

Minutes

Audio Tape No. 561

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 21, 2002. Mayor Peggy J. Dunn presided.

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

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.	Mark Andrasik, IS Director
Patricia A. Bennett, City Attorney	Kathy Rogers, Finance Director
Chief Sid Mitchell, Police Department	Chris Claxton, Park & Rec. Director
Jeff Cantrell, Neighborhood Services Admin.	Deb Harper, City Clerk

1. PLEDGE OF ALLEGIANCE

138 **2. APPROVAL OF AGENDA**

Mayor Dunn stated that Consent Agenda Item # 7I, will be continued to the November 18, 2002, Governing Body meeting, and Agenda Item # 11A, will be continued to the November 4, 2002, Governing Body meeting. A motion was entered by Councilmember Dunn and seconded by Councilmember Rawlings to approve the agenda, as amended. The motion passed by a unanimous vote.

286 **3. CITIZEN COMMENTS**

Mr. G. Gordon Thomas, 10516 Mohawk Lane, stated citizens are allowed to pull items off the County's Consent Agenda and questioned why this practice wasn't available at the Leawood meetings. Mayor Dunn advised Mr. Thomas that if he had any question or concern regarding an item on the Consent Agenda, he could contact his council representative, or any member of the Staff would be available to assist him. Scott Lambers also reminded Mr. Thomas that a complete copy of the packet is available for viewing in the notebooks directly outside the Council Chambers.

479 4. **PROCLAMATIONS Johnson County Library Day, November 4, 2002
Domestic Violence Month, October, 2002
Support of the *Right Tree in the Right Place***

Mayor Dunn read the Johnson County Library Day Proclamation and presented it to Mona Carmack, Johnson County Librarian. Mayor Dunn extended the City's gratitude to Ms. Carmack's dedication and efforts that have helped make Johnson County Library the largest public library in Kansas.

5. **PRESENTATIONS/RECOGNITIONS - None**

6. **SPECIAL BUSINESS - None**

745 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. 957
- B. Minutes of the October 7, 2002, Governing Body meeting
- C. Minutes of the September 25, 2002, Public Works Committee meeting
- D. Minutes of the September 10, 2002, Historic Commission meeting
- E. Minutes of the September 10, 2002 Parks & Recreation Advisory Board meeting
- F. Minutes of the August 22, 2002, IRONHORSE Golf Course Committee meeting
- G. Final Payment to Marrs Tree Service, Inc., in the amount of \$2,250.00, pertaining to the January, 2002, Ice Storm Tree Trimming Project
- H. Approve bid in the amount of \$6,364.00, to Mac's Fence Company, pertaining to the installation of a fence located at Fire Station No. 3, 14801 Mission Road
- *** I. Approve Change Order No. 5, with Vanum Construction, in the amount of \$58,237.00, pertaining to the construction of I-Lan Park located at 12601 Nall Avenue [CIP# 111] – ***TO BE CONTINUED TO THE NOVEMBER 18, 2002 GOVERNING BODY MEETING [Due to this Change Order being continued, this Change Order will now become Change Order No. 5]***
- J. Approve Change Order No. 4, with Vanum Construction, in the amount of \$25,004.00, pertaining to the construction of Ironwoods Park, located at 14701 Mission Road [CIP# 116] ***[Due to the above Change Order being continued, this Change Order will now become Change Order No. 4]***
- K. Approve Change Order No. 5, with Amino Brothers Construction, Inc., in the amount of \$12,225.50, pertaining to the 133rd Street Improvement Project [between State Line Road to Mission Road [CIP # 178]
- L. Resolution appointing a Kansas Eastern Region Insurance Trust [KERIT] Trustee and KERIT Alternate Trustee
- M. Resolution appointing a Kansas Police and Fire Retirement System [KP&F] Designated Agent

- N. Resolution appointing a Kansas Public Employee Retirement System [KPERS] Designated Agent
- O. Resolution approving and authorizing the Mayor to execute a User Agreement between the City and the City of Overland Park, Kansas, in the amount of \$28,235.00, pertaining to the software license and integration of the Intergraph Public Safety, Inc. computer software program for the Leawood Police Department
- P. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$600.00, between the City and 20:20 [Evan Dease], pertaining to musical performance at the Freaky Fall Festival on October 25, 2002
- Q. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$700.00, between the City and Abbey Road [Chris Boyd], pertaining to musical performance at the Freaky Fall Festival on October 25, 2002
- R. Resolution approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the Board of County Commissioners of Johnson County, Kansas [BOCC] approving the funding for the CARS Program 2003 Fiscal Year Plan for 119th & Mission Road Improvement Project
- S. Resolution approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the Board of County Commissioners of Johnson County, Kansas [BOCC] approving the funding for the CARS Program 2003 Fiscal Year Plan for the Lee Boulevard [between 103rd Street North to Somerset Drive] Improvement Project
- T. Resolution approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the Board of County Commissioners of Johnson County, Kansas [BOCC] approving the funding for the CARS Program 2003 Fiscal Year Plan for the 117th Street [between Roe Avenue & Tomahawk Creek Parkway] Improvement Project
- U. Approve Declaration of surplus property: 1982 Ford F702 Dump Truck; 1989 Toyt Pickup; and 1988 Jeep Cherokee [Parks & Rec Department] [To Be Auctioned]
- V. Police Department Monthly Report
- W. Fire Department Monthly Report
- X. Municipal Court Monthly Report

Councilmember Taylor asked that Item # 7.H., be pulled. A motion was made by Councilmember Taylor, seconded by Councilmember Rasmussen to approve the remainder of the Consent Agenda, as amended. The motion carried by a unanimous vote.

- 789 Councilmember Taylor asked if the funds for this fence were in the project funds or in the budget funds. Chief Florance stated this item was not originally identified in the budget or the project budget; however, there are funds available for this item. Kathy Rogers, Finance Director, stated there are sufficient funds in the project fund account to pay for this expenditure.

Councilmember Rasmussen stated he understood this recommendation originated from the in-house Safety Committee. There has been some concern from the City Council regarding the fencing around Ironwoods Park. Currently, there is a pending controversy with one property owner's fence, and wanted to ensure the fence design is compatible with the area and entered a motion to continue this item to the November 18, 2002, Governing Body meeting and refer this to the November 12, 2002, Park & Recreation Advisory Board Committee for their recommendation. Councilmember Taylor seconded the motion.

Mayor Dunn said the memo speaks of an immediate need for the installation of this fence for safety concerns. Additionally, the memo does state the design is consistent with the fences in the area. Scott Lambers stated a 30-45 day delay in the installation would not be a problem and agreed with Councilmember Rasmussen's recommendation. Councilmember Bussing asked if this item was to be reviewed by the P & R Committee for the appropriateness of the fence or the style of the fence. Councilmember Rasmussen stated the Committee should review this item to ascertain if the fence was needed; and if the fence was consistent in style with what they want around the park. Mr. Bussing stated Mr. Rasmussen's original motion did not include the necessity of the fence. Mr. Taylor then entered a motion that the P & R Committee review this item to include the necessity for the fence. Councilmember Rasmussen seconded the motion.

Mayor Dunn asked if there has been a determination made if there will be fencing around the park. Mr. Taylor advised fencing would be placed on the north side of the fence, as a deterrent to the residential area that is adjacent to the park. Chris Claxton, Parks & Recreation Director, stated the Park Board had recommended a combination of split rail and berm on the north side to identify the property line. Steeplechase subdivision requires residents that desire to erect a fence, that it be consistent in style with the current fence erected by Steeplechase, which is aluminum with stone columns.

The motion was carried by a unanimous vote.

- 1255 **8. MAYOR'S REPORT**
- A. Confirmation from Johnson County of approval of Johnson County Heritage Trust Fund in the amount of \$41,000, for the Oxford Schoolhouse Project

Mayor Dunn extended the City's appreciation to Councilmembers Story and Dunn, Leawood Historic Committee Council Liaisons, and the Committee for their hard and dedicated work in obtaining this grant for the restoration of the Oxford Schoolhouse.

- B. League of Kansas Municipalities Regional Supper to be held on November 20, 2002

Mayor Dunn stated she will be unable to attend and encouraged the Council to attend this event.

- C. Attended with Scott Lambers, the League of Kansas Municipalities Annual Conference in Wichita October 13-15, 2002
- D. David Leichman, representative of a Youth Camp, located in the Gezer Region in Israel, visited the City
- E. Attended the League of Woman Voters annual luncheon
- F. Attended the Double Ten Celebration sponsored by the Economic Director of the Taipei Economic & Cultural Office, along with the Director General, Elizabeth Chu, Councilmembers Rawlings, Rasmussen and Taylor; City Administrator, Scott Lambers, and Colleen Browne, HR Director
- G. Participated in the American Royal Parade with the Council of Mayors
- H. Attended the Lions Pancake Breakfast on October 18-19, 2002
- I. Reminder of the upcoming Freaky Fall Festival on October 25, 2002 from 4:00 – 8:00 P.M., at the City Park at 10601 Lee Boulevard
- J. Recognized a new Leawood Foundation brochure that will be distributed in the immediate future to all City Council members and Foundation members to renew their memberships

1673 **9. COUNCILMEMBERS' REPORTS**

Councilmember Rasmussen stated approximately 10 years ago the City realized the need to access the irrigation pumps located at IRONHORSE Golf Course. The City attempted to ensure access would be available with the development of the surrounding area. Staff distributed a memo dated September 3, 2002, regarding this issue, and outlined a possible settlement and feels it is the proper time to go forward with this matter. Tentatively, draft agreements are to be presented at the next IRONHORSE Golf Course Committee and should be presented to the Council at the November 4, 2002, Governing Body meeting. A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to refer this item to the Golf Course Committee. The motion carried by a unanimous vote.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from September 24, 2002, Planning Commission meeting]

- ***A. Resolution approving a preliminary site plan for the City of Leawood's Fire Station No. 2, located at 12701 Mission Road - ***TO BE CONTINUED TO THE NOVEMBER 4, 2002 GOVERNING BODY MEETING***
- B. Resolution approving a preliminary site plan for a warehouse building located within the Bi-State Business Park, north of 142nd Street, East of Kenneth Road

Andy Schlagel, Planning Consultant, on behalf of the Applicant, Bi-State Business Park gave a presentation. Mr. Schlagel stated that under Planning Commission Stipulation Item No. 6, words have added to this stipulation since the Planning Commission meeting regarding additional parking spaces added on the Kansas side, which could trigger a substantial change and revised

preliminary plan. A number of parking spaces that were required by ordinance, were not intended to be provided during the first phase. Fewer spaces would be necessary, and asked that adding between 1-20 spaces would not trigger a complete reapplication process. These items can be worked out with the Planning Commission staff. It is the applicant's intention to be in substantial compliance with what was presented to the Planning Commission, the staff and the neighbors, and would not deviate from that goal.

Councilmember Taylor had questions regarding the elevation of the building and if sufficient screening would be in place to adequately screen the roof top units from site. Mr. Schlager stated the elevation to the north is higher with residential units and the applicant attended two [2] neighborhood meetings and feels this problem has been settled. All roof top units will be screened from view.

Councilmember Taylor requested that the wrought iron fence be 6 foot in height instead of 3.5, and asked the elevation of the retaining wall. Ms. Binckley stated the retaining wall is not needed at this time, and will not be constructed. Mr. Schlager stated he assumed the 3.5 fence was a code of the City's, but would comply with the height request.

Councilmember Rasmussen suggested the word 'Staff' be added to stipulation No. 11, so the applicant would be required to work with the developer of Highlands Ranch, and staff regarding the buffer issue. Ms. Binckley stated this issue would be discussed and worked out with all parties involved before the final site plan was approved. Mr. Schlager stated the applicant would have no objection with this modification.

A motion was then made by Councilmember Taylor, seconded by Councilmember Rasmussen, as modified on Stipulation No. 9 to include a 6 foot fence; and No. 11, that the applicant will work with the Staff and the developer. Mayor Dunn solicited comments from Staff regarding the 6-foot fence stipulation. Mr. Lambers stated when the final plan is presented, the applicant may need a different fence height and suggested the stipulation read to allow a fence with a 'maximum' of 6 feet. The motion was approved by a unanimous vote.

12. OLD BUSINESS - None

13. NEW BUSINESS - None

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ADJOURN

There being no further business, the meeting was adjourned at 8:25 P.M.

Deb Harper, City Clerk