

Minutes

Audio Tape No. 596

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, July 21, 2003. Mayor Peggy Dunn presided.

Councilmembers present: James E. Taylor, Sr., Jim Rawlings, Shelby Story, Gary Bussing, Patrick Dunn and Scott Gullledge

Councilmembers absent: Louis Rasmussen and Mike Gill

Staff present:

Scott Lambers, City Administrator
Ben Florance, Fire Chief
Joe Johnson, Public Works Director
Marsha Lewis, Accounting Manager
Colleen Browne, Human Resources Dir.
Diane Binckley, Planning & Develop. Dir.
Jeff Cantrell, Neighborhood Services Adm.

Patricia A. Bennett, City Attorney
Sid Mitchell, Chief, Police Dept.
Chris Claxton, Parks & Rec. Dir.
Karl Weinfurter, Info Systems Specialist
Shannon Marcano, Ass't. City Attorney
Deb Harper, City Clerk
Emily Gleasure, Deputy City Clerk

- 103 **1. PLEDGE OF ALLEGIANCE**
- 129 **2. APPROVAL OF AGENDA**
Mayor Dunn noted that Item 14B had been continued to the August 4, 2003 Governing Body meeting. Councilmember Story made a motion to approve the remaining Agenda, seconded by Councilmember Dunn. The motion was approved 5-0-1, with Councilmember Taylor abstaining due to an appearance of a conflict of interest on Item No.14B.
- 157 **3. CITIZEN COMMENTS**
G. Gordon Thomas, 10516 Mohawk Lane, spoke on what he felt were 'comment restrictions' during Governing Body meetings and the historic significance of the Leawood Country Club.
- 310 **4. PROCLAMATIONS - None**
- 312 **5. PRESENTATIONS/RECOGNITIONS - None**
- 314 **6. SPECIAL BUSINESS – None**

316 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. 978
- B. Minutes of July 7, 2003, Governing Body meeting
- C. Minutes of the June 23, 2003, Budget & Finance Committee 2004 Work Session meeting
- D. Minutes of the June 24, 2003, Budget & Finance Committee 2004 Work Session meeting
- E. Minutes of the June 25, 2003, Budget & Finance Committee 2004 Work Session meeting
- F. Approve Renewal of Retail Liquor Store License for Ranchmart Wine & Spirit Shoppe, located at 3748 West 95th Street
- G. Approve purchase in the amount of \$53,756.00, from Challenger Team Wear, for the purchase of soccer uniforms
- H. Approve purchase for an amount not to exceed \$6,500, from Mity-Lite, Inc., for the purchase of tables and carts for the Community Center [*This is an approved 2003 budget item*]
- I. Acceptance of the installation of a septic tank at the Ahmed Awad residence located at 3904 West 142nd Drive
- J. Approve bid in the amount of \$122,427.00, pertaining to the purchase of various pieces of construction equipment [*This is an approved 2003 budget item*]
- K. Resolution No. 1996 establishing a fee, not specifically provided for in the Code of the City of Leawood, 2000, specifically for fee revisions and additions for specific Park and Recreation Programs, in accordance with the Open Records Act, K.S.A. § 45-215, et seq.
- L. Resolution No. 1997 approving and authorizing the Mayor to execute a Utility Agreement in the amount of \$59,050.00, between the City and Water One, for a waterline extension, pertaining to the I-Lan Park Improvement Project, 12601 Nall Avenue [CIP # 111]
- M. Resolution No. 1998 approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$391,756.55 [with a 5% contingency totaling \$411,344.38] between the City and Seal-O-Matic Paving Company, pertaining to the 2003 Residential Street Reconstruction Program
- N. Resolution No. 1999 relating to benefits obtainable by cities under the Program for Federal Aid on Highway Construction, pertaining to the Roe Avenue Improvement Project [between 124th & 135th Street] [CIP # 110]
- O. Resolution No. 2000 approving and authorizing an Inter-local Agreement between the City and Kansas Department of Revenue [KDOT], for grading, surfacing and seeding, pertaining to the Roe Avenue Improvement Project [between 124th & 135th Street] [CIP # 110]

- P. Resolution No. 2001 accepting the conveyance of a Sidewalk Easement to the City from John E. Gyllenborg, pertaining to property located within Mission Farms Subdivision, Lot 14, located at 10350 Mohawk
- Q. Resolution No. 2002 calling for a public hearing to be conducted on August 4, 2003 at 7:30 P.M., to consider the 2004-2008 Capital Improvement Program [C.I.P.] for the City
- R. Resolution No. 2003 approving and authorizing the Mayor to execute Service Agreement between the City and Marshall & Ilsley Trust Company, NA, pertaining to the City's Section 125 Plan [*formerly with UMB Bank*]
- S. Resolution No. 2004 approving acceptance of Public Infrastructure Improvements located within the following subdivisions: Villas of Chapel Green, 1st Plat; Villas of Whitehorse, 1st Plat; and Wilshire Place, 1st and 2nd Plats, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets
- T. Resolution No. 2005 consenting to the enlargement of Consolidated Main Sewer District of Johnson County, Kansas, [JCUWD] by the Board of County Commissioners of Johnson County, Kansas [BOCC], pursuant to Johnson County Charter Resolution No. 29-92, for property located within the Mission Reserve subdivision, 151st & Mission Road
- U. Fire Department Monthly Report
- V. Municipal Court Monthly Report

*****Due to a Police Department computer conversion- the Monthly Police Reports will not be available for 3-5 months***

Councilmember Taylor made the motion to approve the Consent Agenda, seconded by Councilmember Dunn. The motion was approved unanimously.

- 330 **8. MAYOR'S REPORT**
 - A. **Annual Report: American Revolution Tercentennial CD Fund**

Mayor Dunn stated this Tercentennial CD Fund account was opened on July 6, 1976, and the current balance of this CD is \$6,862.30.
 - B. Attended the dedication of the Tuscan Reserve residential facility fountain located at 135th & Pawnee.
 - C. Participated in the kickoff of the Mayoral Corporate Challenge to promote mammogram testing for all corporate female employees.
 - D. Attended a lunch with Jo-Chin Wang, the new Director General of the Taipei Economic and Cultural Office in Kansas City, and her assistant Matthew Chou.
- 442 **9. COUNCILMEMBERS' REPORT - None**
- 444 **10. STAFF REPORT – None**

COMMITTEE RECOMMENDATION

446 **11. PARK AND RECREATION ADVISORY BOARD**
[from the April 8, 2003 and July 8, 2003, Park and Recreation Advisory Board meetings]

A. Consider Parks and Recreation Advisory Board's recommendation of the selection of names for specific facilities located within Ironwoods Park, 14701 Mission Road

Mayor Dunn stated the names chosen for the facilities were "The Lodge at Ironwoods" and "Prairie Oak Nature Center." Councilmember Dunn made the motion to approve, seconded by Councilmember Gullede. The motion was approved unanimously.

12. PLANNING COMMISSION

[from the June 24, 2003, Planning Commission meeting]

471 **A. Ordinance No. 2007 approving Preliminary Site Plan for Camden Woods Center, located on the southwest corner of 143rd Street and Kenneth Road [Roll Call Vote]**

Greg Highbarger, of Jantsch & Slaggie Architects, made a presentation on Camden Woods Center. He stated that they were in agreement with Staff and the Planning Commission as to the stipulations requested.

Councilmember Taylor questioned Mr. Highbarger concerning the design criteria and type of retail stores that would be incorporated into the plan. Mr. Highbarger stated Paul Robbins, the developer, was planning on putting his personal business offices in the building, designating the rest of the space for retail, although there were no currently leased spaces.

Councilmember Taylor made the motion to approve, seconded by Councilmember Rawlings. The roll call vote was unanimous, 6-0-0.

646 **B. Ordinance No. 2008 rezoning of Parkway Plaza-East, from SD-O [Planned Office] and SD-CR [Planned General Retail] to MXD [Mixed Use District], and approving Preliminary Site Plan and Preliminary Plat for property located on the northwest corner of 135th Street and Roe Avenue [Roll Call Vote]**

David Suttle, of Suttle Mindlin, LLC, gave a presentation on the rezoning of Parkway Plaza-East. The plan called for edge development, setting the large buildings on the outside edges. With the heavy landscaping of the grid system development, the plan would have a small village quality, keeping it intimate and not sprawling. An important aspect of the soft garden concept was to blend all aspects (retail, office, and residential) together with a variety of design elements and materials, but maintained within tight guidelines.

Marybeth Mack-Wilson, 4749 W. 132nd Terrace, asked Mr. Suttle a variety of questions concerning the development. He replied to her questions, stating there could be no berming around the existing trees, but reinforcing the landscaping with more trees between the development and the neighbors on the north would be completed. Mr. Suttle asked Mr. Richard Sailors to speak on the geological survey. Mr. Sailors stated the elevations of the condos appeared to be high enough that blasting would not be required. Improvement to 133rd Street would be during the first phase of the project. Mr. Sailors stated it was his intent to meet with all of the homeowners on the north side of the project to discuss the best methods of landscaping. Owners of the condos would not be able to offer the condos for rent. The timing for the entire project would be over a 2-3 year period. He stated the ground breaking would take place the day after the final site plan was approved.

Councilmember Taylor confirmed with Mr. Sailors that berming would be done if the neighbors requested it in the final plan. There was discussion on the traffic flow study relating to turning lanes into Parkway Plaza-East development off of 134th Street and the conflict it might cause to the access of the Jamison development on the east. The change of request for benefit district financing was also discussed, with only the amenities to be put in the benefit district and leaving out 134th Street which was now a private street. Councilmember Taylor asked if Mr. Sailors was willing to put up a letter of credit to support the financial statement. Scott Lambers clarified that the City's policy was to require a Letter of Credit [LOC] be established in an amount that was equal to 35% of the project costs. This is a mandatory requirement for special benefit district financing. Patty Bennett added this Policy was established in early 2001, subsequent to Mr. Sailor's development of Plaza Pointe being approved. Mr. Sailors stated he would be willing to put up the LOC for this project.

Councilmember Dunn confirmed with Mr. Lambers the reasons for the necessity of a revised traffic study.

Councilmember Bussing confirmed with Mr. Suttle that the current pond on the west side of the development would be used as an overflow detention pond for stormwater. Councilmember Bussing confirmed with Mr. Lambers that the disclosure of the assessments on the benefit district would be passed on to the prospective buyers. There was a discussion concerning the phasing of the project.

Councilmember Gullledge made a motion to approve, seconded by Councilmember Taylor. The roll call vote was unanimous, 6-0-0.

1610

C. **Ordinance No. 2009 rezoning of Parkway Plaza-West, from AG [Agriculture] to MXD [Mixed Use District], and approving Preliminary Site Plan and Preliminary Plat for property located on the northwest corner of 135th Street and Briar Street [Roll Call Vote]**

Councilmember Bussing addressed Mr. Sailors, thanking him for working so closely with the neighbors to the north of his project.

Mayor Dunn confirmed with Diane Binckley that Stipulation 16 took into account the 134th Street Design Guide Requirements on page 4, second bullet.

Councilmember Taylor stated for the record that his comments on Item 12B applied to this Item as well. Councilmember Taylor made a motion to approve, seconded by Councilmember Rawlings. The roll call vote was unanimous, 6-0-0.

1716

D. **Ordinance No. 2010 approving Preliminary Site Plan and Preliminary Plat for Ironhorse Centre, located on the southeast corner of 151st Street and Nall Avenue**

Curtis Holland, Polsinelli, Shalton and Welte law firm, appeared on behalf of the applicant. He stated there were a few revisions to the original plan that had been approved previously, including in two instances of combining two office buildings into one, thus maximizing the success for leasing, and increasing parking and green space areas. Stipulation No. 15 had changed to allow the construction of the retaining wall to be built in stages, determined by the location of various buildings along the boundaries of Ironhorse Golf Course. Mr. Holland stated the Planning Commission had recommended substituting the language in Stipulation No. 21 of the Final Plan for Stipulation No. 15 in the Preliminary Plan. He also asked that Stipulation No. 3 of the Preliminary Plan concerning the park impact fees be changed to waive the fees assessed to the land owned by Don Bell. Mr. Lambers stated that if an agreement between the City and Mr. Bell could be found acknowledging the waiver of the park fees, that agreement would be honored. However, until such time that this executed agreement is located and presented, the fees would not be waived. Mr. Holland confirmed the applicant was in agreement with all of the other stipulations as recommended by the Planning Commission and Staff.

Councilmember Bussing confirmed with Ms. Binckley that she had had a discussion with Dick Fuller of the Golf Course Sub-Committee stating he was in agreement with the phasing of the fence construction as outlined in Stipulation No. 15.

Councilmember Taylor discussed with Mr. Holland the construction of the development during each of the five phases. Councilmember Taylor stated he had a concern about the construction of the retaining wall, and felt the entire Golf Course Committee should review the plans. He also questioned the asking of the waiver of park impact fees, confirming with Mr. Holland that if the waiver were not in a contract, it would not be an issue with the applicant.

Mayor Dunn confirmed with Ms. Binckley that all of the language that the Golf Course Committee required was included in Stipulations Nos. 26 and 27 of the Final Plan.

Councilmember Taylor confirmed with Ms. Binckley and Mr. Lambers that the retaining wall would need to be fully in place within the 3-year time frame. That 3-year clock would begin at the time the first building was issued.

Councilmember Gullidge made the motion to approve, with the exception of including the language of Stipulation No. 21 of the Final Plan replacing the language of Stipulation No. 15 of the Preliminary Plan, seconded by Councilmember Story. The roll call vote was approved unanimously, 6-0-0.

2791

E. Resolution No. 2006 approving a Final Site Plan and Final Plat for Ironhorse Centre Development and Phase I, located on the southeast corner of 151st Street and Nall Avenue

Councilmember Bussing confirmed with Ms. Binckley that Stipulations Nos. 24 and 34 could be eliminated and the stipulations could then be renumbered to show 48 stipulations.

Councilmember Taylor made the motion to approve the corrected Final Site Plan with the 48 renumbered stipulations, seconded by Councilmember Rawlings. The motion was approved unanimously, 6-0-0.

2881

**F. Ordinance No. 2011 approving Preliminary Site Plan for Covenant Chapel, located at 13300 Kenneth Road [Roll Call Vote]
*[from the July 8, 2003, Planning Commission meeting]***

Steve Lyons, Chairman of the Covenant Chapel Building Team, stated they were in agreement with all of the stipulations and recommendations of the Planning Commission and Staff. Further, they were requesting the addition of a stormwater detention basin, a reduction in the total number of parking spaces, and maintaining a significant amount green space, which included more landscaping and two walking trails.

Councilmember Bussing confirmed with Mr. Lyons that the 75' spire approved in the existing master plan would not be built in the current phase. Councilmember Bussing confirmed with Ms. Binckley that a new traffic study would be conducted during the next phase when the sanctuary would be built.

Councilmember Taylor made the motion to approve, seconded by Councilmember Dunn. The roll call vote was unanimous, 6-0-0.

3093 **G. Resolution No. 2007 approving a Final Site Plan for a fence to be located at Ironwoods Park, 14701 Mission Road [CIP # 116]**
Councilmember Taylor made the motion to approve, seconded by Councilmember Gullede. The motion passed unanimously.

3123 **13. OLD BUSINESS – None**

3127 **14. NEW BUSINESS**

A. Approve purchase and installation of fence in the amount of \$23,968.00, from Burge Fence, at Ironwoods Park, 14701 Mission Road [CIP # 116]

Mayor Dunn questioned Chris Claxton concerning the color of the fence, confirming there was no difference in the cost of black versus green fence. Ms. Claxton also confirmed that there was a 1-year warranty on workmanship and installation of the fence. The approval of the purchase tonight did not limit the color to black; the color could be decided at a later date.

Councilmember Bussing asked if chain link fencing was the only option. Mr. Lambers stated the fence was intended to both visually and structurally discourage usage of the facility after hours; cedar fencing would not be appropriate. Councilmember Bussing confirmed with Ms. Binckley that the Code allowed such fencing on private property.

Councilmember Taylor made the motion to approve, seconded by Councilmember Story. The vote to approve was unanimous.

3296 **15. OTHER BUSINESS - None**

3300 **16. ADJOURN**

There being no further business, the meeting was adjourned at 9:17 P.M.

Debra Harper, City Clerk

Emily Gleasure, Recording Deputy City Clerk