

Minutes

Audio Tape No. 544

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 18, 2002. Mayor Peggy J. Dunn presided.

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

**Staff present:**

Scott M. Lambers, City Administrator  
Patricia A. Bennett, City Attorney  
Ben C. Florance, Fire Chief  
Sid Mitchell, Chief of Police  
Cindy Pitts, Human Resources Specialist  
Martha Heizer, City Clerk

Joe Johnson, Public Works Director  
Diane Binckley, Planning/Development Dir.  
Chris Claxton, Parks & Recreation Dir.  
Kathy Rogers, Finance Director  
Karl Weinfurter, Info. Systems Specialist  
Deb Harper, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

200 **2. APPROVAL OF AGENDA**

Item 13.D. to schedule a Governing Body work session to discuss 2003 budget goals was added to the agenda. On motion of Dunn, seconded by Gullede, Council unanimously approved the agenda as amended.

250 **3. CITIZEN COMMENTS**

Don Donnelly, 12528 Cedar, spoke about Item 13.C. He was in favor of the elimination of the bike/hike trail along the west side of Roe Avenue between 124<sup>th</sup> Street and 135<sup>th</sup> Street because of safety and property value concerns; the trail would be too close to homes.

460 **4. PROCLAMATIONS**

The Mayor proclaimed March 21, 2002, as "Absolutely Incredible Kid Day." She also proclaimed March 11, 2002, as "Mayor Sylvester Powell, Jr., Recognition Day." Mayor Powell, who passed away March 6<sup>th</sup>, was the Mayor of Mission, Kansas, from 1955 to 1965, and again from 1977 until his death. Mayor Dunn asked for a moment of silence in his honor.

5. **PRESENTATIONS/RECOGNITIONS** – None.

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6. **SPECIAL BUSINESS**

- A. **First of Three Readings: Ordinance granting Kansas City Power & Light Company, its grantees, successors and assigns, the right and franchise to construct and maintain all works and plants necessary or proper for supplying consumers with electricity, granting to said company the right to use the streets, alleys and other public rights-of-way, providing for compensation from such company for said right and franchise, prescribing the terms of and relating to such franchise and repealing Ordinance No. 1215**

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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. 941  
B. Minutes of the March 4, 2002, Governing Body meeting  
C. Resolution No. 1672 approving and authorizing the Mayor to execute an Addendum to a Lease Agreement between the City and IKON in the amount of \$14,010.00 for a five [5] year lease for a copy/fax machine for Fire Station No. 3, located at 148<sup>th</sup> Street & Mission Road *[This item was approved by the Governing Body in the budget process]*  
D. Resolution No. 1673 approving and authorizing the Mayor to execute a Service Contract between the City and Marrs Tree Service, Inc., in the amount of \$125,000.00, for the removal of hanging tree limbs related to the January 2002 winter ice storm  
E. Approve purchase for an amount not to exceed \$15,000.00 from DoubleCheck for replacement of fuel access control system equipment located at the 104<sup>th</sup> Street Public Works Maintenance Facility  
F. Change Order No. 2 in the amount of \$8,940.00 to Theis Doolittle Associates, Inc., for additional design services related to the relocation of the Oxford School to Ironwoods Park  
G. Police Department Report for February 2002  
H. Fire Department Report for February 2002

Items 7.D. and 7.F. were removed for discussion. On motion of Dunn, seconded by Story, Council unanimously approved the remainder of the Consent Agenda.

7.D. After clarification of the scope of the contract, and on motion of Dunn, seconded by Story, Council unanimously approved the contract with Marrs Tree Service.

7.F. After a few questions, and on motion of Gullede, seconded by Taylor, Council unanimously approved the change order.

970 **8. MAYOR'S REPORT**

- A. Council of Mayors meeting at Westwood City Hall – presentation on the Juvenile Intake and Assessment Center funding; discussion about the State budget's revenue shortfalls and municipalities receiving full funding of their demand transfer dollars
- B. The Mayor and City Administrator attended the National League of Cities Annual Congressional Conference in Washington, D.C. – 6 priority issues were identified for the coming year
- C. Art Show at Gold Bank, March 22<sup>nd</sup>, 5:30 P.M., featuring artist Wendall Anschutz

**9. COUNCILMEMBERS' REPORTS** – None.

1180 **10. STAFF REPORT**

**A. Update from Public Works Department on ice storm debris cleanup project**

Public Works Director Johnson reported that the contractor was starting a second pass through the City and should finish that by the end of the week. After that, any other debris would be the homeowners' responsibility. He said that Public Works would start sweeping streets and clearing out stormwater inlets of small storm debris.

**COMMITTEE RECOMMENDATIONS**

1365 **11. PLANNING COMMISSION**

*[from February 26, 2002, Planning Commission meeting]*

**A. Approve Special Use Permit [SUP] for a Sport Court to be located at 15320 Rosewood [Applicant: Thornton]**

Applicant Curtis Thornton gave a presentation. On motion of Taylor, seconded by Dunn, Council unanimously approved the Special Use Permit.

1965 **B. Approve Special Use Permit [SUP] for a temporary sales trailer to be located in the Mission Prairie Subdivision located at 141<sup>st</sup> Street and Mission Road**

On motion of Gullede, seconded by Story, Council unanimously approved the permit, limited to 1 year from the date of issuance of a building permit.

2010 **C. Ordinance No. 1945 amending Article 8 of the Leawood Development Ordinance [LDO], adding a new Section 8-82(a) to provide for the addition of a definition of Interior Decorating Service**

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

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

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- D. Resolution No. 1674 approving preliminary site plan for an office building to be located south of 127<sup>th</sup> Street and west of State Line Road [Applicant: Madden McFarland Interiors]**

On motion of Taylor, seconded by Gill, Council unanimously adopted the resolution.

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**12. OLD BUSINESS**

- A. Request to approve Public Works Committee's recommendation to approve the Tomahawk Creek Parkway & Roe Intersection Improvement Project with the cost share of 60/40 for traffic signalization [60-Overland Park; 40-Leawood]**

Leawood's share approximately \$52,000. On motion of Taylor, seconded by Dunn, Council unanimously approved the Public Works Committee's recommendation.

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**13. NEW BUSINESS**

- A. Ordinance No. 1946C amending Chapter 11, Article 4, of the Code of the City of Leawood 2000, pertaining to Proclamation of Emergency**

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

- B. Schedule Executive Session at 6:30 P.M. on April 1, 2002, for City Administrator's 6-month review per Employment Contract between the Governing Body and City Administrator**

On motion of Dunn, seconded by Gullede, Council voted unanimously to have the executive session at 6:30 P.M. on April 1, 2002.

2455

- C. Request to approve Public Works Committee's recommendation to eliminate the bike/hike trail along the west side of Roe Avenue between 124<sup>th</sup> Street and 135<sup>th</sup> Street**

Councilmember Dunn, Chairman of the Public Works Committee, reported on the Committee's recommendation that it made the most sense to eliminate the bike/hike trail and proceed with a sidewalk instead in conjunction with the widening of Roe Avenue from 2 lanes to 4 lanes. Councilmember Bussing wanted the record to be clear that the elimination of the trail wouldn't allow the retaining wall to be moved further away from homeowners' properties, its width being necessary to essentially hold Roe Avenue up. Public Works Director Johnson explained that 5-foot wide concrete sidewalks would be constructed on both sides of Roe Avenue so residents would still have access to the trail system – it would be concrete rather than asphalt from 133<sup>rd</sup> Street north to the Tomahawk Creek bridge.

3175 Residents of the area addressed the issue. They felt that elimination of the bike/hike trail would make the area safer and more attractive, to have a positive impact on property values.

On motion of Taylor, seconded by Gulledge, Council approved the recommendation; Gulledge, Bussing, Rawlings, Story, Taylor in favor; Dunn opposed. Mr. Dunn felt that once the Roe Avenue project was built, residents would find the trail a plus, not a minus, and felt that the trail was part of an overall greenway plan that the metropolitan area had and he was very wary of Leawood engaging in the process of arbitrarily cutting out parts of the plan. He wanted to see the plan completed for the entire metropolitan area, and didn't want to give encouragement to other cities to cut out their portions of the plan. City Administrator Lambers said that with the elimination of the trail, the City's master plan needed to be revised to reflect the change, therefore, the matter would be taken to the Planning Commission for that purpose.

**D. Schedule work session for March 27<sup>th</sup>, 6:30 P.M., to discuss 2003 budget goals**

On motion of Gulledge, seconded by Dunn, Council voted to so schedule the work session; all in favor except Mr. Taylor who wasn't seated for the vote.

**14. OTHER BUSINESS – None.**

4330 **ADJOURN**

There being no further business before the Council, the meeting was adjourned at 8:40 P.M.

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Martha Heizer, City Clerk