

Minutes

Audio Tape No. 549

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, May 6, 2002. Mayor Peggy J. Dunn presided.

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

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.
Jason Ahring, Police Officer
Deb Harper, Deputy City Clerk

Joe Johnson, Public Works Director
Diane Binckley, Planning/Development Dir.
Chris Claxton, Parks & Recreation Dir.
Kathy Rogers, Finance Director
Mark Andrasik, Info. Services Director
Craig Hill, Police Major
Jill Manson, Police Administrative Asst.

1. PLEDGE OF ALLEGIANCE

283 **2. APPROVAL OF AGENDA**

The Mayor noted that Items 12.A. and 13.A. would be continued to the June 17, 2002, Governing Body meeting. On motion of Gulledge, seconded by Taylor, Council unanimously approved the agenda.

319 **3. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Lane, made comments about the City not working well with the homes associations, dealing with state legislators, and felt that some issues at the tail end of Governing Body meeting agendas needed to be moved to the beginning of the meetings to accommodate citizens.

600 **4. PROCLAMATIONS**

The Mayor proclaimed May 19-25, 2002, as “National Public Works Week,” and May 19-25, 2002, as “Emergency Medical Services Week.”

885 **5. PRESENTATIONS/RECOGNITIONS**

Resolution No. 1707 presented to Jill Manson, Police Administrative Assistant, for 20 years of service to the City, January 4, 1982 to January 4, 2002. Mrs. Manson also received a plaque from the Police Department.

Police Officer Jason Ahring received the “Kindest Kansas Citian Award” sponsored by KMBC TV Channel 9 News in conjunction with the “Stop Violence” Program founded in 1982 with a mission of preventing family and interpersonal violence in the metropolitan Kansas City area. Ross Campbell, a 4th grader at Mission Trail Elementary School in the Blue Valley School District, nominated Officer Ahring as his Kindest Kansas Citian adult. Officer Ahring was one of 3 adults out of over 7,200 entries to receive the award.

1311 **6. PUBLIC HEARING 2003-2008 Capital Improvement Program [C.I.P.]**

The Mayor opened the public hearing. There was no public comment. On motion of Dunn, seconded by Gulledge, Council voted unanimously to close the hearing.

1495 **7. PUBLIC HEARING 2003 Fiscal Budget**

The Mayor opened the public hearing. There was no public comment. On motion of Taylor, seconded by Dunn, Council voted unanimously to close the hearing.

1545 **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. 944 & 945
- B. Minutes of the April 25, 2002, Special Call Governing Body meeting
- C. Minutes of the April 15, 2002, Governing Body meeting
- D. Minutes of the April 15, 2002, Special Call Governing Body meeting
- E. Minutes of the March 25, 2002, Special Call Governing Body meeting
- F. Minutes of the March 12, 2002, Historic Commission meeting
- G. Minutes of the February 12, 2002, Historic Commission meeting
- H. Governing Body 2002 Goals and Objectives
- I. CMB License Renewal for Hallbrook Country Club located at 11300 Overbrook
- J. Resolution No. 1708 accepting the 2001 Comprehensive Annual Financial Report [Audit]

- K. Mayoral Appointments of Citizens to Committees, Commissions and Boards [attached as part of the record]
- L. Mayoral Appointment of Governing Body Presiding Officers for May 2002 thru April 2003 [Shelby Story, May 2002-July 2002; Jim Rawlings, August 2002-October 2002; Mike Gill, November 2002-January 2003; and James Taylor, February 2003-April 2003]
- M. Bid in the amount of 1,068,552.22 from Seal-O-Matic Paving for the 2002 Residential Street Mill & Overlay Project
- N. Resolution No. 1709 approving and authorizing the Mayor to execute an Agreement between the City and JCI Industries in the amount of \$9,848.00 for a pump replacement on the City Hall Fountain
- O. Resolution No. 1710 approving a \$15,000.00 grant request by the Leawood Historic Commission to the Courtney S. Turner Foundation to assist with the funding of the Oxford School improvements
- P. Resolution No. 1711 accepting the donation of real property from Saddle Properties, L.L.C., located south of I-435 Highway and east of Mission Road
- Q. Resolution No. 1712 consenting to the enlargement of Consolidated Main Sewer District [JCUWD] by the Board of County Commissioners of Johnson County, Kansas, [BOCC], pursuant to Johnson County Charter Resolution No. 29-92, to include Mission Farms 1st Plat within the sewer district
- R. Resolution No. 1713 approving and authorizing the execution of a First Addendum to the Interlocal Agreement between the City and the City of Overland Park, Kansas, pertaining to the 151st Street [between Metcalf and Nall] Improvement Project
- S. Resolution No. 1714 approving and authorizing the Mayor to execute a First Amendment to the Agreement between the City and Marrs Tree Service, Inc., for the trimming and removal of hanging tree limbs within City rights-of-way related to the January 2002 winter ice storm
- T. Resolution No. 1715 approving and authorizing the Mayor to execute an Agreement between the City and Weather or Not, Inc., for an amount not to exceed \$5,494.50, to provide weather service forecasts
- U. Resolution No. 1716 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$600.00 between the City and The Rain Dogs for the May 19, 2002, Music Concert Series
- V. Resolution No. 1717 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$500.00 between the City and The Rumblejettts for the June 23, 2002, Music Concert Series
- W. Resolution No. 1718 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$150.00 between the City and The Side by Side Singers and Strutters [Johnson County Park & Recreation District] for the July 4, 2002, celebration music entertainment
- X. Resolution No. 1719 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$300.00 between the City and The Rain Dogs for the July 4, 2002, celebration music entertainment

- Y. Resolution No. 1720 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$1,200.00 between the City and The Benders for the July 4, 2002, celebration music entertainment
- Z. Resolution No. 1721 approving and authorizing the execution of a Professional Service Retainer Agreement between the City and Spencer Fane Britt & Browne, for an amount not to exceed \$12,000, to conduct an audit of current City job position descriptions for ADA and FLSA compliance
- AA. Approve Eagle Scout project - construction of a mountain bike trail to be located on the south side of Indian Creek just north of College Blvd.

Items 8.H, K, T, and Z. were removed for discussion. On motion of Taylor, seconded by Dunn, Council unanimously approved the remainder of the Consent Agenda.

- 8.H. The Mayor thanked City Administrator Lambers for his work on the goals and objectives. On motion of Taylor, seconded by Dunn, Council unanimously approved the Governing Body 2002 Goals and Objectives.
- 8.K. The Mayor introduced Lisa Rohlf, the newest nomination to the Planning Commission. On motion of Taylor, seconded by Dunn, Council unanimously approved the Mayoral appointments.
- 8.T. Public Works Director Johnson explained that the City received 24-hour paging on weather forecasts from Weather or Not and that was a major reason for continuing with that company. On motion of Taylor, seconded by Dunn, Council unanimously adopted the resolution.
- 8.Z. City Attorney Bennett explained that the audit was on job/position descriptions only. She said she understood that the City's job descriptions had not been audited and updated in 8 to 10 years. Councilmember Taylor moved to adopt the resolution, seconded by Dunn. Motion carried; Gulledege, Bussing, Rawlings, Dunn, Taylor in favor; Rasmussen opposed (he felt that the analysis should be part of the general routine of the in-house legal staff).

2140 **9. MAYOR'S REPORT**

- A. Participated in recent Bi-State Character Education Breakfast Forum at Johnson County Community College sponsored by the Greater Kansas City Chamber of Commerce, and the City of Leawood presented the "Don't Laugh at Me" proclamation to Peter Yarrow of the well-known folk singing group, Peter, Paul & Mary.
- B. Attended dedication ceremony of the Life Center at the Lord of Life Lutheran Church; the Church's 3rd phase was complete, growing to 700 members.

10. COUNCILMEMBERS' REPORTS – None.

- 2275 **11. STAFF REPORT**
A. Update from Public Works Department on January 2002 winter storm debris cleanup

Public Works Director Johnson said that the curbside pickup was complete, and they were going into the 5th week of removing hanging limbs within City rights-of-way. He anticipated another 4 to 5 weeks to complete the cleanup.

COMMITTEE RECOMMENDATIONS

- 2595 **12. PLANNING COMMISSION**
[from August 28, 2001, Planning Commission meeting & September 26, 2001, Board of Zoning Appeals meeting (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 April 1, 2002, Governing Body meeting] [Roll Call Vote] [companion ordinance] TO BE CONTINUED TO THE JUNE 17, 2002, GOVERNING BODY MEETING

- 13. OLD 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 April 1, 2002, Governing Body meeting] [Roll Call Vote] [companion ordinance] TO BE CONTINUED TO THE JUNE 17, 2002, GOVERNING BODY MEETING

- 2765 **14. NEW BUSINESS**
A. Resolution No. 1722 approving and authorizing the execution of a Second Amendment to that certain Development/Settlement Agreement dated April 26, 2000, between the City of Leawood and Supermarket Developers, Inc., [SMD] [a/k/a Price Chopper], pertaining to an increase in the square footage for a bank building to be located on the southwest corner of 135th Street and Mission Road [Market Square Development] and the placement of certain signs

Councilmember Taylor wanted to deny the increase in square footage. He said there had been too much of an increase in the development's square footage. He felt that if a tenant would buy the bank site and want to add an additional 7,000 square feet, then it would be appropriate to subtract the 7,000 square feet from the overall development approved through the settlement.

The applicant, Stuart Stein of the law firm Stinson, Morrison and Hecker, explained the 7,000 square feet addition as a storage facility only with very low ceiling, non-air-conditioned space, underneath the bank building to maximize the use of the building. He didn't feel that the request violated the original spirit of the settlement agreement.

Mr. Taylor moved to deny the basement (not the sign issue), seconded by Rasmussen. Mr. Taylor said that many banks and other businesses often ended up actually occupying a basement storage area with people. The Mayor noted that the amendment actually stated that the space would not be occupied by people. Councilmember Gullede called for the question, seconded by Dunn, and carried unanimously. Mr. Taylor's motion to deny the request to include a 7,000 square foot basement for a bank building to store documents failed; Taylor, Rasmussen in favor; Gullede, Bussing, Rawlings, Dunn opposed.

Councilmember Gullede moved to adopt the resolution as presented, seconded by Bussing. Motion carried; Taylor, Rasmussen opposed; Gullede, Bussing, Rawlings, Dunn in favor. Mr. Rasmussen felt that the statements that had been made regarding the ultimate use of the below-ground facility would prove accurate in time; he had no problem with the sign issue.

15. OTHER BUSINESS – None.

The Mayor congratulated Deb Harper on her designation as full-time Deputy City Clerk.

ADJOURN

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

Martha Heizer, City Clerk