

Minutes

Audio Tape No. 538

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 Tuesday, January 22, 2002. Mayor Peggy J. Dunn presided.

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

Staff present:

Scott M. Lambers, City Administrator

Patricia A. Bennett, City Attorney

Ben C. Florance, Fire Chief

Police Major Craig Hill

Chris Claxton, Parks & Recreation Dir.

Mark Andrasik, Info. Services Director

Mark Klein, Interim Planning & Development Dir.

Kathy Rogers, Finance Director

Joe Johnson, Public Works Director

Sam Maupin, Building Official

Jeff Cantrell, Neighborhood Serv. Admin.

Deb Harper, Deputy City Clerk

Martha Heizer, City Clerk

1. PLEDGE OF ALLEGIANCE

280 **2. APPROVAL OF AGENDA**

The Mayor noted that Item 7.A. had been removed from the agenda, and Item 11.A. would be continued to a date certain. Item 13.A., an assignment to the Public Works Committee regarding safety concerns associated with Roe Avenue improvements, 124th Street to 135th Street, at a 10-foot bike/hike trail location, was added. Item 13.B., a report on redistricting under consideration by the Board of County Commissioners, was also added. On motion of Dunn, seconded by Taylor, Council unanimously approved the agenda as amended.

385 **3. PROCLAMATIONS - Martin Luther King, Jr., Day, January 21, 2002.**

4. PRESENTATIONS/RECOGNITIONS - None.

530 **5. CITIZEN COMMENTS**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. Any presentation is for informational purposes only. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**

David Levins, 2211 W. 124th St., was disappointed that agenda item 11.A. relating to animal control and electronic fences in front yards was going to be continued. He said it wasn't safe to walk dogs in his neighborhood because residents didn't activate their dogs' electronic collars, and so the dogs could run out at passersby. He hoped the Council would tighten up the ordinances so that wouldn't continue to happen.

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

720 **6. SPECIAL BUSINESS**

- A. Second of Three Readings: An ordinance granting to and authorizing to Sprint Communications Company, L.P., a Franchise Agreement authorizing the right to construct, operate, and maintain a communications system using the rights-of-way in the City**

- B. First of Three Readings: An ordinance granting to and authorizing to XO Kansas, Inc., a Franchise Agreement authorizing the right to construct, operate, and maintain a communications system using the rights-of-way in the City**

Councilmember Rasmussen said there seemed to be a lack of perception on the part of the public as to how many companies wanted to utilize the City's right-of-way and tear it up, and he felt that the number of companies should be brought out. The Mayor noted that at the time the moratorium was put in place, there were nineteen telecommunication providers planning to come into the City.

7. SPECIAL CANINE PERMIT APPEALS

- A. Appeal of denied animal permit to allow seven [7] canines at 3005 W. 89th Terrace [Appellant: Mark and Janet Ewing] [*Deferred from July 16, 2001, Governing Body meeting*] - Removed from the agenda because the Ewings had moved from the City of Leawood.**

880 **8. 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 Nos. 935B and 937
- B. Minutes of the January 7, 2002, Governing Body meeting
- C. Minutes of the December 17, 2001, Governing Body meeting
- D. Minutes of the December 11, 2001, Parks and Recreation Advisory Board meeting
- E. Minutes of the November 13, 2001, Parks & Recreation Advisory Board meeting
- F. Low bid in the amount of \$40,545 from Dell for the purchase of 45 desktop computers
- G. Purchase of 6 Mobile Vision in-car video systems for the Police Department in the amount of \$23,955 [*This item was approved by the Governing Body in the budget process*]
- H. 7th and Final Pay Request in the amount of \$920.00 to Olsson Associates for the design of the non-SMAC Stormwater Project located at 12211 Sagamore [PW Project # 01-067E]
- I. 4th and Final Pay Request in the amount of \$2,000.00 to Site Rite Construction Company for construction of the non-SMAC Stormwater Project located at 12211 Sagamore [PW Project # 01-067C]
- J. Police Department's December 2001 monthly report, and annual report for 2001
- K. Fire Department's December 2001 monthly report

Items 8.A., 8.B., and 8.H. were removed for discussion. On motion of Dunn, seconded by Gill, the Council unanimously approved the remainder of the Consent Agenda.

- 8.A. After questions concerning payments to Shaughnessy Fickel & Scott Architects and Bruner Contracting Co., and a progress report on the construction of the new Public Works Facility at 143rd & Overbrook, Council unanimously approved the appropriation ordinances on motion of Taylor, seconded by Gill.
- 8.B. Two corrections needed to be made to the Mayor's Report on page 3 – 1) the Mayor attended a legislative breakfast co-sponsored by the Leawood Chamber of Commerce and Leawood Rotary Club (rather than attending a Leawood Rotary Club meeting), and 2) Leawood Lyons changed to read Leawood Lions. On motion of Dunn, seconded by Gill, Council unanimously approved the January 7, 2002, Governing Body meeting minutes with the corrections.
- 8.H. Councilmember Bussing congratulated the Public Works staff on the non-SMAC stormwater project at 122nd & State Line Rd. On motion of Bussing, seconded by Gill, Council unanimously approved the pay request.

1315 **9. MAYOR'S REPORT**

- A. January 9, 2002, Council of Mayors meeting in Fairway – update on Union Station project progress in Kansas City, Missouri, and presentation on stormwater management program in Johnson County.
- B. Attended Legislative Conveners' Reception at Universal Underwriters with City Administrator Lambers and Leawood Chamber of Commerce President Kevin Jeffries.
- C. Attended the 10th annual Johnson County Martin Luther King holiday celebration.
- D. First State of the City Address and luncheon hosted by the Leawood Chamber of Commerce.
- E. DARE graduation at Corinth Elementary School.
- F. Attended a Policy Makers Breakfast at the Stowers Institute.
- G. Attended a dinner with Senator Sam Brownback who spoke on U.S./Israeli relationships.
- H. Forum at Johnson County Community College sponsored by Ingram's Magazine regarding Johnson County's regional focus.

10. COUNCILMEMBERS' REPORTS – None.

1565 **11. OLD BUSINESS**

- A. **Ordinance amending § 2-103, 2-105, and 2-110 of the Code of the City of Leawood 2000, pertaining to Animal Control [Fences; Confinement] [Continued from October 15, 2001, Governing Body meeting]**

City Administrator Lambers felt it was appropriate to continue the matter to the first Governing Body meeting in November with the understanding that at that meeting, the Governing Body would simply accept his report through the 3rd quarter of 2002 and recommendation on how to proceed. Councilmember Dunn moved to continue the matter to the November 4, 2002, Governing Body meeting, seconded by Gill. Motion carried unanimously.

1695 **12. NEW BUSINESS**

- A. **Ordinance No. 1927C amending § 1-502 of the Code of the City of Leawood 2000 pertaining to ICMA-RC § 401a, Profit Sharing Plan, and ICMA-RC, § 401a, Money Purchase Plan**

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

- B. **Ordinance No. 1928C repealing § 1-411 of the Code of the City of Leawood 2000 pertaining to the position of Assistant City Clerk**

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

- 1775 **C. Authority to exchange the position of Deputy City Clerk with the currently budgeted Administrative Services Manager (administrative assistant) position**

On motion of Taylor, seconded by Gill, Council unanimously approved the exchange.

- 1895 **D. Approve and accept 2002 Business Plan for IRONHORSE Golf Course**

Councilmember Rasmussen moved to approve the Plan, seconded by Taylor. Councilmember Bussing said there was an enormous amount of information in the Plan and he knew that the Golf Course Committee and City Administrator were continuing to work on some ongoing golf course issues. Because of that, he was uncomfortable with the concept of "approval" of the Plan, and asked for a friendly amendment to the motion to accept the Plan, not approve it. Councilmembers Rasmussen and Taylor agreed to the friendly amendment. City Administrator Lambers anticipated having a presentation to the Governing Body by June that would provide a clear picture as to how the spring play occurred at the golf course and a good forecast for the balance of the year. Council unanimously accepted the 2002 Business Plan for the golf course.

- 2100 **E. Ordinance No. 1929C amending Chapter 4, Article 1, of the Code of the City of Leawood 2000, pertaining to the administration of the Leawood Building Code, and repealing existing Article 1, and other sections in conflict herewith**

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

- 2240 **F. Ordinance No. 1930C amending Chapter 4, Article 2, of the Code of the City of Leawood 2000, adopting the International Building Code 2000, save and except certain portions which are amended, omitted or added, and repealing existing Article 2, and other sections in conflict herewith**

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

- 2280 **G. Ordinance No. 1931C amending Chapter 4, Article 3, of the Code of the City of Leawood 2000, adopting the National Electrical Code 1999, save and except certain portions which are amended, omitted or added, and repealing existing Article 3, and other sections in conflict herewith**

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

- 2330 **H. Ordinance No. 1932C amending Chapter 4, Article 4, of the Code of the City of Leawood 2000, adopting the International Plumbing Code 2000, save and except certain portions which are amended, omitted or added, and repealing existing Article 4, and other sections in conflict herewith**

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

- 2380 **I. Ordinance No. 1933C amending Chapter 4, Article 5, of the Code of the City of Leawood 2000, adopting the International Mechanical Code 2000, save and except certain portions which are amended, omitted or added, and repealing existing Article 5, and other sections in conflict herewith**

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

- 2430 **J. Ordinance No. 1934C amending Chapter 4, Article 6, of the Code of the City of Leawood 2000, adopting the International Fuel Gas Code 2000, save and except certain portions which are amended, omitted or added, and repealing existing Article 6, and other sections in conflict herewith**

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

- 2470 **K. Ordinance No. 1935C amending Chapter 4, Article 8, of the Code of the City of Leawood 2000, adopting the International Energy Conservation Code 2000, save and except certain portions which are amended, omitted or added, and repealing existing Article 8, and other sections in conflict herewith**

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

- 2510 **L. Ordinance No. 1936C amending Chapter 4, Article 9, of the Code of the City of Leawood 2000, adopting the International Residential Code for One- and Two-Family Dwellings 2000, save and except certain portions which are amended, omitted or added, and repealing existing Article 9, and other sections in conflict herewith**

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

- 2560 **M. Ordinance No. 1937C amending Chapter 4, Article 10, of the Code of the City of Leawood 2000, adopting the Uniform Swimming Pool, Spa and Hot Tub Code 1997, save and except certain portions which are amended, omitted or added, and repealing existing Article 10, and other sections in conflict herewith**

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

- 2645 **N. Ordinance No. 1938C amending Chapter 4, adding a new Article 11, of the Code of the City of Leawood 2000, adopting the Uniform Code for the Abatement of Dangerous Buildings 1997, save and except certain portions which are amended, omitted or added, and repealing existing sections in conflict herewith**

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

- 2850 **O. Ordinance No. 1939C amending Chapter 4, adding a new Article 12, of the Code of the City of Leawood 2000, pertaining to Insurance Proceeds Fund, and repealing existing Article 5 of Chapter 8, and other sections in conflict herewith**

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

- 2900 **P. Ordinance No. 1940C amending Chapter 8, to add a new Article 5, of the Code of the City of Leawood 2000, adopting Property Maintenance Code 1995, and repealing existing Chapter 4, Article 7, and other sections in conflict herewith**

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

- 3015 **Q. Ordinance No. 1941C amending Chapter 8, Article 2, Section 8-203; and Chapter 8, Article 3, Section 8-303, of the Code of the City of Leawood 2000, pertaining to Health and Welfare, and repealing other sections in conflict herewith**

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

13. OTHER BUSINESS

A. Assignment to Public Works Committee

Councilmember Dunn moved to refer the matter of safety concerns relative to the widening of Roe Avenue as the widening pertained to the section of a 10-foot bike/hike trail to the Public Works Committee for consideration and recommendation. Motion seconded by Gill and carried unanimously.

B. Redistricting by the Johnson County Board of Commissioners

The Mayor reported that the Board's discussions were almost complete and anticipated a vote on January 31st. Leawood would still have 2 commissioners to represent it. Councilmembers made no comments about the matter.

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ADJOURN

There being no further business before the Council, the meeting was adjourned at 8:25 P.M.

Martha Heizer, City Clerk