

Minutes

Audio Tape Nos. 568

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, December 16, 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
Sid Mitchell, Police Chief
Diane Binckley, Planning & Dev. Director
Colleen Browne, Human Resources Dir.
Karl Weinfurter, IS Dept.

Patricia A. Bennett, City Attorney
Lisa Wetzler, Assistant City Attorney
Ben C. Florance, Fire Chief
Chris Claxton, Parks & Recreation Director
Joe Johnson, Public Works Director
Deb Harper, City Clerk

125 **1. PLEDGE OF ALLEGIANCE**

156 **2. APPROVAL OF AGENDA**

A motion was entered by Councilmember Rasmussen, seconded by Councilmember Story to approve the agenda. The motion was carried by a unanimous vote.

264 **3. CITIZEN COMMENTS - None**

267 **4. PROCLAMATIONS - None**

270 **5. PRESENTATIONS/RECOGNITIONS - None**

278 **6. SPECIAL BUSINESS- Authorization for City Administrator to respond to State Budget Cuts for 2003**

A motion was made by Councilmember Rasmussen, seconded by Councilmember Rawlings to approve the authorization.

Mr. Lambers is requesting the Governing Body authorize action to prepare pre-budget options for consideration prior to the beginning of the budget developments for 2003. Work session will be scheduled to begin in late January or mid-February, to provide staff with guidance as to how the Governing Body wants to see the budget respond to the continued decline of sales tax revenues; interest earnings; and continued loss of revenue from the State. Mr. Lambers referenced his memo, wherein he stated any revenue transfers through the State to cities and counties are in jeopardy for 2003 and beyond. There may be a delay in the budget process until the legislature completes its action in March or April, before the City can submit a budget to the Council. Mr. Lambers encouraged the Councilmembers to contact him with any concerns and issues they may have.

Councilmember Bussing stated he appreciated Mr. Lambers' proactive response regarding these budget concerns and the outline in which it was presented. Further, he has a high degree of confidence in his judgment, and hopes Mr. Lambers and Staff will further discuss these budget issues as to what specifically needs to be cut. The items listed are a good reference point, but hopes that broad brush strokes will not be necessary, especially, for instance to CIP projects.

The motion was approved by a unanimous vote.

457 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. 961
- B. Minutes of the November 18, 2002, Governing Body meeting
- C. Minutes of the December 2, 2002, Governing Body meeting
- D. Minutes of the December 2, 2002, Special Call Governing Body meeting
- E. Minutes of the November 12, 2002, Parks & Recreation Advisory Board meeting
- F. Minutes of the October 15, 2002, Historic Commission meeting
- G. Mayoral appointment of Councilmember Pat Dunn, on the County Stormwater Management Advisory Council [SMAC] as the Leawood Representative
- H. Approve Change Order No. 2, in the amount of \$5,100.00, to Pyramid Contractors, improvements to the east bank of Indian Creek near State Line Road, pertaining to the Indian Creek Bank Stabilization Project, SMAC Project # IC-04-039
- I. Approve 7th and Final Payment in the amount of \$52,547.36, to Pyramid Contractors, Inc., pertaining to the Indian Creek Bank Stabilization Project, SMAC Project # IC-04-039
- J. Approve 3rd and Final Payment in the amount of \$3,573.00, to George Butler Associates, pertaining to the Bridge Inventory Project
- K. Approve 5th and Final Payment in the amount of \$17,837.78, to Seal-O-Matic Paving Company, Inc., pertaining to the 2002 Residential Street Mill & Overlay Program

- L. Approve 2nd and Final Payment in the amount of \$72,516.61, to Kansas Gas Service, a division of ONEOK, Inc., pertaining to the relocation of utility lines for the 119th & Mission Road Intersection Improvement Project [CIP # 159]
- M. Approve purchase in the amount of \$3,795.00, to Kustom Signal, for the purchase of a Pro Laser-3 Speed Measuring Device
- N. Approve purchase in the amount of \$15,000.00, to Rosehill Gardens, for landscaping located at the 133rd Street and Mission Road Park [‘Price Chopper’]
- O. Resolution No. 1854, approving and authorizing the Mayor to execute a Consulting Agreement in the amount of \$116,400.00, between the City and Continental Consulting Engineers, to conduct a preliminary engineering study, pertaining to the IRONHORSE Golf Club Stormwater Project, SMAC No. NC-04-001
- P. Resolution No. 1855, approving and authorizing the Mayor to execute a Letter of Understanding between the City and Johnson County Department of Human Services & Aging to provide City funding for an amount not to exceed \$1,351.00, for the 2003 Utility Assistance Program
- Q. Resolution No. 1856, approving and authorizing the Mayor to execute a Grant Agreement between the City and Board of County Commissioners of Johnson County, [BOCC], pertaining to the granting of \$41,000.00, for the Oxford Schoolhouse Project
- R. Resolution No. 1857, approving and authorizing the Mayor to execute Addendum One to an Agreement, between the City and United Missouri Bank [UMB], pertaining to the Section 125 Plan, increasing the maximum contribution for health care reimbursements to \$3,000, in accordance with revisions to the Federal Tax Law
- S. Resolution No. 1858, approving and authorizing the Mayor to execute an Amendment One to an Engineering Service Agreement in the amount of \$9,825.00, between the City and Black and Veatch Corporation, pertaining to the Dykes Branch Channel Improvement Project, [SMAC Project DB-04-024]
- T. Resolution No. 1859, adopting the reporting requirements relating to Public Infrastructure in accordance with the criteria established by the Governmental Accounting Standards Board [GASB]
- U. Resolution No. 1860, approving acceptance of Public Infrastructure Improvements located within the following subdivisions: Mission Prairie, 142nd & Mission Road; Camden Woods 2nd Plat, 143rd & Aberdeen; Market Square, 135th & Pawnee; Steeplechase 4th Plat, 147th & Canterbury; and Whitehorse 4th Plat, 151st & Rosewood, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets
- V. Police Department Monthly Report
- W. Fire Department Monthly Report
- X. Municipal Court Monthly Report
- Y. Renewal of Employee Long Term Disability [LTD] and Life Insurance Plans

A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to approve the Consent Agenda. The motion was approved by a unanimous vote.

- 475 **8. MAYOR'S REPORT**
- A. Acceptance of \$500.00, donation from Wal-Mart [Sam's Club] to the Oxford School House Project
 - B. Leawood's Holiday lighting ceremony was conducted on December 3, 2002, and was very successful
 - C. Ribbon cutting ceremony for a new Southwestern Bell [SBC] DSL box, located at 129th & Roe
 - D. Ribbon cutting ceremony at Bank of Blue Valley located in Price Chopper, 135th & Mission Road
 - E. Attended the United Community Services annual meeting
 - F. Attended the Council of Mayor's December Social on December 10, 2002, along with several Councilmembers and their spouses
 - G. Attended the Leawood Chamber of Commerce Hall of Fame Awards Banquet. Ms. Bettie Bridges; Heartland Bank; and Gene & Peggy Schmidt were inducted into the Hall of Fame. Mr. & Mrs. Schmidt also received the FBI Director's Community Leadership Award for 2002 for their contributions to Crime Prevention.
- 635 **9. COUNCILMEMBERS' REPORT - None**
- 637 **10. STAFF REPORT- None**

COMMITTEE RECOMMENDATIONS

- 640 **11. PLANNING COMMISSION**
[from November 26, 2002, Planning Commission meeting]
- A. **Resolution No. 1861, approving a preliminary site plan and preliminary plat for Mission Farms, located at 105th & Mission Road**

Diane Binckley clarified there are 15 town homes, instead of 22, as identified in Stipulation No. 1. The clubhouse area along 105th Street will be rezoned with relaxed setbacks, based upon the 2 zoning categories.

695 David Rezac, CDFM², Architects, made a presentation.

831 Councilmember Bussing congratulated the developer for a beautiful development and asked about the roundabout, which was in the original plans. He felt the roundabout is a spectacular feature and encouraged the developer to pursue this.

Mr. Rezac stated no final decision has been made regarding the use of a roundabout. They are still investigating other traffic control devices, and is not included in the plans that they are requesting approval of tonight.

Doug Weltner, Saddle Properties, stated the roundabout was in the plans that were approved in 2001. However, it was deferred to the final development plan. The current plans reflect the traditional intersection. The roundabout will be looked at again, however it is a cost issue at this point, and there are concerns because it would be 4-lane. Also, the City of Overland Park has stated they have some concerns with it because of the 35 MPH zone.

895 Councilmember Gill arrived at 7:56 P.M.

Mr. Bussing stated he has reservations regarding the installation of gates on 105th Street for the condominium units. He suggested the applicant find an alternative that would work in that area.

951 Councilmember Gulledge echoed Mr. Bussing's statement regarding the roundabout. He stated it is unique and adds to the development.

966 Councilmember Rawlings stated he also is impressed with the roundabout and asked if the needs for installation of traffic signals would be eliminated and if it would act as a traffic-slowing device. The applicant stated in the affirmative.

989 Councilmember Rasmussen made a motion to approve the resolution. The motion was seconded by Councilmember Rawlings.

998 Councilmember Gill stated he is leery of roundabouts especially in areas of high volume traffic and asked that an alternative plan be available if the roundabout doesn't work in this area. Ms. Binckley stated this could be discussed and further addressed when the Final Plan is approved.

The motion was approved by a unanimous vote.

1082 **B. Resolution No. 1862, approving a preliminary site plan for Associated Plastic Surgeons, located at 115th Street & Granada**

Mr. Chuck Peters, Peters & Associates, Inc., 9990 College Boulevard, made a presentation.

1137 Councilmember Bussing had questions regarding landscaping and the possible relocation of the driveway in the event there is no resolution with adjacent landowners.

Ms. Peters stated the lots are very small and the driveway would be shared. The applicant is trying to obtain a grading easement from the adjacent property owners.

A motion was made by Councilmember Rawlings, seconded by Councilmember Gulledge to approve the resolution. The motion was approved by a unanimous vote.

- 1210 C. **Resolution No. 1863, approving a preliminary plat for Leawood Pines, located at 103rd Street & Lee Boulevard**

Due to the applicant not being present, Mr. Lambers requested this item be continued to the January 6, 2003, Governing Body meeting. A motion was entered by Councilmember Taylor, seconded by Councilmember Rawlings to continue this item to the January 6, 2003, Governing Body meeting. The motion was approved by a unanimous vote.

1252 **12. OLD BUSINESS**

- A. **Ordinance No. 1974C, amending Chapter 13, Article 3, of the Code of the City of Leawood, 2000, by adding a new Section 13-337, pertaining to the placement of gates on public streets, and repealing Ordinance No. 1969C**

Ms. Bennett clarified these ordinances were passed at the November 18, 2002, Governing Body meeting, but the ordinances were being separated out into 2 ordinances.

A motion was made by Councilmember Rasmussen, seconded by Councilmember Story to pass the ordinance. The motion was approved by the following roll call vote: Yea; Councilmembers Story, Dunn, Gill, Rasmussen, Rawlings, Bussing; Nay: Councilmembers Taylor and Gulledge. Mr. Taylor and Mr. Gulledge's reasons for voting against this item have been placed in the record previously.

- 1309 B. **Ordinance No. 1975, amending Chapter 16, of the Leawood Development Ordinance [LDO] by adding a new Section 16-1.7, pertaining to Planning Commission procedures of reviewing requests to install such gates, and repealing Ordinance No. 1969C**

Staff Comment: These ordinances are identical to the ordinances considered and passed on November 18, 2002. For clarification purposes only, staff requests the Governing Body vote on the Code ordinance and the LDO ordinance separately

A motion was made by Councilmember Rasmussen, seconded by Councilmember Rawlings to pass the ordinance. The motion was approved by the following roll call vote: Yea; Councilmembers Dunn, Story, Bussing, Rawlings, Rasmussen, Gill; Nay: Councilmembers Taylor and Gulledge.

- 1334 C. **Approve Item # 1, as described in Change Order No. 5, with Vanum Construction in an amount not to exceed \$19,080.00, pertaining to the construction of I-Lan Park located at 12601 Nall Avenue [CIP# 111] [Continued from the December 2, 2002, Governing Body Meeting]**

Staff Comment: Staff is recommending this item be continued to the January 6, 2003, Governing Body meeting

1337 **13. NEW BUSINESS**

- A. Ordinance No. 1976C, amending Article 3, Chapter XIII, of the Code of the City of Leawood, 2000, regulating the use and excavation of public Right-of-Way [ROW]**

A motion was made by Councilmember Bussing, seconded by Councilmember Rasmussen to pass the ordinance. Mr. Bussing complimented Lisa Wetzler, Assistant City Attorney, for her clear and concise answers she had given to him earlier today on the phone regarding this ordinance. The ordinance was passed by a unanimous roll call vote.

- 1369 **B. Resolution No. 1864, waiving the bidding process pertaining to the improvements of the Plaza Pointe Fountain and Amenity Features Project, in accordance with Charter Ordinance No. 32 [CIP # 174]**

A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to approve the Resolution. The motion was approved by a unanimous vote.

- 1382 **C. Resolution No. 1865, approving and authorizing the Mayor to execute a Landscaping Agreement in the amount of \$218,912.40, between the City and the Sailors Group, pertaining to landscaping located at 135th Street & Roe Avenue [Plaza Pointe Development] [CIP # 174]**

Staff Comment: This is part of the Special Benefit Financing District

A motion was entered by Councilmember Taylor, seconded by Councilmember Rasmussen to approve the resolution. The motion was approved by a unanimous vote.

- 1408 **D. Resolution No. 1866, amending and restating Resolution Nos. 1524 as amended and restated by Resolution No. 1639, finding as to the advisability of and authorizing the improvement and construction of 133rd Street from Mission Road to Roe Avenue, [133rd Street Benefit District Improvement Project] pursuant to K.S.A. § 12-6a01 et seq. [Project # 179]**

A motion was made by Councilmember Rasmussen, seconded by Councilmember Gullledge to approve the Resolution.

Councilmember Gill asked when the Jameson's family payment would be due. Ms. Bennett stated this project wouldn't be bonded for 4 years from the original petition date. Ms. Rogers stated this project would be bonded in 2004, with payments made in 2005.

The motion was approved by a unanimous vote.

- 1508 E. **Resolution No. 1867, amending Resolution No. 1506, finding as to the advisability and authorizing the construction of improvements to 151st Street between Nall Avenue and Mission Road, [Project # 167] pursuant to K.S.A. § 12-685 et seq**

A motion was made by Councilmember Rasmussen, seconded by Councilmember Dunn to approve the Resolution.

Councilmember Taylor asked if this was a CIP Project. Ms. Rogers stated this resolution amends the dollar amount to match the final cost of the project. Mr. Taylor stated this project should be identified as the 151 Street Project between 'Nall and Glenwood,' instead of 'Nall to Mission Road'.

Following clarification, a new motion was then made by Councilmember Rasmussen, seconded by Councilmember Taylor to approve the Resolution. The motion was approved by a unanimous vote.

- 1645 F. **Resolution No. 1868, finding as to and authorizing the acquisition, construction and installation of Fire Station No. 3, located on certain real property at 14801 Mission Road, [Project # 151] pursuant to K.S.A. § 12-1736 et seq**

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

- 1665 G. **Schedule Governing Body Work Session on Monday, January 13, 2003, at 6:00 P.M., to discuss Governing Body 2003 Goals and Objectives**

A motion was made by Councilmember Rasmussen, seconded by Councilmember Gill, and approved by a unanimous vote.

There being no further business, the meeting was adjourned at 8:23 P.M.

Debra Harper, City Clerk