

**Minutes**

Audio Tape No. 558

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 Tuesday, September 3, 2002. Mayor Peggy J. Dunn presided.

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

**Staff present:**

Patricia A. Bennett, City Attorney  
Diane Binckley, Planning & Development Dir.  
Jeff Cantrell, Neighborhood Services Admin.  
Sid Mitchell, Chief of Police  
Mark Andrasik, Info. Services Director  
Martha Heizer, City Clerk

Kathy Rogers, Finance Director  
Joe Johnson, Public Works Director  
Chris Claxton, Parks & Recreation Director  
Ben C. Florance, Fire Chief  
Scott Barton, Police Captain  
Deb Harper, Deputy City Clerk

- 1. PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF AGENDA**

The Mayor noted that Item 7.D. was removed for the City Administrator to review and would be placed on the September 16, 2002, Governing Body meeting agenda; Items 12.A. & B and 14.D. would be continued to the September 16<sup>th</sup> Governing Body meeting; Item 15.A. to schedule an executive session under attorney-client privilege on September 16<sup>th</sup> at 6:30 P.M. was added to the agenda. On motion of Gulledge, seconded by Bussing, Council unanimously approved the agenda as amended.

- 390 3. CITIZEN COMMENTS**

Robert Sjolin, 3217 W. 82<sup>nd</sup> Terr., spoke about the salary of the Human Resources Director.

Allen Agron, 8021 Sagamore, spoke about the retention pond near the State Line Executive Office Park. He requested that the City, perhaps through code enforcement, try to have the pump used to aerate the pond for mosquitos fixed and/or put something in the water to address the mosquito issue. He also spoke about recreational vehicles; most people were pretty reasonable and respected the rights of others in their chattels and personal belongings, but he found it



- J. Resolution No. 1789 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Julia Brickman in an amount not to exceed \$15,000, pertaining to graphic art work for the Parks & Recreation Department
- K. Resolution No. 1790 consenting to the enlargement of Consolidated Main Sewer District by the Board of County Commissioners of Johnson County, Kansas, pursuant to Johnson County Charter Resolution No. 29-92, to provide sewer service to property located at 137<sup>th</sup> Street and Nall Avenue [Church of the Resurrection]
- L. Change Order No. 5 in the amount of \$6,000.00 to Theis Doolittle Associates, pertaining to the coordination of the stabilization and attachment of the Oxford School at Ironwoods Park, 14701 Mission Road
- M. Assignments to the Public Works Committee regarding City Policy for the repair of sidewalks and City Policy for the landscaping of medians

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

7.K. Councilmember Taylor recused himself from the vote to avoid the appearance of a conflict of interest. On motion of Gill, seconded by Story, Council unanimously adopted the resolution.

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**8. MAYOR'S REPORT**

- A. Attended recent State Link Mayors meeting hosted by Kansas City, Missouri, Mayor Kay Barnes; there was discussion of regional watershed coordination
- B. Attended recent Police & Fire Open House at 96<sup>th</sup> & Lee Blvd.
- C. Participated in a recent annual Senior Leadership Mayors panel sponsored by the Volunteer Center of Johnson County
- D. Attended the Fire Rescue International Expo with tour of Leawood's new platform ladder truck
- E. Congratulated Leawood's Ironhorse Golf Club for being named the #1 public golf course in the metropolitan area by Kansas City Magazine's "Annual Best of Kansas City Reader's Poll"
- F. Retirement reception for City Clerk Martha Heizer to be held Thursday, September 5<sup>th</sup>, from 4:00-6:00 P.M.

- G. Dedication of Fire Station No. 3 to be held September 11<sup>th</sup> at 11:00 A.M. and a ceremony at City Hall at approximately 9:00 A.M. to commemorate September 11th

## 9. COUNCILMEMBERS' REPORTS

Councilmember Bussing reported that the Arts Council in conjunction with Starlight Theater arranged for "City of Leawood Night at Starlight Theater" the evening of September 19<sup>th</sup>.

Councilmember Gullede reported that on August 25<sup>th</sup> he attended a successful Ali Kemp Scholarship Fund-raising event.

Councilmember Dunn reported that he and Public Works Director Johnson attended a meeting last week regarding Johnson County conducting a feasibility study for a County-wide stormwater utility.

Councilmember Gill reported that Ironhorse Golf Club was one of six or seven regional sites to host the National Youth Drive, Chip and Putt Competition last Tuesday.

## 10. STAFF REPORT – None.

## COMMITTEE RECOMMENDATIONS

### 11. PUBLIC WORKS COMMITTEE

*[from July 24, 2002, Public Works Committee meeting]*

- A. **Resolution No. 1791 approving a policy for developing a list of engineers to receive bid documents for City-designed projects**

Councilmember Rasmussen moved to adopt the resolution, seconded by Rawlings. Motion carried unanimously, except that Story was not seated for the vote.

### 12. PLANNING COMMISSION

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

- A. **Resolution approving a preliminary site plan and preliminary plat for Christ Community Church, located north of 143<sup>rd</sup> Street and West of Kenneth Road [companion ordinance] [Continued from the August 19, 2002, Governing Body meeting] [CONTINUED TO THE SEPTEMBER 16, 2002, GOVERNING BODY MEETING]**
  
- B. **Ordinance approving a Special Use Permit [SUP] for Christ Community Church located north of 143<sup>rd</sup> Street and West of Kenneth Road [Continued from the August 19, 2002, Governing Body meeting] [CONTINUED TO THE SEPTEMBER 16, 2002, GOVERNING BODY MEETING]**

- 2750 C. **Resolution No. 1792 approving a preliminary site plan and preliminary plat for Ironhorse Centre, a mixed use retail and office center, located at the southeast corner of 151<sup>st</sup> Street and Nall Avenue [Continued from the August 19, 2002, Governing Body meeting]**

Public Works Director Johnson gave a recap of the August 26, 2002, work session regarding the City's stormwater ordinance. He said that the minutes of that work session would help those who didn't attend the work session. The consensus was to start from the idea that there would be detention, and if detention wasn't going to occur, then the applicant needed to prove to the City that detention was detrimental. At the Planning Commission and City Council levels, the Public Works staff would write up an analysis as to why there wouldn't be detention, which was the case with the development under consideration.

Councilmember Gill understood the conclusion that detention would be detrimental in the 100-year flood. There was discussion about detention and the annual flood every spring. Mr. Gill wanted to know why the City would not as a standard take something that happened with more frequency than once every 100 years and try to minimize the harm that was being done. The City should be worried about the more common occurrences.

- 3815 Kevin Berman of Hoefler Wysocki Architects gave a presentation. There was discussion about a funding mechanism to be used to maintain the streets and common areas with the development. Councilmember Taylor wanted more financial security that the project would be finished and that the architectural controls would be reviewed by the architect of record but also City staff.

Mr. Gill suggested some additional language for stipulation #24 to state that "the owner/applicant shall be required to maintain streets, walls, and common areas within the development, and to show that a funding mechanism adequate to do so is in place. If the owner/applicant fails to provide such maintenance, the City may do so and assess the entire tract for the cost incurred. This stipulation is a covenant that will run with the land." Mr. Gill wanted the buyer of a single lot to recognize that there was a financial burden associated with the property. Mr. Rasmussen said that the stormwater system was designed to essentially not adversely affect or erode the golf course property and the maintenance of that system was important, so he asked that maintenance of that system be added to stipulation #24.

- 6256 Councilmember Gullledge moved to adopt the resolution with the changes to stipulation #24 that Mr. Gill and Mr. Rasmussen added, seconded by Gill. Motion carried unanimously.

**13. OLD BUSINESS – None.**

**14. NEW BUSINESS**

- A. **Ordinance No. 1953C amending § 1-115 of the Code of the City of Leawood, Kansas, 2000, pertaining to quorum requirements**

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

- B. **Selection of voting and alternate voting delegates to the League of Kansas Municipalities Annual Conference in Wichita, October 12-15, 2002**

On motion of Dunn, seconded by Gill, Council voted unanimously for the Mayor to be a voting delegate and the City Administrator to be an alternate voting delegate.

- 6640 C. **Appointment of City Clerk and Administering Oath of Office [Appointment to be effective September 10, 2002]**

On motion of Bussing, seconded by Taylor, Council unanimously approved the City Administrator's appointment of Deb Harper as City Clerk to be effective September 10, 2002. City Clerk Martha Heizer gave Ms. Harper the Oath of Office.

- D. **Resolution approving and authorizing the Mayor to execute a Revised Third Amendment to Annexation Agreement between the City and COR Development, LLC, [Cornerstone] dated July 16, 2001 [CONTINUED TO THE SEPTEMBER 16, 2002, GOVERNING BODY MEETING]**

6890 **15. OTHER BUSINESS**

- A. **Schedule Executive Session for attorney-client privilege**

On motion of Bussing, seconded by Gulledge, Council voted unanimously to hold an executive session under attorney-client privilege on September 16, 2002, at 6:30 P.M.

Councilmember Bussing reported that Public Works Director Johnson sent out proposals for the preliminary design for stream improvements along hole #13. The Public Works Committee would meet with 3 engineering firms on September 25<sup>th</sup> for presentations. The Golf Course Committee would receive notice of the meeting.

**ADJOURN**

- 7040 There being no further business before the Council, the meeting was adjourned at 9:15 P.M.

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Martha Heizer, City Clerk