

**Minutes**

Audio Tape No. 599

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, August 18, 2003. Mayor Peggy Dunn presided.

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

**Councilmembers absent:** Mike Gill

**Staff present:**

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

Patricia A. Bennett, City Attorney  
Scott Barton, Captain, Police Dept.  
Chris Claxton, Parks & Rec. Dir.  
Kathy Rogers, Finance Director  
Deb Harper, City Clerk  
Karl Weinfurter, Info Systems Specialist

102    **1.    PLEDGE OF ALLEGIANCE**

127    **2.    APPROVAL OF AGENDA**

Mayor Dunn removed Item "7B" for clarification, continuing it to the September 2, 2003 Governing Body Meeting. Agenda Items "11B" and "13B" were also continued to the September 2, 2003 Governing Body Meeting.

Scott Lambers stated that a message had just been received from the applicant for Item "11A," requesting their application be continued to the September 15, 2003 Governing Body Meeting.

Councilmember Dunn commented that he had received several e-mails and telephone calls from concerned individuals on Item "11B". He asked for support from the Governing Body to direct Staff to refrain from continuing this issue unless the continuance would be supported by a number of interested parties.

Councilmember Story made a motion to approve the remaining Agenda, seconded by Councilmember Rasmussen. The motion was passed unanimously, 7-0-0.

- 187    **3.    CITIZEN COMMENTS**  
G. Gordon Thomas, 10516 Mohawk Lane, commented on citizens' rights to speak at Governing Body meetings.
- 260    **4.    PROCLAMATIONS - None**
- 262    **5.    PRESENTATIONS/RECOGNITIONS - None**
- 263    **6.    SPECIAL BUSINESS - None**
- 266    **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. 980
  - B.    Minutes of the August 4, 2003, Governing Body meeting – *Continued to the September 2, 2003 Governing Body Meeting*
  - C.    Minutes of the August 4, 2003, Governing Body Work Session meeting
  - D.    Minutes of the June 10, 2003, Park & Recreation Advisory Board meeting
  - E.    Minutes of the July 8, 2003, Park and Recreation Advisory Board meeting
  - F.    Minutes of the June 10, 2003, Historic Commission meeting
  - G.    Minutes of the July 15, 2003, Historic Commission meeting
  - H.    Minutes of the June 16, 2003, IRONHORSE Golf Course Committee meeting
  - I.    Mayoral Appointment of Councilmember Shelby Story to the Shawnee Mission School District Boundary Review Committee
  - J.    Approve 6<sup>th</sup> and Final Pay Request in the amount of \$26,195.00, to Holland Corporation, pertaining to the Plaza Pointe Benefit District 135<sup>th</sup> & Roe Intersection Improvement Project [CIP # 174]
  - K.    Approve 5<sup>th</sup> and Final Pay Request in the amount of \$9,671.00, to Carruthers Construction Company, LLC, pertaining to the Sprayground at the Aquatic Center, 10601 Lee Boulevard
  - L.    Approve 3<sup>rd</sup> and Final Pay Request in the amount of \$2,004.10, to APAC-Kansas, Inc., Kansas City Division, Reno Branch, pertaining to the 2002 Arterial Street Improvement Program
  - M.    Resolution No. 2041 adopting the Fiscal Year 2004 Annual Budget for the City of Leawood
  - N.    Resolution No. 2042 approving and authorizing the Mayor to execute Supplemental Agreement No. 4, to that certain Engineering Agreement dated May 15, 2000, in the amount of \$8,893.00, between the City and Shafer Kline & Warren [SKW], pertaining to Special Inspection and Observation duties for the 133<sup>rd</sup> Street from Roe to Mission [133<sup>rd</sup> Street Benefit District] [CIP # 179]

- O. Resolution No. 2043 approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$13,300.00, between the City and Schmitz, King & Associates, pertaining to the 2004 Street Reconstruction Boundary Survey
- P. Resolution No. 2044 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$2,000, between the City and Nick Heim, pertaining to the 2003 fall Soccer League
- Q. Resolution No. 2045 accepting a Temporary Construction Easement located at 12856 Granada, from William L. and Bonita A. Galey, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- R. Resolution No. 2046 accepting a Temporary Construction Easement located at 12605 Cedar, from Patricia Wisdom Foust, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- S. Resolution No. 2047 accepting a Temporary Construction Easement located at 13208 Granada, from Neal S. Passman, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- T. Resolution No. 2048 accepting a Temporary Construction Easement located at 13204 Granada, from Cheri L. Early, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- U. Resolution No. 2049 accepting a Permanent Storm Sewer Easement and Temporary Construction Easement located at 4609 W. 125<sup>th</sup> Street, from William L. and Nancy H. Fiss, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- V. Resolution No. 2050 accepting a Temporary Construction Easement located at 4605 W. 131<sup>st</sup> Street, from Scott Allen Gilchrist, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- W. Resolution No. 2051 accepting a Temporary Construction Easement located at 12633 Cedar, from E. Denver and Susan S. Vold, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- X. Resolution No. 2052 accepting a Temporary Construction Easement located along the west side of Roe north and south of 128<sup>th</sup> Street [part of Tract 'I,' Normandy Place, 4<sup>th</sup> Plat], from Normandy Place Homes Association, Inc., pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- Y. Resolution No. 2053 accepting a Permanent Storm Sewer Easement and Temporary Construction Easement located along the west side of Roe north and south of 128<sup>th</sup> Street [part of Tract "A," Normandy Place, 1<sup>st</sup> Plat], from Normandy Place Homes Association, Inc., pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- Z. Resolution No. 2054 accepting a Temporary Construction Easement located at 4601 W. 126<sup>th</sup> Street, from Robert L. Antoine, Jr., pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- AA. Resolution No. 2055 accepting a Permanent Storm Sewer Easement and Temporary Construction Easement located at 13200 Granada, from Ronald A. and Gisele Septh Posey, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]

- BB. Resolution No. 2056 accepting a Temporary Construction Easement located along the west side of Roe at 132<sup>nd</sup> Street and Linden, [part of Tract 'F,' Bridgewood], from Bridgewood Development, L.C., pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- CC. Resolution No. 2057 accepting a Temporary Construction Easement located on the west side of 132<sup>nd</sup> & Roe Avenue, [part of Tract 'E,' Bridgewood], from Bridgewood Development, L.C., pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- DD. Resolution No. 2058 accepting a Permanent Storm Sewer Easement and Temporary Construction Easement, located along the west side of 132<sup>nd</sup> Street & Roe Avenue [part of Tract 'A,' Bridgewood], from Bridgewood Development, L.C., pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- EE. Resolution No. 2059 accepting a Temporary Construction Easement located along the west side of Roe Avenue between 132<sup>nd</sup> Street and Linden [part of Tract 'D,' Bridgewood], from Bridgewood Development L.C., pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- FF. Resolution No. 2060 accepting a Temporary Construction Easement located along the west side of Roe Avenue between 132<sup>nd</sup> Street and Linden [part of Tract 'C,' Bridgewood], from Bridgewood Development, L.C., pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- GG. Resolution No. 2061 accepting a Permanent Storm Sewer Easement and Temporary Construction Easement located along the west side of 132<sup>nd</sup> Street and Roe Avenue [part of Tract 'A,' Carriage Crossing, 1<sup>st</sup> Plat], from Carriage Crossing Homes Association, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- HH. Resolution No. 2062 accepting a Temporary Construction Easement located along the west side of 132<sup>nd</sup> Street and Roe Avenue [part of Tract 'D,' Carriage Crossing, 1<sup>st</sup> Plat], from Carriage Crossing Homes Association, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- II. Resolution No. 2063 accepting a Temporary Construction Easement located along the west side of 132<sup>nd</sup> Street and Roe Avenue [part of Tract 'B,' Carriage Crossing, 1<sup>st</sup> Plat], from Carriage Crossing Homes Association, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- JJ. Resolution No. 2064 accepting a Temporary Construction Easement located at 13112 Granada, from Howard and Yuelan Chan Tai, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- KK. Resolution No. 2065 accepting a Temporary Construction Easement located at 4740 W. 132<sup>nd</sup> Terrace from Van A. & Onalisa McElvain, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- LL. Resolution No. 2066 accepting a Temporary Construction Easement located at 12448 Granada, from Joe C. Morris, Trustee, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]

- MM. Resolution No. 2067 accepting a Temporary Construction Easement located at 12704 Linden, from J. Paul Moore, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- NN. Resolution No. 2068 accepting a Temporary Construction Easement located at 12606 Granada, from Gregory A. and Collette R. Miller, pertaining to the Roe Avenue Improvement Project [between 124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110]
- OO. Resolution No. 2069 ordering a public hearing to be held on September 2, 2003, at 7:30 P.M., or as soon thereafter as may be heard on proposed assessments for the 133<sup>rd</sup> Street [between State Line and Mission Road] Improvement Project [CIP # 178]
- PP. Fire Department Monthly Report
- QQ. Municipal Court Monthly Report  
***\*\*Due to a Police Department computer conversion- the Monthly Police Reports will not be available for 3-5 months***

Councilmember Rasmussen made a motion to approve Consent Agenda Items “A” thru “PP”, with the exception of Item “B,” which had been continued. The motion was seconded by Councilmember Story, and the motion was approved unanimously, 7-0-0. It was subsequently discovered Item “QQ” was inadvertently omitted from the approval. Councilmember Dunn then made a motion to approve Item “QQ” of the Consent Agenda. Councilmember Rasmussen seconded the motion, and the motion was approved unanimously, 7-0-0.

Deb Harper stated she had received a certificate form from the County requiring the Governing Body members to sign which would certify the City’s total 2004 Budget figures to the County Clerk’s Office. The certificate was circulated for signatures.

315 **8. MAYOR’S REPORT**

- A. Attended a breakfast sponsored by the Leawood Chamber of Commerce with Mr. Lambers. The topic was the Park Place development, presented by Jeff Alpert and Melanie Mann. Because of interest in the topic and a resulting high attendance, it was moved from the Hereford House to the lower level of City Hall. Congressman Dennis Moore was in attendance.
- B. Attended the Social Security Administration’s 68<sup>th</sup> Anniversary celebration at Leawood Town Village. Once again, Congressman Moore was in attendance.
- C. Reported on information from Joe Johnson concerning the 119<sup>th</sup> Street/Mission Road intersection. Mr. Johnson stated that on August 20<sup>th</sup> at 7:00 PM, the intersection would have one lane open in each direction. Signals would be working to allow left turns into Nativity Church and onto Mission Road. All construction would be completed by October 1<sup>st</sup>.

392 **9. COUNCILMEMBERS’ REPORT - None**

395 **10. STAFF REPORT – None**

**COMMITTEE RECOMMENDATION**

396 **11. PLANNING COMMISSION**

*[from the July 22, 2003, Planning Commission meeting]*

- A. **Ordinance approving Special Use Permit [SUP] for property located at 8845 Mission Road, to allow for sport court lighting [Roll Call Vote] – Continued to the September 15, 2003 Governing Body Meeting.**

*[from the August 12, 2003, Planning Commission meeting]*

- B. **Ordinance approving rezoning from REC [Planned Recreation] to R-1 [Planned Single Family-Low Density Residential], Preliminary Site Plan and Preliminary Plat for Estates of Old Leawood, located at 8901 Sagamore [Leawood Country Club] [Roll Call Vote] – Continued to the September 2, 2003 Governing Body Meeting.**

- C. **Ordinance No. 2015 amending § 16-4-5.10, of the Leawood Development Ordinance [LDO] regarding extending the registration deadline up to and including September 30, 2003, for recreational vehicles [R.V.'s] located within the City of Leawood, Kansas [Roll Call Vote]**

Councilmember Taylor made a motion to pass the ordinance. Councilmember Rasmussen seconded the motion. The Roll Call vote was unanimous, 7-0-0.

422 **12. OLD BUSINESS - None**

423 **13. NEW BUSINESS**

- A. **Resolution No. 2070 authorizing the sale by the City of Leawood, Kansas, of \$5,105,000, principal amount of General Obligation Improvement Bonds and \$12,600,000 of Temporary Notes of the City of Leawood, Kansas, to provide funds to finance the costs of certain public improvements within said City; approving the form of Notice of Bond Sale and Preliminary Official Statement to be used in connection therewith; and authorizing and directing the City Finance Director to advertise such sale in the manner prescribed by law**

Councilmember Rasmussen made a motion to approve the resolution. Councilmember Taylor seconded the motion. The resolution was approved unanimously, 7-0-0.

- B. **Ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the Roe Avenue Improvement Project [124<sup>th</sup> Street and 135<sup>th</sup> Street] [CIP # 110] – Continued to the September 2, 2003 Governing Body Meeting.**

451 **14. OTHER BUSINESS - None**

453

**15. ADJOURN**

There being no further business, the meeting was adjourned at 7:45 P.M.

---

Debra Harper, City Clerk

---

Emily Gleasure, Recording Deputy City Clerk