

Minutes

Audio Tape No. 550

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 20, 2002. Mayor Peggy J. Dunn presided.

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

**Staff present:**

Scott M. Lambers, City Administrator  
Patricia A. Bennett, City Attorney  
Ben C. Florance, Fire Chief  
Kathy Rogers, Finance Director  
Cindy Pitts, Human Resources Specialist  
Jeff Cantrell, Neighborhood Serv. Admin.

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

**1. PLEDGE OF ALLEGIANCE**

263 **2. APPROVAL OF AGENDA**

The Mayor noted that Item 7.I. would be continued to the June 3, 2002, Governing Body meeting at the request of the developer, and Item 12.A. would be continued to the July 1, 2002, Governing Body meeting. On motion of Bussing, seconded by Gulledge, Council unanimously approved the agenda.

338 **3. CITIZEN COMMENTS**

Bob Sjolin, 3217 W. 82<sup>nd</sup> Terrace, commended the Governing Body and City staff on the work they did for the City.

Doug Carter, 2512 W. 88<sup>th</sup> Street, spoke about a proposed zoning change for the Leawood Country Club property at 8901 Sagamore. He said that a newly formed neighborhood organization, Friends of Old Leawood, was opposed to anything that would change the high quality of life enjoyed in the neighborhood. The group was very concerned that if a certain proposed development took hold, that that change in a negative direction could, in fact, occur. The group wanted to preserve the neighborhood and the character of the Club facility. David

Thorne, 8944 Sagamore Road, understood that the proposed development would consist of 16 condominiums, 19 homes on 80 x 80 lots, a for-profit commercial fitness facility, and the developer was proposing to change the character of 89<sup>th</sup> & Sagamore Rd. Mr. Thorne felt the proposal should be denied because 1) it was contrary to the Golden factors as set forth by the Kansas Supreme Court, 2) it was inconsistent with the City's master plan, and 3) rezoning to RP-3 and RP-4 was contrary to current Leawood zoning ordinances. Mr. Thorne noted that the area was currently zoned R-1, and that there was no RP-3 or RP-4 zoning anywhere in northern Leawood. The proposal was too dense for the neighborhood in question. Mr. Thorne said that another factor was the suitability of the property for its restricted use; the Club property, in a floodplain with creek and wildlife and a rock quarry, was well-suited for recreational use as a country club with open green space. Mr. Thorne asked that his power points be made a part of the record and forwarded to the developer.

**4. PROCLAMATIONS – None.**

1084 **5. PRESENTATIONS/RECOGNITIONS**

The Mayor presented a plaque to Fire Battalion Chief Steven C. Blann for 25 years of service to the City (March 15, 1977-March 15, 2002), and a retirement plaque for service from March 15, 1977 to June 1, 2002. Chief Blann received accolades from U.S. Representative Dennis Moore, State Fire Marshal Gale Haag, and Kansas Governor Bill Graves.

**6. SPECIAL BUSINESS – None.**

1777 **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. 946
- B. Minutes of the May 6, 2002, Governing Body meeting
- C. Minutes of the March 26, 2002, Arts Council meeting
- D. Minutes of the March 28, 2002, IRONHORSE Golf Course Committee meeting
- E. Annual Mayoral Appointments of Council Liaisons to Committees, Commissions and Boards, attached as part of the record
- F. Purchase of Spring Soccer Season Participant Medallions in the amount of \$5,474.00 from Hasty Awards
- G. Purchase of shop maintenance furnishings for the new Public Works Maintenance Facility, 14303 Overbrook Road, in the amount of \$16,927.15, from Corporate Express
- H. Resolution No 1723 approving the Final Plat for Whitehorse 5<sup>th</sup> Plat, located at approximately 148<sup>th</sup> & Nall Avenue [*from April 23, 2002, Planning Commission meeting*]
- I. Resolution approving the Final Plat for Tuscany Reserve - Residential, located at approximately 137<sup>th</sup> & Pawnee [*from April 23, 2002, Planning Commission meeting*] [**Continued to June 3, 2002, Governing Body meeting**]

- J. Resolution No. 1724 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 provide sanitary sewer service to Mission Reserve, southwest corner of Mission Rd. & 151<sup>st</sup> St.
- K. Resolution No. 1725 approving and authorizing the Mayor to execute a Lease Agreement between the City and IOS Capital, Inc., d/b/a IKON Office Solutions, for a 5-year lease, in the annual amount of \$3,432.00, for a copy/fax machine to be located at the new Public Works Maintenance Facility, 14303 Overbrook Road
- L. Resolution No. 1726 approving and authorizing the Mayor to execute a Construction Agreement between the City and Vanum Construction in the amount of \$5,257,400.00, for the construction of Ironwoods and I-Lan Parks
- M. Resolution No. 1727 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Western Enterprises, Inc., for an amount not to exceed \$20,000.00, for a fireworks display at the July 4, 2002, celebration at City Park
- N. Resolution No. 1728 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Fun Services in the amount of \$2,000.00, pertaining to the July 4, 2002, celebration at City Park
- O. Resolution No. 1729 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Creative Carnivals and Events, LLC, in the amount of \$3,675.00, pertaining to the July 4, 2002, celebration at City Park
- P. Resolution No. 1730 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Wacky Banana Fitness Entertainment Company for an amount not to exceed \$7,800.00, pertaining to the Summer Camp Program
- Q. Police Department Report for April 2002
- R. Fire Department Report for April 2002
- S. Municipal Court Report for April 2002

Item 7.I. was continued to the June 3, 2002, Governing Body meeting. Item 7.L. was removed for discussion. On motion of Rasmussen, seconded by Gulledge, Council unanimously approved the remainder of the Consent Agenda.

7.L. P.J. Novick of Theis Doolittle Associates architects recommended the Council approve the base bid of \$4,957,000 from the low bidder Vanum Construction with the addition of 6 add alternates, for a total of \$5,257,400 lump sum fixed fee (as also recommended by the Parks & Recreation Advisory Board). The add alternate for the Oxford School was excluded (certain issues with the school hadn't been resolved). City Administrator Lambers recommended approval of the base bid only with the 5% contingency, with the 7 add alternates being approved at a later date; he felt that the base project should be substantially completed before consideration of expenditure of the add-ons and any issues that might come up during the project; Mr. Lambers added that he had yet to see a project that was constructed as perfectly as

hoped and he looked at his recommendation as an opportunity to be sure that the money was available to spend and that priorities did indeed exist as they fit into the overall budgeting process. It was noted that there were additional priority items other than add alternates for which there were funds available that could be brought before the Council at a later date for consideration. Councilmember Gill moved to adopt the resolution with the total contract sum of \$5,257,400, seconded by Gullede. Motion carried; Gullede, Dunn, Story, Gill, Rasmussen, Taylor in favor; Bussing opposed (he concurred with Mr. Lambers' recommendation).

4053 **8. MAYOR'S REPORT**

- A. Noted the death of Sister City Committee member and Police Community Partnership member Cecilia Thompson on May 8, 2002
- B. Attended recent Tourism Week Luncheon in Overland Park that honored Overland Park's Mayor Ed Eilert and former City Manager Don Pipes
- C. Viewed the unveiling of the model of a new performing arts center to serve the metropolitan area

4324 **9. COUNCILMEMBERS' REPORTS**

Councilmember Rasmussen reported on his attendance at the Taiwan Festival at UMKC and dedication of a replica of an old schoolhouse at Deanna Rose Farmstead in Overland Park.

4534 **10. STAFF REPORT**

Public Works Director Johnson gave an update on the cleanup of debris from the January 2002 winter ice storm.

**COMMITTEE RECOMMENDATIONS**

4640 **11. PLANNING COMMISSION**

*[from April 23, 2002, Planning Commission meeting]*

- A. **Ordinance No. 1950 adopting the 2002 Comprehensive Plan and Map**

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

- B. **Resolution approving the preliminary site plan for the Dermatology and Skin Cancer Center office building, located south of 115<sup>th</sup> Street and East of Roe Avenue**

The applicant wasn't present. On motion of Gill, seconded by Dunn, Council voted unanimously to continue the matter to the June 3, 2002, Governing Body meeting.

- C. Approve Special Use Permit [SUP] for Zipz Spiritz liquor store located within the Plaza Pointe development south of 135<sup>th</sup> Street and West of Roe Avenue**

On motion of Dunn, seconded by Gill, Council approved the SUP; Gulledge, Bussing, Dunn, Story, Gill, Rasmussen in favor; Taylor abstained.

- D. Approve Special Use Permit [SUP] for a temporary ATM located at Heartland Bank, south of Town Center Drive and West of Roe Avenue**

On motion of Taylor, seconded by Gulledge, Council unanimously approved the SUP.

**12. OLD BUSINESS**

- A. Installation of gate to restrict traffic on IronHorse Drive/Circle located within the Estates of Iron Horse Subdivision, located at approximately 157<sup>th</sup> Street east of Nall [*Continued from the April 1, 2002, Governing Body meeting*] WILL BE CONTINUED TO THE JULY 1, 2002, GOVERNING BODY MEETING**

**13. NEW BUSINESS – None.**

**14. OTHER BUSINESS – None.**

5800 **ADJOURN**

There being no further business before the Council, the meeting was adjourned at 9:00 P.M.

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Martha Heizer, City Clerk