

Minutes

Audio Tape No. 562

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, November 4, 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:

Scott M. Lambers, City Administrator
Kathy Rogers, Finance Director
Ben C. Florance, Fire Chief
Chris Claxton, Dir. of Parks & Recreation
Jeff Cantrell, Neighborhood Services Admin.
Joe Johnson, Public Works Director

Patricia A. Bennett, City Attorney
Sid Mitchell, Police Chief
Diane Binckley, Dir. of Planning & Dev.
Bob Sadler, Internet Specialist
Colleen Browne, Human Resources Dir.

1. PLEDGE OF ALLEGIANCE

260 **2. APPROVAL OF AGENDA**

Item 7.Q., a resolution relating to the City's eligibility to submit an application to KDOT for the use of transportation enhancement funds for the City's Pedestrian Bridge Replacement Project, was added to the agenda. Item 11.A. to be continued to the December 2, 2002, Governing Body meeting. Items 11.C., 12.D. and 12.E. to be continued to the November 18, 2002, Governing Body meeting. Item 12.C. was withdrawn. On motion of Rasmussen, seconded by Dunn, Council unanimously approved the agenda as amended.

3. CITIZEN COMMENTS – None.

335 **4. PROCLAMATIONS**

The Mayor proclaimed November 2002 as "Lung Cancer Awareness Month."

540 **5. PRESENTATIONS/RECOGNITIONS**

The Leawood Lions Club presented checks totalling \$25,000 to the Mayor for a memorial fountain to be constructed in the Leawood City Park near the flag pole. Parks & Recreation Director Claxton described the plans for the fountain.

1075 **6. PUBLIC HEARING**

A. Consider a vacation of a water line easement located within Lot 40, The Woods Villas Subdivision, located at 11404 El Monte

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

B. Ordinance No. 1963 granting a vacation of a water line easement located within Lot 40, The Woods Villas Subdivision, located at 11404 El Monte

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

1175 **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. 958
- B. Minutes of the October 21, 2002, Governing Body meeting
- C. Minutes of the September 26, 2002, IRONHORSE Golf Course Committee meeting
- D. Minutes of the September 24, 2002, Arts Council meeting
- E. Cereal Malt Beverage [CMB] License Renewal for Hy-Vee, Inc., located at 12200 State Line Road
- F. Payment in the amount of \$6,370.20 to The Sports Section for pictures for the 2002 Fall Soccer Program
- G. Purchase in the amount of \$14,539.00 from Raytown Dodge of a 2003 Dodge Intrepid for the Police Department *[This item was approved by the Governing Body in the budget process]*
- H. Purchase in the amount of \$17,079.00 from Shawnee Mission Ford of a 2003 Ford F-250 truck for the Police Department's Animal Control Unit *[This item was approved by the Governing Body in the budget process]*
- I. Appointment of Scott Lambers as Acting Deputy City Clerk until the appointment of a permanent Deputy
- J. Resolution No. 1827 approving the 2003 Human Service Fund Recommendation Report [United Community Services-UCS] for an amount not to exceed \$6,500
- K. Resolution No. 1828 approving and authorizing the Mayor to grant a permanent sanitary sewer easement to Johnson County Unified Wastewater District [JCUWD] for the purpose of providing service to the Mission Reserve Development at 151st & Mission, at the Ironhorse Golf Course
- L. Resolution No. 1829 approving and authorizing the Mayor to grant a sanitary sewer easement and temporary construction easement to Johnson County Unified Wastewater District [JCUWD] for work on the main at approximately 151st & Nall [Whitehorse Development], at the Ironhorse Golf Course

- M. Resolution No. 1830 authorizing the Mayor to accept a Permanent Utility Easement and a Permanent Drainage Easement from the Roman Catholic Archdiocese of Kansas City, Kansas, for property located at 3800 W. 119th Street [Church of the Nativity], pertaining to the 119th Street & Mission Road Intersection Improvement Project [CIP # 159]
- N. Resolution No. 1831 accepting a Deed of Dedication from Hazelwood Development Association by Moffitt Development Company, General Partner, for part of Lot 1, Hazelwood, 1st Plat, for the 119th Street & Mission Road Intersection Improvement Project [CIP # 159]
- O. Resolution No. 1832 designating holidays for the year 2003, in accordance with the Personnel Rules & Regulations of the City of Leawood, Kansas; for 2003, the normally observed President's Day [February 17, 2003] will be exchanged for the day after Christmas, since Christmas falls on a Thursday
- P. Resolution No. 1833 approving and authorizing the Mayor to execute an Agreement between Leawood and Chris Wally pertaining to storm water
- Q. Resolution No. 1834 declaring the eligibility of the City to submit an application to KDOT for use of Transportation Enhancement Funds for the City's Pedestrian Bridge Replacement Project

On motion of Rasmussen, seconded by Story, Council unanimously approved the Consent Agenda.

1205 **8. MAYOR'S REPORT**

- A. Reported on a successful trip to Moody's Investor Service in New York City; Moody's reaffirmed the City's AA1 bond rating
- B. Attended the United Community Services Community Leadership Committee meeting
- C. Attended the Jewish Community Relations Bureau, American Jewish Committee 2002 Human Relations Award Dinner, which honored John McMeel who was a co-founder of Christmas in October
- D. Reported on the Leawood Foundation's drive for new and renewal memberships
- E. The City's annual Employee Appreciation Luncheon to be held Friday, November 15th, at City Hall

1640 **9. COUNCILMEMBERS' REPORTS**

A. Request for Report by Councilmember Bussing

On motion of Taylor, seconded by Story, Council voted unanimously to direct staff to prepare a written report on the Ironhorse business plan at the end of the year as outlined in Mr. Bussing's memo in the Council packet. Mr. Gullede was interested in recently issued golf course

depreciation rulings. City Administrator Lambers said he would request Ironhorse management Orion to prepare a time line for the report to be given to the Governing Body.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. IRONHORSE GOLF COURSE COMMITTEE

[from October 24, 2002, Golf Course Committee meeting]

- A. Resolution approving and authorizing the execution of an Agreement between the City and Leawood Land Company, L.C., pertaining to the construction of an access road from 151st Street to the City's property line along the IRONHORSE Golf Course located at 15400 Mission Road**
[CONTINUED TO THE DECEMBER 2, 2002, GOVERNING BODY MEETING]

PLANNING COMMISSION

[from September 24, 2002, Planning Commission meeting]

1855

- B. Resolution approving a preliminary site plan for the City of Leawood's Fire Station No. 2 located at 12701 Mission Road**
[Continued from the October 21, 2002, Governing Body Meeting]

Jeff DeGasperi, project architect, gave a presentation. Councilmember Gill was concerned about the 3 parking spaces at the front of the building which he felt would provide a more commercial look to the building and could potentially jeopardize the residential look and feel, and would also mean the removal of 3 fairly mature trees. He was interested in seeing that part of the plan reconfigured without the 3 public parking spaces and the asphalt associated with them. Fire Chief Florance explained that he was more concerned about keeping people off the front apron so they'd stop parking in front of the bay doors. He thought the proposed design might solve the problem. He felt that the station could be made safe and aesthetically pleasing.

2740

There was discussion about traffic circulation. Mr. Gill asked about having an entrance at the back of the building with very clear signage about not parking in the driveway, and a clear sign that the entrance and parking were at the back, with a nice entrance feature at the back, but apparently, that wouldn't be functional.

Councilmember Gulledge wasn't sure staff needed to restructure, redesign the plan for 3 parking spaces; staff just needed to be clear on signage. Councilmember Rasmussen moved to approve the preliminary site plan as presented by the architect and Fire Chief, seconded by Dunn. Mr. Dunn said he seconded the motion because he had heard many suggestions, all of which had merit, all of which would require significant additional thought, and he was very uncomfortable with the process of revising the plan at the Council table, and the Chief and Mr. DeGasperi and staff were able to refine the plan once the preliminary approval was given, and he encouraged them to do so based upon the comments he had heard. Councilmember Rawlings said that he looked at the fire station as no different as far as parking was concerned than a residential home where there was parking in the front on a public street; the project

needed to go forward and he was comfortable with the 3 parking spaces as presented with appropriate screening, and hopefully the trees could be saved. Motion failed; Dunn, Rawlings, Rasmussen in favor; Gulledge, Bussing, Story, Gill, Taylor opposed.

4300 Councilmember Taylor moved to approve the plan presented and to instruct staff and architect to revise the parking to accommodate an entrance on the west or the south and to provide some parking that would serve that entrance for visitors, incorporating comments made by the Council. Motion seconded by Gulledge. Mr. Lambers wanted a clear directive on the entrance, then staff could work with the rest and cover some options.

4700 Mr. Taylor and Mr. Gulledge withdrew their motion and second. Mr. Taylor moved to continue the matter to the November 18, 2002, Governing Body meeting, seconded by Rasmussen. Motion carried; Gulledge, Bussing, Rawlings, Story, Gill, Rasmussen, Taylor in favor; Dunn opposed (for reasons stated during discussion).

On motion of Taylor, seconded by Gill, Council voted to hold a work session at 7:00 P.M., November 18th, to review the plans before the regular Council meeting that night; Gulledge, Bussing, Rawlings, Story, Gill, Rasmussen, Taylor in favor; Dunn opposed (for reasons stated during discussion).

[from October 29, 2002, Planning Commission meeting]

C. Ordinance amending Article 6 of the Leawood Development Ordinance [LDO], pertaining to the placement of gates on public streets [Roll Call Vote] [from July 1, 2002, Governing Body Work Session & August 19, 2002, Governing Body meeting] [companion ordinance] – [CONTINUED TO THE NOVEMBER 18, 2002, GOVERNING BODY MEETING]

[from October 8, 2002, Planning Commission meeting]

5350 **D. Ordinance No. 1964 approving a 5-year Special Use Permit [SUP] to VoiceStream of Kansas City, Inc., to allow the continued use of a wireless communication antennae on an existing City-owned cellular tower, located at 9617 Lee Boulevard [companion Resolution]**

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

12. OLD BUSINESS

5435 **A. Ordinance No. 1958C 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 [Continued from the October 7, 2002, Governing Body meeting]**

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

- B. Ordinance No. 1959C amending § 11-201 of the Code of the City of Leawood, Kansas, 2000, pertaining to Penalties [Continued from the October 7, 2002, Governing Body meeting]**

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

- C. Ordinance amending § 2-103; 2-105; and 2-110, of the Code of the City of Leawood, 2000, pertaining to Animal Control [Fences; Confinement] [Continued from October 15, 2001, Governing Body meeting] – WITHDRAWN**

- D. Ordinance amending § 13-337 of the Code of the City of Leawood 2000, pertaining to the placement of gates on public streets [Roll Call Vote] [from July 1, 2002, Governing Body Work Session & August 19, 2002, Governing Body meeting] [companion ordinance] – CONTINUED TO THE NOVEMBER 18, 2002, GOVERNING BODY MEETING**

- E. Request for installation of gate to restrict traffic on IronHorse Drive/Circle located within the Estates of Iron Horse Subdivision located at approximately 157th Street east of Nall [Continued from the May 20, 2002, Governing Body meeting] – CONTINUED TO THE NOVEMBER 18, 2002, GOVERNING BODY MEETING**

13. NEW BUSINESS

5570

- A. Resolution No. 1835 approving and authorizing the Mayor to execute a Cell Tower Lease Agreement between the City and VoiceStream for the cellular tower located at 9617 Lee Boulevard [companion Ordinance]**

On motion of Dunn, seconded by Gullede, Council unanimously adopted the resolution.

- B. Renewal of Employee Health & Dental Benefit Plan**

On motion of Bussing, seconded by Rawlings, Council unanimously approved the plan.

5650

- C. Ordinance No. 1965C amending Chapter XI, Article 2, by adding new Section 11-211 of the Code of the City of Leawood, 2000, pertaining to regulating the landing of aircraft within the city limits**

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

- D. Ordinance No. 1962 authorizing the issuance and delivery of \$5,050,000, principal amount of General Obligation Improvement Bonds, Series 2002-A, of the City of Leawood, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due; and making certain covenants with respect thereto**

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

- E. Resolution No. 1826 prescribing the form and details of and authorizing the delivery of \$5,050,000, principal amount of General Obligation Improvement Bonds, Series 2002-A, of the City of Leawood, Kansas, authorized by Ordinance No. 1962 of the City; providing certain covenants and agreements with respect thereto; and providing for execution of certain agreements in connection therewith**

On motion of Dunn, seconded by Story, Council unanimously adopted the resolution.

14. OTHER BUSINESS – None.

ADJOURN

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

Debra Harper, City Clerk

Martha Heizer, Recording Secretary