

Minutes

Audio Tape No. 548

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, April 15, 2002. 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
Ben C. Florance, Fire Chief
Sid Mitchell, Chief of Police
Cindy Pitts, Human Resources Specialist
Jeff Cantrell, Neighborhood Serv. Admin.
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
Brian Anderson, Parks Supervisor
Deb Harper, Deputy City Clerk

1. PLEDGE OF ALLEGIANCE

215 **2. APPROVAL OF AGENDA**

Item 7.D. was removed from the Consent Agenda for some clarification, to be placed on the May 6, 2002, Governing Body meeting agenda. On motion of Dunn, seconded by Story, Council unanimously approved the agenda as amended.

335 **3. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Lane, made comments about the recent City election.

780 **4. PROCLAMATIONS**

The Mayor proclaimed National Volunteer Week, April 21-27, 2002; Arbor Day, April 26, 2002; Taiwan Heritage Week, May 5-11, 2002; Student Achievement Days, Showcasing Student Excellence, May 4-5, 2002; and 'Don't Laugh At Me' Day, April 16, 2002. She presented the Arbor Day proclamation to Parks & Recreation Director Claxton and Parks Supervisor Anderson.

Mrs. Claxton introduced Jerry Snider, the City's new part-time Cultural Arts Coordinator, who would work with the Leawood Stage Company and the Leawood Arts Council.

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

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6. **SPECIAL BUSINESS**

- A. **Third & Final Reading: Ordinance No. 1947, 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 [Effective Date: June 15, 2002]**

Councilmember Rasmussen recused himself to avoid the appearance of a conflict of interest. On motion of Gill, seconded by Dunn, Council unanimously (except for Rasmussen) passed the ordinance on roll call vote.

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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. 943
- B. Minutes of the April 1, 2002, Governing Body meeting
- C. Minutes of the April 1, 2002, Special Call Governing Body meeting
- D. Minutes of the March 25, 2002, Special Call Governing Body meeting *[removed from the Consent for some clarification, to be placed on the May 6, 2002, Governing Body meeting agenda]*
- E. Minutes of the March 13, 2002, Public Works Committee meeting
- F. Minutes of the March 12, 2002, Parks and Recreation Advisory Board meeting
- G. Minutes of the February 26, 2002, Arts Council meeting
- H. Minutes of the February 12, 2002, Parks and Recreation Advisory Board meeting
- I. Minutes of the February 7, 2002, IRONHORSE Golf Club Committee meeting
- J. Fire Department Monthly Report for March 2002
- K. Police Department Monthly Report for March 2002
- L. Municipal Court Monthly Report for March 2002
- M. Low bid in the amount of \$864,492.22 from Seal-O-Matic Paving for the 2002 Street Reconstruction Program

- N. Final Payment in the amount of \$5,444.00 to Sitzmark Travel pertaining to the March 17, 2002, Winter Park Ski Trip, sponsored by the Parks & Recreation Department
- O. Approve Permanent Easement to Southwestern Bell [SWB] regarding the placement of equipment station at the future Public Works Maintenance Facility at 143rd & Kenneth Road *[City will receive \$7,500.00 from SWB for conveyance]*
- P. Approve granting of Public Utility Easement to the Gas Service Company [KPL] pertaining to the new Public Works Maintenance Facility to be located at 14303 Overbrook Road
- Q. Resolution No. 1694 calling for a public hearing on May 6, 2002, at 7:30 P.M., to consider the 2003-2008 Capital Improvement Program [C.I.P.] for the City
- R. Resolution No. 1695 calling for a public hearing on May 6, 2002, at 7:30 P.M., to consider the 2003 Fiscal Budget for the City
- S. Resolution No. 1696 approving and authorizing the Mayor to execute an Annual Maintenance Renewal Agreement between the City and Identix, Inc., in the amount of \$7,103.00, pertaining to maintenance of the LiveScan Fingerprinting System *[This item was approved by the Governing Body in the budget process]*
- T. Resolution No. 1697 approving and authorizing the Mayor to execute an Amended and Restated Inter-local Agreement between the City and the Board of County Commissioners [BOCC] of Johnson County, Kansas, for the Stormwater Management Advisory Council [SMAC] and Flood Control Projects
- U. Resolution No. 1698 approving and authorizing the Mayor to execute a Service Contract between the City of Leawood and Midwest Service Company, Inc., in the amount of \$71,856.00, for mowing and trimming of traffic medians and right-of-way [ROW] maintenance
- V. Resolution No. 1699 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Chestnut Fine Arts Center, Inc., in the amount of \$3,500.00, pertaining to the Production of Youth Performance Players, Leawood Stage Company 2002 Production
- W. Resolution No. 1700 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and C. Richard Pond, in the amount of \$3,200.00, pertaining to the Leawood Stage Company 2002 Main Stage Production
- X. Resolution No. 1701 designating Leawood City Hall Courtyard as a portion of the Leawood Community Center to conduct the Taste of Leawood fund-raising event on June 1, 2002, in accordance with Code Section 3-207
- Y. Approve one-day temporary permit to serve alcoholic beverages on June 1, 2002, in the Leawood City Hall Courtyard for the Taste of Leawood fund-raising event sponsored by the Leawood Chamber of Commerce
- Z. Resolution No. 1702 approving and authorizing the Mayor to execute an Engineering Services Agreement between the City and George Butler Associates, Inc., [GBA] in the amount of \$7,800.00, pertaining to the Bi-annual Bridge Inspections
- AA. Resolution No. 1703 approving and authorizing the Mayor to execute a Letter

Agreement between the City and Cunningham, Vogel & Rost, to complete revisions to the Leawood Development Ordinance [LDO]

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

7.AA. Councilmember Gill recused himself to avoid the appearance of a conflict of interest. After an explanation of why the City was changing law firms to complete revisions to the LDO, and on motion of Taylor, seconded by Rasmussen, Council unanimously (except for Mr. Gill) adopted the resolution.

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8. MAYOR'S REPORT

- A. Council of Mayors meeting in Olathe – heard reports on the cultural arts portion of Bi-State 2, United Community Services agency, and the Johnson County Family Lodge; scheduled a meeting in June for their wrap-up with state legislators; Mayors took a recent Saturday bus tour hosted by Mayor Carol Marinovich of the Unified Government of Wyandotte County/Kansas City.

9. COUNCILMEMBERS' REPORTS – None.

COMMITTEE RECOMMENDATIONS

1670

10. PLANNING COMMISSION

[from March 26, 2002, Planning Commission meeting]

- A. **Resolution No. 1704 approving preliminary site plan for 133rd and Mission Park, located north of 133rd Street and east of Mission Road [companion ordinance]**

Councilmember Taylor moved to adopt the resolution, but with further consideration of the name for the park by the Parks & Recreation Advisory Board, seconded by Gill. Mr. Gill said that the suggested name was Market Square Park, but Market Square related to a zoning classification and the City could be little more original and meaningful in selecting a name. Motion carried unanimously.

- B. **Ordinance No. 1949 approving rezoning from AG, Agriculture, to REC, Planned Recreation, for 133rd and Mission Park, located north of 133rd Street and east of Mission Road**

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

- 2050 **C. Resolution No. 1705 approving preliminary site plan and preliminary plat for Mission Reserve Single Family Residential Subdivision, located south of 151st Street and West of Mission Road**

Planning Director Binckley said the land was already zoned RP-4. She said that the Council didn't have the RP-4 versus RP-1 discussion at the time the RP-4 zoning occurred. Councilmember Bussing wanted to go on record again that he was opposed to providing any variances on side yard or front yard setbacks, particularly for RP-4 subdivisions. Mrs. Binckley said staff felt that the project was a better development than the one currently approved for the site. Staff understood how Council felt about RP-4 zoning and variances, however, the project was already in progress since the Council last discussed an RP-4 project and staff was going to make sure that they represented the City's views.

Councilmember Gullede moved to adopt the resolution, seconded by Gill. Motion carried unanimously.

- 2800 **11. PUBLIC WORKS COMMITTEE REPORT**
 A. Request to establish Public Works sub-committee to work on stormwater management policy to deal specifically with the procedure for dealing with maintenance of City-owned stormwater structures

The Public Works Committee recommended the appointment of Councilmembers Rasmussen and Rawlings, and the City Attorney or Assistant City Attorney, to work with staff to prepare a written policy. Councilmember Dunn so moved, seconded by Taylor. Motion carried unanimously.

- 12. OLD BUSINESS** – None.

- 3180 **13. OATHS OF OFFICE ADMINISTERED TO MAYOR-ELECT AND COUNCILMEMBERS-ELECT** – Peggy J. Dunn, Mayor; Shelby Story, Councilmember, Ward 1; Jim Rawlings, Councilmember, Ward 2; Mike Gill, Councilmember, Ward 3; and James E. Taylor, Sr., Councilmember, Ward 4.

- 3720 **14. ROLL CALL OF NEW COUNCILMEMBERS** – Taylor, Rasmussen, Gill, Story, Dunn, Rawlings, Bussing, Gullede.

- 3820 **15. NEW BUSINESS**
 A. Approve Change Order No. 1 in the amount of \$15,549.95 to Amino Brothers Company, Inc., pertaining to the 133rd Street Improvement Project between Mission Road and Roe Avenue [CIP # 179]

On motion of Rasmussen, seconded by Gullede, Council unanimously approved the change order.

- B. Approve Change Order No. 2 in the amount of \$38,943.38 to Amino Brothers Company, Inc., pertaining to the 133rd Street Improvement Project between State Line Road and Mission Road [CIP # 178]**

On motion of Dunn, seconded by Rasmussen, Council unanimously approved the change order.

- 3935 **C. Resolution No. 1706 approving and authorizing the Mayor to execute a Utility Agreement between the City and Kansas City Power and Light Company [KCPL] for the relocation of existing facilities pertaining to the 133rd Street Improvement Project**

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

- D. Schedule Governing Body Work Session on May 13, 2002, at 5:45 P.M., regarding discussion of public input and presentation of 2003-2008 Capital Improvement Program [CIP] to Governing Body and 2003 Fiscal Budget [*in conjunction with the May 6, 2002, Public Hearings*]**

On motion of Gulledge, seconded by Rawlings, Council voted unanimously to schedule the work session.

- E. Schedule Governing Body Work Session on June 17, 2002, at 6:30 P.M., regarding 'Draft' 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]; and 'Draft' Ordinance amending Code § 14-301, 14-302, and 14-304, of the Code of the City of Leawood, 2000, pertaining to parking [Recreational Vehicles]**

On motion of Story, seconded by Taylor, Council voted unanimously to schedule the work session.

- 4565 **F. Resolution No. 1681, authorizing the improvement of a certain section of Roe Avenue, a main trafficway, between 124th Street and 135th Street; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689, and for the issuance of temporary notes of the City, pending the issuance of said bonds; and expressing the intent to reimburse costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 110]**

Adopted unanimously on motion of Taylor, seconded by Rasmussen.

- G. **Resolution No. 1682**, authorizing the improvement of a certain section of Nall Avenue, a main trafficway, between 135th Street and 143rd Street; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689, and for the issuance of temporary notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 139]

Adopted unanimously on motion of Dunn, seconded by Gulledege.

- H. **Resolution No. 1683**, authorizing the improvement of a certain section of State Line Road, a main trafficway, at the intersection of 92nd Street; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689, and for the issuance of temporary notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 157]

Adopted on motion of Dunn, seconded by Story; Gulledege, Rawlings, Bussing, Dunn, Story, Gill, Taylor in favor; Rasmussen opposed.

- I. **Resolution No. 1684**, authorizing the improvement of a certain section of 143rd Street, a main trafficway, between Mission Road and Nall Avenue; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689, and for the issuance of temporary notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 162]

Adopted unanimously on motion of Dunn, seconded by Gill.

- J. **Ordinance No. 1948**, authorizing the issuance and delivery of temporary notes of the City of Leawood in the principal amount of \$ 7,600,000, to provide temporary financing of the cost of certain public improvement projects within the City of Leawood, Kansas

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

- K. Resolution No. 1685, authorizing and providing for the issuance and delivery of temporary notes for the Roe Avenue Improvement Project [between 124th Street and 135th Street] [110] in the principal amount of \$700,000, to provide temporary financing of the cost of improvement**

Adopted unanimously on motion of Taylor, seconded by Gill.

- L. Resolution No. 1686, authorizing and providing for the issuance and delivery of temporary notes for the Nall Avenue Improvement Project [between 135th Street and 143rd Street] [139] in the principal amount of \$100,000, to provide temporary financing of the cost of improvement**

Adopted on motion of Gullede, seconded by Story; Gullede, Rawlings, Bussing, Dunn, Story, Gill, Rasmussen in favor; Taylor abstained.

- M. Resolution No. 1687, authorizing and providing for the issuance and delivery of temporary notes for the Public Works Complex Project [156] in the principal amount of \$1,700,000, to provide temporary financing of the cost of improvement**

Adopted unanimously on motion of Dunn, seconded by Rawlings.

- N. Resolution No. 1688, authorizing and providing for the issuance and delivery of temporary notes for the 92nd Street and State Line Road Intersection Signalization Improvement Project [157] in the principal amount of \$100,000, to provide temporary financing of the cost of improvement**

Adopted on motion of Dunn, seconded by Gill; Bussing, Rawlings, Dunn, Story, Gill, Rasmussen, Taylor in favor; Gullede opposed (he wasn't sure that signalization of the intersection was needed).

- O. Resolution No. 1689, 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 \$300,000, to provide temporary financing of the cost of improvement**

Adopted unanimously on motion of Taylor, seconded by Bussing.

- P. Resolution No. 1690, authorizing and providing for the issuance and delivery of temporary notes for the 151st Street [between Nall and Mission Road] Project [167] in the principal amount of \$900,000, to provide temporary financing of the cost of improvement**

Adopted unanimously on motion of Story, seconded by Taylor.

- Q. Resolution No. 1691, authorizing and providing for the issuance and delivery of temporary notes for the Roe Avenue [between 135th and 137th Street] Intersection Improvement Project [174] in the principal amount of \$900,000, to provide temporary financing of the cost of improvement**

Adopted unanimously on motion of Bussing, seconded by Story.

- R. Resolution No. 1692, 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 \$2,100,000, to provide temporary financing of the cost of improvement**

Adopted unanimously on motion of Taylor, seconded by Dunn.

- S. Resolution No. 1693, 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 \$800,000, to provide temporary financing of the cost of improvement**

Adopted unanimously on motion of Dunn, seconded by Rawlings.

16. OTHER BUSINESS – None.

ADJOURN

5415

There being no further business before the Council, the meeting was adjourned at 8:50 P.M.

Martha Heizer, City Clerk