

**Minutes**

Audio Tape No. 560

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, October 7, 2002. Mayor Peggy J. Dunn presided.

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

**Staff present:**

Scott Lambers, City Administrator	Joe Johnson, Public Works Director
Colleen Browne, Human Resources Director	Ben C. Florance, Fire Chief
Diane Binckley, Planning & Development Dir.	Brian Anderson, Parks Superintendent
Patricia A. Bennett, City Attorney	Marsha Lewis, Accounting Manager
Captain Scott Barton, Police Department	Mark Andrasik, IS Director
Jeff Cantrell, Neighborhood Services Admin.	Deb Harper, City Clerk

**1. PLEDGE OF ALLEGIANCE**

375 **2. APPROVAL OF AGENDA**

Mayor Dunn asked that Consent Agenda Item # 7D, be pulled and continued to the October 21, 2002, Governing Body meeting. Statements contained within the minutes need to be clarified before approval. A motion was entered by Councilmember Dunn and seconded by Councilmember Story to approve the agenda, as amended. The motion passed by a unanimous vote.

415 **3. CITIZEN COMMENTS - None**

Councilmember Taylor arrived at 7:35 P.M.

433 **4. PROCLAMATIONS**      **Financial Planning Week, October 7-13, 2002**  
**Fire Prevention Week, October 6-12, 2002**  
**National Mammography Day, October 18, 2002**

Mayor Dunn read the Fire Prevention Week Proclamation and presented it to Chief Florance. Mayor Dunn extended the City's gratitude to Chief Florance and the entire Fire Department for their daily efforts in keeping the City safe.

**5. PRESENTATIONS/RECOGNITIONS - None**

**6. SPECIAL BUSINESS - None**

606

**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. Approval of Appropriation Ordinance No. 955 & 956
- B. Minutes of the September 16, 2002, Governing Body meeting
- C. Minutes of the August 27, 2002, Arts Council meeting
- D. Minutes of the August 22, 2002, IRONHORSE Golf Course Committee meeting
- E. Minutes of the August 13, 2002, Historic Commission meeting
- F. Eleventh & Final Pay Request in the amount of \$24,999.83, to Merit General Contractors pertaining to the construction of Fire Station No. 3, located at 14801 Mission Road [CIP # 151]
- G. Approve Bid in the amount of \$199,453.00, to Key Equipment Company, to purchase Jet/Vac Sewer-Storm Drain Cleaning Unit
- H. Approve purchase in the amount of \$6,550.00, to Century Labs for a floor scrubber for the Public Works Maintenance Facility located at 14303 Overbrook [CIP 156]
- I. Approve Change Order No. 4, in the amount of \$6,403.65, to Amino Brothers, pertaining to the 133<sup>rd</sup> Street Improvement Project [from State Line Road to Roe Avenue] [CIP 178]
- J. Resolution approving the Final Plat for Ironhorse Centre, located on the southeast corner of 151<sup>st</sup> Street and Nall [*from September 24, 2002, Planning Commission meeting*]
- K. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Digital Sound for an amount not to exceed \$2,000.00, pertaining to the Freaky Fall Festival on October 25, 2002
- L. Resolution approving and authorizing the Mayor to execute a Letter of Engagement Agreement between the City and Cochran, Head & Company, P.C., pertaining to the 2002 audit
- M. Resolution approving and authorizing the Mayor to execute Supplemental Agreement No. 1, between the City and George Butler Associates, in the amount of \$3,573.00, pertaining to the 2002 Bridge Inventory Project
- N. Resolution approving and authorizing the Mayor to execute a Maintenance Agreement between the City and Custom Lighting, in the amount of \$84,800.00, pertaining to the maintenance of the City's street and traffic lights

- O. Resolution approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the Board of County Commissioners of Johnson County [BOCC] for an amount not to exceed \$240,000.00, pertaining to the design of JB-04-008, Stormwater Management Advisory Council [SMAC] Project, from Lee Boulevard to State Line between 103<sup>rd</sup> Street and I-435
- P. Resolution authorizing the acceptance of a Memorandum of Gift from the Naomi J. Jameson Trust, Jane L. Jameson, Trustee, and the Richard A. Jameson Trust, James R. Hubbard, Trustee, and Jane L. Jameson, of the Oxford Schoolhouse, located at 135<sup>th</sup> & Mission Road
- Q. Resolution approving and authorizing the Mayor to renew a Data Access & License Agreement between the City and the Board of County Commissioners of Johnson County [BOCC] for an amount not to exceed \$7,033.39, for access and use of the County's GIS System
- R. Resolution approving and authorizing the Mayor to execute a Sanitary Sewer Easement, granting an easement from the City to Johnson County Unified Wastewater District [JCUWD] for property located at I-Lan Park, 12601 Nall Avenue
- S. Resolution calling for a public hearing to be held on November 4, 2002, to consider the vacation of a water line easement, located within Lot 40, The Woods Villas Subdivision, located at 11404 El Monte

A motion was made by Councilmember Gullede, seconded by Councilmember Rasmussen to approve the Consent Agenda, as amended. The motion carried by a unanimous vote.

645

**8. MAYOR'S REPORT**

- A. Attended the Society of Industrial and Office Realtors Development Day, 2002, with Scott Lambers, City Administrator
- B. Attended the community wide prayer breakfast for Domestic Violence Awareness Month, sponsored by the Metropolitan Family Violence Coalition
- C. Attended a gubernatorial luncheon with candidates Sebelius and Shallenburger as guest speakers, sponsored by Leawood, Overland Park, Olathe and Lenexa Chambers of Commerce. Scott Lambers, Councilmembers Bussing, Story, and Rasmussen also attended.
- D. Attended the Council of Mayors meeting in DeSoto, Kansas
- E. Threw out the first pitch at the Mid-America Young Marines v. Leawood Police Department softball game. Mayor Dunn presented Capt. Scott Barton with the game ball signed by the Marines.
- F. Reminder of the upcoming Leawood Lions Pancake Days on October 18<sup>th</sup> and 19<sup>th</sup>
- G. Reminder to the Council of the Double Ten Day celebration on Thursday, October 10, 2002

**9. COUNCILMEMBERS' REPORTS- None**

**10. STAFF REPORT - None**

**COMMITTEE RECOMMENDATIONS**

- 916 **11. PUBLIC WORKS COMMITTEE**  
*[from the September 25, 2002, Public Works Committee meeting]*  
A. Approve selection of Continental Consulting Engineers as the Design Consultant for the IRONHORSE SMAC Project

A motion was made by Councilmember Taylor, seconded by Councilmember Rasmussen to approve the selection. The motion passed unanimously.

- 952 **12. OLD BUSINESS- None**  
*[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 [LDO] pertaining to Special Provisions for Off-Street Parking and Storage of Vehicles in Residential District [Recreational Vehicles] and Registration of Recreational Vehicles parked or stored in or upon property located within the City *[Continued from June 17, 2002, Governing Body meeting & September 3, 2002, Work Session]* [Roll Call Vote] **[companion ordinance]**

Councilmember Story, co-chair of the Recreational Vehicle Committee, expressed this thanks to all of the committee members, staff and citizens that participated in the drafting of this ordinance. He stated he would like to add some language under Section #4-4.6, section E.4, to read as follows:

‘.....For the purpose of this section, reasonable screening shall be, at a minimum, use of evergreen **and** deciduous plantings to substantially shield the vehicle/trailer from the view of neighboring properties....’

Councilmember Story stated many areas in the City currently contain thick screening and does not want to encourage property owners to replace deciduous plantings with evergreens, if reasonable screening already exists. Councilmember Story entered a motion to pass the ordinance. The motion was seconded by Councilmember Taylor.

Mayor Dunn asked Mr. Story to define ‘deciduous.’ Mr. Story stated evergreen would be defined as year-round foliage, and deciduous would be trees that lose their leaves. If a property owner has a large area that has a lot of already planted trees, then they may only need a few evergreen bushes to complete the reasonable screening. Technically, without the change, property owners may be forced to remove the deciduous trees to plant evergreen to accomplish the same result.

The key word is ‘and’ to include evergreen **and** deciduous plantings, to have a combination of these plantings to accomplish the reasonable screening requirements.

Councilmember Rasmussen asked that wording 'density and occupancy standards be inserted under section 4-4.6 A [Statement of Intent] to read as follows:

'.....insure the provision of necessary light and air to residential dwellings, and maintain the aesthetics and visual streetscape harmony, **density and occupancy standards** and character deemed appropriate.....'

Councilmember Story accepted the aforementioned amendments to his motion, and was also accepted by Councilmember Taylor.

Councilmember Dunn acknowledged the hard work and efforts of all involved in completing the drafting of this ordinance. He stated this proposed ordinance was presented well and is a good compromise, specifically to one of his earlier concerns regarding the sideyard setback requirements. Additionally, the ordinance does contain reasonable requirements to allow exceptions to be granted to those existing requirements.

1565 Mr. Alan Agron, 8021 Sagamore, an R.V., Committee member, wanted to thank Councilmembers Story and Taylor and Ms. Diane Binckley, for all of their efforts and work. As a Leawood resident that does not own an R.V., his objective was to preserve the rights of the R.V., owners. One of his concerns is the landscaping issue, and has spent several thousands of dollars in their backyard to screen his neighbor's R.V. He asked that Staff be open to include perhaps some type of latticework or other designs and implementation to provide additional methods of screening.

Mayor Dunn stated it is her understanding that Staff will be working on additional methods of screening. Ms. Binckley stated affirmatively, provided however, that it does not exceed the 6-foot height limit on fencing.

Mr. Agron stated that is precisely the issue regarding the height of the R.V.'s, which are substantially higher than the 6-foot limit.

Mr. Story stated Mr. Agron's situation is that his backyard neighbor has a concrete pad that goes all the way to the fence line. Under the current ordinance, the R.V., owner would be required to remove the concrete and install plants and other greenery. The alternative that Mr. Agron has suggested, is to allow a small portion of that fence to be extended to approximately 18 inches, contrary to the existing 6-foot fence ordinance, however the problem would be solved in a relatively simple and economic manner.

- 2235 Councilmember Gulledge asked if the growth time would be considered or if the screening needed to be immediate.

Mr. Story stated the proposed ordinance would allow the situation to be individually looked at to determine if the standards have been met. If one-foot shrubs are planted, the property owners will not convince the City that the objective has been met. If 4-5 foot shrubs are planted, which would take 2-3 years to fill in; that is close to accomplishing the reasonable objective of the ordinance. The ordinance was drafted to provide Staff with enough flexibility to judge situations and ascertain if the property owners have met the spirit of the ordinance. It is not the City's intent to suggest that Staff go out and issue citations to citizens for violations of this ordinance. The goal is to assist owners that want to store R.V.'s on their property and to do so in a manner that is consistent with the overriding objective of the ordinance.

- 2335 John Hoover, 9705 Lee Boulevard, also sat on the R.V. Committee, stated he wanted to thank Mayor Dunn, Councilmembers Story and Taylor, Diane Binckley, Jeff Cantrell for all of their assistance, determination and hard work on this issue. He has some reservations regarding a few issues, however feels this proposed ordinance is a good compromise for all concerned.

There being no further discussion, the motion, as amended, was passed by a unanimous roll call vote.

- 2515 B. 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 June 17, 2002, Governing Body meeting & September 3, 2002, Work Session]* [Roll Call Vote] **[companion ordinance]**

A motion was made by Councilmember Story, seconded by Councilmember Taylor to pass the ordinance. The ordinance was passed following a unanimous roll call vote.

2580 **13. NEW BUSINESS**

- A. Resolution authorizing the sale of \$5,050,000, General Obligation Bonds Series 2002-A, of the City of Leawood, Kansas; to provide funds to pay the costs of certain public improvements within said city; approving the form of notice of bond sale and preliminary official statement to be used in connection therewith; and authorizing and directing the City to advertise such sale in the manner prescribed by law

A motion was made by Councilmember Dunn, seconded by Councilmember Story to approve the resolution. The motion carried by a unanimous vote.

- 2636 B. Approve Final Payment in the amount of \$1,275,768.33, to Kansas Department of Transportation [KDOT] pertaining to the State Line Road Improvement Project from 103<sup>rd</sup> Street to I-435, Phase IV [CIP 137]

A motion was made by Councilmember Taylor, seconded by Councilmember Dunn to approve the Final Payment. The motion carried by a unanimous vote.

- 2686 C. Approve First and Final Payment in the amount of \$131,942.72, to Musselman and Hall pertaining to the 2002 Slurry Seal Project

A motion was made by Councilmember Dunn, seconded by Councilmember Rawlings to approve the Final Payment. The motion carried by a unanimous vote.

- 2726 D. Selection of voting delegate to the National League of Cities, in Salt Lake City, Utah, December 3-7, 2002

Councilmember Dunn stated he is unsure if he could attend this year due to a possible conflict, however he would enjoy going if his schedule changed. A motion was made by Councilmember Gullede, seconded by Councilmember Story to select Mr. Dunn as the voting delegate. The motion passed unanimously.

- 2990 E. Ordinance amending § 11-101 through 11-105, of the Code of the City of Leawood, Kansas, 2000, pertaining to regulating public offenses within the City; incorporating by reference the 'Uniform Public Offense Code for Kansas Cities,' 2002 Edition, repealing §11-101 through 11-108, and § 15-415 [Roll Call Vote]

Councilmember Gill entered a motion to continue this item to ensure he and other councilmembers have sufficient time to read the Uniform Public Offense Code, and asked that Ms. Bennett provide him a copy. Mr. Gill had questions regarding the 'anti-scavenger' under Section 11-102; bow and arrow under Section 11-104; and barbed wire under Section 11-105.

Mr. Lambers suggested this item be continued to the November 4, 2002, Governing Body meeting, to allow staff enough time to submit a summary of the changes to the Code. The motion was seconded by Councilmember Gullede, and was approved unanimously.

- 3641 F. Ordinance amending § 11-201, of the Code of the City of Leawood, Kansas, 2000, pertaining to Penalties [Roll Call Vote]

Because this ordinance is connected to the previous ordinance, a motion was made by Councilmember Gill, seconded by Councilmember Gullede to continue this ordinance to the November 4, 2002, Governing Body meeting.

- 3670 G. Ordinance amending § 14-101 through 14-104, of the Code of the City of Leawood, Kansas, 2000, pertaining to regulating traffic within the City; incorporating by reference the 'The Standard Traffic Ordinance for Kansas Cities,' 2002 Edition [Roll Call Vote]

A motion was made by Councilmember Gullede, seconded by Councilmember Gill to pass the ordinance. The ordinance was passed by a unanimous roll call vote.

- 3747 H. Ordinance amending § 14-201, of the Code of the City of Leawood, Kansas, 2000, pertaining to Penalties [Roll Call Vote]

A motion was made by Councilmember Dunn, seconded by Councilmember Rawlings to pass the ordinance. The ordinance was passed unanimously by a roll call vote.

3747 **ADJOURN**

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

---

Deb Harper, City Clerk