Bussing said that Council had asked developers to bring new-age thinking to them for consideration and was disappointed at the Council's automatic refusal to even allow consideration of the alternative traffic device. Mr. Rasmussen moved to approve the project as presented, excluding the roundabout, and with the condition that the installation of any and all traffic control devices at the intersection be submitted to the Governing Body for final approval, and that the developer participate in the cost of construction of a traffic control device if one was deemed necessary. Motion seconded by Gill.

4800 G. Gordon Thomas, 10516 Mohawk Lane, spoke against the development.

Mr. Rasmussen's motion carried unanimously.

5875 **E. Resolution No. 1652 approving a preliminary site plan for Town Center Plaza Phase 3, located south of 117<sup>th</sup> Street and east of Nall Avenue.**

Architect Henry Klover gave a brief presentation. There was discussion about the proposed tenants and potential parking problems near AMC Theaters. Applicant Jeff Dozier said the whole concept was for juniors' apparel which should compliment the present tenants at the west end of the center. On motion of Rawlings, seconded by Dunn, Council unanimously adopted the resolution.

**9. OLD BUSINESS**

- A. Ordinance amending § 14-301, 14-302, and 14-304 of the Code of the City of Leawood 2000, pertaining to parking. [Continued from October 15, 2001, Governing Body meeting] – CONTINUED TO DECEMBER 17, 2001, GOVERNING BODY MEETING**

7000            **B.      Renewal of Employee Health Benefit Plan [Section 125; dental & health coverage] for 2002. [Continued from November 5, 2001, Governing Body meeting]**

On motion of Rasmussen, seconded by Dunn, Council unanimously approved Option No. 1 for health coverage which reduced the proposed 23.5% premium increase to 18%, resulting in the City paying an annual increase of approximately \$150,000, an increase in employee family coverage premium by approximately \$300 per year, and an increase in co-payments for all users of the health care program by varying amounts.

**10.      NEW BUSINESS**

7065            **A.      Request for interfund transfer from the General Fund to the Golf Course Fund for year end 2001.**

A fund deficit for the Golf Course Fund in a range from \$150,000 to \$200,000 was anticipated. In order to comply with the Cash Basis Law, staff requested a transfer of contingency monies in the General Fund to the Golf Course Fund in an amount of \$200,000. On motion of Rasmussen, seconded by Gill, Council unanimously approved the transfer.

7430            **B.      Request for temporary interfund transfer from the General Fund to the Golf Course Fund for first quarter operating of 2002.**

It was financial practice to provide a temporary transfer of General Fund contingency monies to the Golf Course Fund for cash flow purposes at the beginning of each year. For 2002, the transfer was projected to be \$120,000 with \$80,000 being transferred in 2001 and the remaining \$40,000 in February 2002. On motion of Rasmussen, seconded by Gill, Council unanimously approved the transfer.

7470            **C.      Request by the Golf Course Committee for funding of capital expenditures for the Ironhorse Golf Club.**

Councilmember Rasmussen moved to approve the request, seconded by Dunn. City Administrator Lambers presented his recommendation – 1) the bridge improvement needed to be done in a preemptive fashion in order to ensure the viability of the golf course and prevent infrastructure damage that would be very damaging in terms of cost; 2) the sand traps didn't represent an immediate problem to the golf course and renovation could be deferred; and 3) any equipment to be acquired be acquired by a lease/purchase arrangement; if Council didn't want to do that, then the equipment could be purchased out right or the Golf Course Committee, when equipment failures occurred, could return the items to the Council on a case-by-case basis, and they wouldn't be subject to a lease/purchase option, but out-of-pocket cash expenditures. Councilmember Bussing suggested that the matter be deferred for a couple of weeks to give the City Administrator an opportunity to work with staff and the Golf Course Committee if necessary to reach a compromise.

Councilmember Rasmussen reworded his motion to state that the request by the Golf Course Committee for funding of capital expenditures be approved and that a 3-year lease/purchase financing be used for equipment as recommended by the City Administrator. The rewording was agreeable with Mr. Dunn who had seconded the motion.

Dick Fuller, Chairman of the Golf Course Committee, addressed the matter, particularly the importance of the condition of an upscale golf course, including the condition of the sand traps. Renovation of the bunkers had been delayed for too long.

8925 **END OF TAPE NO. 532**  
**NEW TAPE NO. 533**

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

**11. OTHER BUSINESS** – None.

280 **ADJOURN.** There being no further business, the meeting was adjourned at 9:35 P.M.

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Martha Heizer, City Clerk