

Minutes

Audio Tape No. 543

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, March 4, 2002. Mayor Peggy J. Dunn presided.

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

Staff present:

Scott M. Lambers, City Administrator
Patricia A. Bennett, City Attorney
Ben C. Florance, Fire Chief
Sid Mitchell, Chief of Police
Mark Andrasik, Information Services Dir.
Jeff Cantrell, Neighborhood Services Admin.
Jana Stuart, Human Resources Specialist
Martha Heizer, City Clerk

Joe Johnson, Public Works Director
Mark Klein, Interim Planning/Dev. Dir.
Chris Claxton, Parks & Recreation Dir.
Kathy Rogers, Finance Director
Julie Hakan, Dir. of Human Resources
Cindy Pitts, Human Resources Specialist
Lisa Wetzler, Asst. City Attorney
Deb Harper, Deputy City Clerk

1. PLEDGE OF ALLEGIANCE

235 **2. APPROVAL OF AGENDA**

The Mayor noted that Items 10.A., 11.A., and 12.A. would be continued to the April 1, 2002, Governing Body meeting. Item 13.A., a report on the January ice storm debris cleanup, was added. On motion of Dunn, seconded by Story, Council unanimously approved the agenda as amended.

300 **3. CITIZEN COMMENTS**

Kevin Jeffries, President of the Leawood Chamber of Commerce, introduced 3 Chamber members who participated in the Chamber's first Leadership Leawood Class, its purpose to develop future leaders for the community. The 3 Leawood residents – Leawood Planning Commission member Pat Colloton, Michael DeMent of D.O.C. Communications public relations, and Randy Robinson, Director of Johnson County Wastewater Administration Division – attended "Focus on the City Day," meeting with the Mayor, City Administrator, and City Department Heads.

Robert Sjolín, 3217 W. 82nd Terr., made comments about various issues.

4. **PROCLAMATIONS** – None.

900 5. **PRESENTATIONS/RECOGNITIONS**

The Mayor presented a plaque and proclamation to Julie Hakan, Director of Human Resources, in recognition of her 20+ years of service to the City, September 8, 1981, to March 15, 2002.

The Mayor and Fire Chief Florance presented plaques to Fire Captain David D. Koontz on his retirement, in honor of his service to the City December 1, 1976 – March 24, 2002.

1605 6. **SPECIAL BUSINESS**

- A. **Consider and authorize the Kansas City Power & Light [KCPL] Franchise to be scheduled for readings on; March 18, 2002; April 1, 2002; and April 15, 2002 [Effective Date: June 15, 2002]**

Councilmember Rasmussen recused himself to avoid the appearance of a conflict of interest, and left the Council Chamber. Assistant City Attorney Wetzler explained that 2 issues still had to be worked out with KCP&L – Section 8, Gross Revenues, and Section 10, Transfer of Franchise. She said that KCP&L paid 5% of its gross revenues generated from electrical service to the City in franchise fees. The City proposed to expand the definition of gross revenues to include revenue from the sale of products and services; KCP&L was opposed to the expansion. She also said that the proposed franchise prohibited the transfer of the franchise to any other entity without the prior written consent of the City, and KCP&L was opposed to that. Mrs. Wetzler said that the City Administrator recommended that the franchise be approved as presented with a 15-year term.

Mike Rump of KCP&L addressed their objections. He noted that the gross receipts tax was really paid by the residents of the City, so if the City expanded the definition of gross revenues, it was really increasing the cost that residents would pay for service. Regarding prior written consent for the transfer of the franchise to another entity, KCP&L felt there was already ample regulatory oversight opportunity for the City to participate and make any comments it would have about the assignment of the franchise.

Councilmember Gill moved to adopt the proposed ordinance to be scheduled for the required 3 readings on the dates identified in Mrs. Wetzler's memo, the first reading to be March 18, 2002, seconded by Taylor. Motion carried unanimously.

Councilmember Rasmussen returned to the Council Chambers.

2618 7. **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. 940
B. Minutes of the February 25, 2002, Special Call Governing Body meeting

- C. Minutes of the February 18, 2002, Governing Body meeting
- D. Minutes of the January 8, 2002, Parks & Recreation Advisory Board meeting
- E. Minutes of the January 22, 2002, Arts Council meeting
- F. Minutes of the October 23, 2001, Arts Council meeting
- G. Minutes of the January 8, 2002, Historic Commission meeting
- H. Minutes of the November 13, 2001, Historic Commission meeting
- I. Resolution No. 1669 appointing a Kansas Public Employees Retirement System [KPERS] Designated Agent
- J. Resolution No. 1670 appointing a Kansas Police & Fire Retirement System [KP&F] Designated Agent
- K. Resolution No. 1671 appointing a Kansas Eastern Region Insurance Trust [KERIT] Trustee and KERIT Alternate Trustee
- L. Approve and authorize execution of a renewal Maintenance Agreement between the City and M/A-COM Private Radio Systems, Inc., in the amount of \$22,010 for the annual maintenance of police radio equipment
- M. Approve and authorize execution of Second Amendment to Annexation Agreement between the City and COR Development, LLC, dated July 16, 2001, to extend the time up to and including July 2, 2002, for final approval of plans, for property located at 135th Street & Nall Avenue
- N. Approve and authorize execution of an Extension Agreement between the City of Leawood and the Kansas Gas Service Company, a division of ONEOK, Inc., to extend the existing main gas line in conjunction with the construction of the Public Works Maintenance Facility to be located at 14303 Overbrook
- O. Approve and authorize execution of an Inter-local Agreement between the City of Leawood and the City of Kansas City, Missouri, in conjunction with the Mill & Overlay Improvement Project on State Line between 119th Street and 133rd Street
- P. Approve bid and authorize execution of a Construction Agreement in the amount of \$105,575.00 between the City and McCorkendale Construction, Inc., for creek bank/bridge stabilization and cart path project at IRONHORSE Golf Club
- Q. Acceptance of Temporary Construction Easement from Don Bell, Sr. to the City for property located in conjunction with the stabilization of bridges and cart path at IRONHORSE Golf Club
- R. 10th & Final Pay Request in the amount of \$5,000.00 to Pyramid Excavation & Construction for SMAC Project DB-04-017, Overhill, south of 86th Street
- S. Low bid in the amount of \$150,000 [\$1.04 @ sq. yard] from Musselman & Hall Contractors for the 2002 Street Slurry Seal Program
- T. Purchase of [3] Public Works vehicles in the amount of \$65,476.00 from Olathe Ford Sales through CO-OP Bid with the City of Lee's Summit, MO, on October 16, 2001 *[These items were approved by the Governing Body in the budget process]*
- U. Payment in the amount of \$29,437.70 to Software Spectrum for Microsoft Licensing for 2002 *[This item was approved by the Governing Body in the budget process]*

- V. Purchase of an exhaust removal system for Fire Station No. 1 in the amount of \$16,500.00 from Air Cleaning Technologies, Inc.
- W. Purchase of [2] Stepmill Stairmasters from StairMaster in the amount of \$6,872.00 for Fire Station Nos. 1 and 2 [*These items were approved by the Governing Body in the budget process*]

Consent Agenda Item 7.M. was removed for further discussion. On motion of Dunn, seconded by Story, Council unanimously approved the remainder of the Consent Agenda.

7.M. Councilmember Taylor recused himself to avoid the appearance of a conflict of interest. On motion of Gullede, seconded by Dunn, the remainder of the Council unanimously approved the Second Amendment.

2700

8. MAYOR'S REPORT

- A. 2002 revaluation by the County Appraiser; deadline for appeals - April 1, 2002
- B. Thanked the Leawood Chamber of Commerce and Leawood Arts Council for a successful Spotlight on Leawood event, a fund-raiser for the 2 organizations
- C. Participated in a music paradigm, an interactive leadership experience sponsored by the Kansas City Symphony – how day-to-day operations in the City of Leawood relate to musical performances
- D. For the next 15 months, the Mayor would participate in a community leadership committee – Navigating the Future – sponsored by United Community Services of Johnson County, to create a plan to address health and human service needs
- E. Blue Valley Education Foundation invited the Mayor to be a judge of essays for the ambassadors for their Sunflower Celebration on April 15th
- F. Congratulated Human Resources Specialist Cindy Pitts and Employee Safety Committee on the completion of the 2001 KERIT Plus Program and a positive safety atmosphere
- G. 2001 Silver National Aquatic Safety Award was given to the City's lifeguard staff for exceeding the criteria for aquatic safety certification

9. COUNCILMEMBERS' REPORTS – None.

COMMITTEE RECOMMENDATIONS

10. PLANNING COMMISSION

[from August 28, 2001, Planning Commission meeting & September 26, 2001, BZA]

- A. **Ordinance amending Code § 4-4 of the Leawood Development Ordinance pertaining to Off-Street Parking, Storage, Loading Regulations and Parking Lot Design Standards [Recreational Vehicles] [*Continued from December 17, 2001, Governing Body meeting*]**

On motion of Gullede, seconded by Gill, Council voted unanimously to continue the matter to the April 1, 2002, Governing Body meeting.

3142 **11. OLD BUSINESS**

- A. Installation of gate to restrict traffic on Ironhorse Drive/Circle located within the Estates of Iron Horse subdivision, located at approximately 157th Street east of Nall**

On motion of Story, seconded by Gill, Council voted unanimously to continue the matter to the April 1, 2002, Governing Body meeting.

- 3210 **B. Rescission of acceptance of applicant's request for withdrawal of the resolution approving a preliminary site plan for an office building to be located south of 127th Street and west of State Line Road [Applicant: Madden McFarland Interiors]**

Councilmember Dunn moved to rescind the Council's previous acceptance of the applicant's withdrawal request, seconded by Gill, and carried unanimously.

3350 **12. NEW BUSINESS**

- A. Ordinance amending Chapter 14, Article 3, Sections 14-301, 14-302 and 14-304 of the Code of the City of Leawood 2000, pertaining to parking [Recreational Vehicles] [Continued from December 17, 2001, Governing Body meeting]**

On motion of Dunn, seconded by Gill, Council voted unanimously to continue the matter to the April 1, 2002, Governing Body meeting.

3380 **13. OTHER BUSINESS**

- A. Report on January ice storm debris cleanup**

Public Works Director Johnson gave an update on the cleanup. A contract was executed with Storm Reconstruction Services of Tuscaloosa, Alabama. The first pass through the City should be completed in the next 10 days. Public Works was working on contracting out for the removal of limbs that were still hanging within rights-of-way, and hoped to present a contract to the Council at the next Governing Body meeting.

3710 **ADJOURN**

There being no further business before the Council, the meeting was adjourned at 8:30 P.M.

Martha Heizer, City Clerk