

Minutes

Audio Tape Nos. 573

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, February 3, 2003. Mayor Peggy Dunn presided.

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

Councilmembers absent: Shelby Story.

Staff present:

Scott Lambers, City Administrator
Kathy Rogers, Finance Director
Sid Mitchell, Police Chief
Diane Binckley, Planning & Dev. Director
Colleen Browne, Human Resources Dir.
Mark Andrasik, IS Director
Deb Harper, City Clerk

Patricia A. Bennett, City Attorney
Ben C. Florance, Fire Chief
Chris Claxton, Parks & Recreation Director
Joe Johnson, Public Works Director
Jeff Cantrell, Neighborhood Serv. Adm.
Emily Watson, Deputy City Clerk

140 **1. PLEDGE OF ALLEGIANCE**

200 **2. APPROVAL OF AGENDA**

Mayor Dunn advised Agenda Items 13.A. and 13.B., would be removed from the Agenda, and asked that Agenda Item No. 7.I. be added under the Consent Agenda to read: "Schedule Consideration of lifting the Stop Work Order for the residence located at 2016 West 96th Street at the February 17, 2003 Governing Body meeting. A motion was entered by Councilmember Gulledge, seconded by Councilmember Rawlings to approve the agenda, as amended. The motion was approved by a unanimous vote.

240 **3. CITIZEN COMMENTS**

Mr. Frank Neff, 14035 W. 91st Terrace, representing the League of Women Voters, made comments regarding international trade agreements and their impact on local communities.

Mr. G. Gordon Thomas, 10516 Mohawk Lane, made comments.

Ms. Dana Yarrington, 2015 W. 96th Street, had questions regarding the progress on the project at 2016 W. 96th Street, but would suspend her questions in light of it being scheduled at the February 17, 2003 meeting.

- 4. **PROCLAMATIONS- None**
- 5. **PRESENTATIONS/RECOGNITIONS - None**
- 6. **SPECIAL BUSINESS - None**

525 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. 963A and 965
- B. Minutes of the January 21, 2003, Governing Body meeting
- C. Minutes of the January 13, 2003, Governing Body Work Session meeting
- D. Minutes of the December 13, 2002, Stormwater Committee meeting
- E. Renewal of Cereal Malt Beverage [CMB] license for Hen House, located at 11721 Roe Avenue
- F. Renewal of Cereal Malt Beverage [CMB] license for Phillips Town Center 66, located at 11921 Roe Avenue
- G. Approve bid in the amount of \$1.06 per square yard to Musselman & Hall Contractors, LLC, pertaining to the 2003 Street Slurry Seal Program
Staff Comment: This is a 2-cent increase over 2002.
- H. Resolution No. 1888, approving and authorizing the Mayor to execute a Right-of-Way [ROW] Maintenance Agreement between the City and The Villas of Chapel Green, pertaining to ROW located at the northeast corner of 141st Terrace & Nall
Staff Comment: This agreement will allow the developer to install decorative lighting and landscape within the City's ROW. The Developer will be responsible for any and all maintenance.
- **I. Schedule Consideration of a release of the Stop Work Order for the residence located at 2016 West 96th Street at the February 17, 2003, Governing Body meeting

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

540 8. **MAYOR'S REPORT**

- A. Extended the City's deepest sympathy to the families and friends of the Space Shuttle Columbia astronauts that lost their lives on Saturday, February 1, 2003
- B. Attended Overland Park's Annual Legislative Reception & Dinner in Topeka
- C. Conducted 2 presentations to 2nd and 3rd grade classes at Brookwood and Leawood Elementary Schools
- D. Attended a Briefing of Mayors by the Shawnee Mission School District
- E. Attended the Kansas Day Celebration on January 29, 2003
- F. Attended 'City Hall Day' in Topeka, along with Scott Lambers, City Administrator

- G. Attended the Heartland Bank ribbon cutting ceremonies on Saturday, February 1, 2003
- H. Reminder of the Lunar New Year Celebration at Fortune Star Restaurant on Wednesday, February 5, 2003

697 **9. COUNCILMEMBERS' REPORT**

- A. Update report regarding Stormwater Management Advisory Council [SMAC] Project JB-04-008; Lee Boulevard to State Line Road from 103rd Street to I-435

Councilmember Bussing advised the Public Works Committee met on January 29, 2003, and reviewed the reconstruction of the storm sewer system throughout this area. The Committee has recommended an additional cost of \$20,000 to encompass additional homes that were not originally included in the scope of this project.

Mr. Phil Gibbs, Continental Engineers, 9000 State Line Road, gave a brief overview of the project, which is essentially the replacement of all the stormwater systems in this area, totaling 115 acres, segmented into 3 phases. Mr. Gibbs is requesting an increase of \$20,000.00, for engineering costs due to the additional scope of services for additional property owners that may be affected in the 10-year model.

Mayor Dunn asked about obtaining easements from these affected property owners. Mr. Gibbs confirmed that this would be accomplished. Councilmember Bussing stated it is the intent of the Public Works Committee to include this into the Engineer's Scope of Services.

A motion was made by Councilmember Rasmussen, seconded by Councilmember Dunn to approve the additional engineering cost for this project.

Councilmember Bussing further stated there would be additional construction costs to this project estimated at \$200,000, however the Public Works Committee is only recommending at this time that the Governing Body approve the additional engineering costs in the amount of \$20,000. Additionally, Mr. Bussing stated in staying with the City's practice, this project would not proceed unless all easements are acquired voluntarily from the property owners.

Mayor Dunn asked if Continental Engineers would proceed with this additional scope of services without having first obtained the easements. Mr. Gibbs stated the preliminary plan and the schematics would have to be performed in order to present the project to the property owners so they would know the exact dimensions of the easements and where they would be located.

The motion was passed by a unanimous vote.

10. STAFF REPORT- None

COMMITTEE RECOMMENDATIONS

- 1039 **11. PLANNING COMMISSION - None**
[from January 28, 2003, Planning Commission meeting]
A. Resolution No. 1889, approving the Final Site Plan and Final Plat for Cornerstone of Leawood, located on the southeast corner of 135th Street and Nall Avenue

Councilmember Taylor recused himself from this agenda item, due to a possible conflict of interest.

Mr. Steve Eginore, 12512 Sherwood, representing the ownership group made some brief comments. When the Governing Body considered the preliminary plan there was considerable discussion regarding the location of Briar Street as it relates to the Section Line. Although, Cornerstone was unsuccessful in their efforts to resolve the conflict with the property owners on 135th Street, Briar Street is aligned on the Section Line as stipulated at the last meeting. The objective of the ownership is for this development to be designed to compliment the Church of the Resurrection and appreciated Staff's efforts on this project.

- 1100 Pastor Adam Hamilton, United Methodist Church of the Resurrection, gave a brief overview of the project's history.

- 1358 Mr. Doug Patterson, referenced Stipulation No. 17, wherein it talks about the connection with the east-west internal drive of the Plaza Pointe Development to the east with the first phase. Mr. Patterson stated they might require assistance from Staff to accomplish this. Mr. Lambers stated staff would be willing to assist in that process, if necessary. Mr. Patterson then referenced Stipulation No. 22, in the Resolution regarding the signage. He asked the sign requirements be deferred and brought before the Council for approval on a later date.

Mr. Henry Klover, Klover Architects, also made comments and a short presentation, outlining the phases of the development.

- 1744 Mr. Ted Carleton, 13708 Granada Drive, voiced his concerns about pedestrian traffic located within the development. Mr. Klover stated the development is pedestrian friendly and pointed out the pedestrian pathways and walkways located within the development.

Councilmember Rawlings asked about the completion dates of the phases of the project. Mr. Dan Lowe, RED Development, 8721 Alhambra, stated occupancy is scheduled for March 2004; Phase 2 is scheduled for completion in July or August 2004; with all phases completed by December 2004.

A motion was made by Councilmember Gill to approve the Final Plan provided that Planning Commission's recommendation Stipulation No. 22 be revised to reflect that the signage for the project [Final Site Plan for Signage] be deferred and brought before the Planning Commission and the Governing Body for approval at a later date.

Patty Bennett, City Attorney stated this item would require all Governing Body members present to participate in the vote on this item, including the Mayor, due to one councilmember being absent, one abstention and a super majority vote [6] needed to override the Planning Commission recommendation. The motion was successful with the following vote: Yea: Mayor Dunn, Councilmembers Gulledge, Bussing, Rawlings, Dunn, and Gill. Nay: Councilmember Rasmussen. Mr. Rasmussen stated he is opposed to this development because of water detention concerns.

12. OLD BUSINESS - None

13. NEW BUSINESS

- A. Resolution declaring it necessary to appropriate private property for the use of the City of Leawood, Kansas for the improvement of 119th Street and Mission Road Improvement Project, specifically for right-of-way [ROW] [CIP # 159] [Companion Ordinance]

This Agenda Item has been withdrawn by Staff.

- B. Ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the improvement of 119th Street and Mission Road Improvement Project, specifically for right-of-way [ROW] [CIP # 159]

This Agenda Item has been withdrawn by Staff.

- C. Approve Change Order No. 8, in the amount of \$33,920.00, to Vanum Construction pertaining to the I-Lan Park Improvement Project, 12601 Nall Avenue [CIP # 111]

A motion was made by Councilmember Taylor, seconded by Councilmember Rasmussen to approve the Change Order. The motion carried by a unanimous vote.

14. OTHER BUSINESS- None

ADJOURN

2103 There being no further business, the meeting was adjourned at 8:40 P.M.

Debra Harper, City Clerk