

Minutes

Audio Tape No. 603

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:35 P.M., on Monday, October 6, 2003. Mayor Peggy Dunn presided.

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

Councilmembers absent: None

Staff present:

Scott Lambers, City Administrator
Ben Florance, Fire Chief
Joe Johnson, Public Works Director
Kathy Rogers, Finance Director
Diane Binckley, Planning & Develop. Dir.
Mark Andrasik, Info Systems Director
Eric Ely, Rec. Program Supervisor
Shannon Marcano, Asst. City Attorney

Patricia A. Bennett, City Attorney
Sid Mitchell, Chief, Police Dept.
Chris Claxton, Parks & Rec. Dir.
Jeff Cantrell, Neighborhood Serv. Admin.
Deb Harper, City Clerk
Colleen Browne, Human Resources Dir.
Kim Curran, Rec. Service Manager
Emily Gleasure, Deputy City Clerk

87 **1. PLEDGE OF ALLEGIANCE**

197 **2. APPROVAL OF AGENDA**

Mayor Dunn noted that Item "7L" was being moved to Item No. 15, under Other Business. Councilmember Rasmussen asked that Items "7R," "7S," and "7T" be moved to Item No. 11, under Planning Commission. Item "7R" would become "11D;" Item "7S" would become "11E;" and Item "7T" would become "11F." Councilmember Taylor stated he would recuse himself from Item "7V," citing a conflict in interest. Mayor Dunn stated "7V" would be set aside for a separate vote.

Councilmember Story made a motion to approve the Agenda with the requested changes. Councilmember Rawlings seconded the motion, and it was approved unanimously 8-0-0.

249 **3. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Lane, suggested contacting millionaires who reside in Leawood for donations towards the City's debt. He also questioned how the taxpayers would react to the approval of the City Treasurer's added authority to spend City funds.

342 4. **PROCLAMATIONS**

Mayor Dunn proclaimed **Double Tenth Day**, October 10, 2003, and **Fire Prevention Week**, October 5-11, 2003, in the City of Leawood. Fire Chief Ben Florance was presented with the proclamation for Fire Prevention Week, and the Mayor extended her appreciation to the Department for their continued efforts on behalf of Leawood's citizens.

448 5. **PRESENTATIONS/RECOGNITIONS – None**

450 6. **SPECIAL BUSINESS – None**

451 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 Nos. 983 & 984
- B. Accept Minutes of the September 2, 2003, Governing Body meeting
- C. Accept Minutes of the September 15, 2003, Governing Body meeting
- D. Accept Minutes of the September 16, 2003, Special Call Governing Body meeting
- E. Accept Minutes of the September 10, 2003, Public Works Committee meeting
- F. Accept Minutes of the April 9, 2003, Public Works Committee meeting
- G. Accept Minutes of the August 15, 2003, Stormwater Committee meeting
- H. Accept Minutes of the July 18, 2003, Stormwater Committee meeting
- I. Accept Minutes of the August 12, 2003, Historic Commission meeting
- J. Accept Minutes of the August 26, 2003, Arts Council meeting
- K. Mayoral Appointment of Councilmembers to Regional Council Gezer, Israel Sister City Committee
- M. Approve purchase in the amount of \$78,235.00, from Vermont Systems Recreation and Parks Software for the Parks & Recreation Department [*This is a 2003 budgeted item*]
- O. **Resolution No. 2100** approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$1,960.00, to Vinyard Entertainment Group, Inc., pertaining to the Freaky Fall Fest to be held on October 17, 2003, at the Leawood City Park, 10601 Lee Boulevard
- P. **Resolution No. 2101** approving and authorizing the Mayor to execute a Utility Agreement between the City and Kansas City Power & Light [KCPL] for an amount not to exceed \$441,557.57, to relocate facilities pertaining to the Cornerstone Benefit District Project, 135th & Nall Avenue [CIP # 191]
- Q. **Resolution No. 2102** approving and authorizing the Mayor to execute a Grant Agreement in the amount of \$2,000.00, between the City and Board of County Commissioners [BOCC] [Johnson County Heritage Trust Fund] providing financial assistance for the furnishings for the Oxford Schoolhouse Project

- U. **Resolution No. 2105** approving a Final Site Plan for Hallbrook Country Club Pool House Addition, located at 11300 Overbrook Road *[from the September 23, 2003, Planning Commission]*
- W. Request to recommend to Public Works Committee regarding improving bike path from 148th Street north to the entrance of Ironwoods Park for pedestrian use, as requested by the Pavilions of Leawood Homes Association
- X. Declaration of surplus property [various office equipment] from Fire Department

Mayor Dunn asked that the Governing Body read the meeting packet material on Item "7K" and forward suggestions for additional citizen committee members to her. She added that Item "7V" would be pulled for discussion. Councilmember Rasmussen asked that Item "7N" also be pulled for discussion.

Councilmember Dunn made a motion to approve the remainder of the Consent Agenda. Councilmember Story seconded the motion, and it was approved unanimously 8-0-0.

- N. **Approve purchase in the amount of \$4,345.00, from Belson Outdoors Inc., for a Bar-B-Que grill to be used by the Parks & Recreation Department**
Councilmember Rasmussen questioned Chris Claxton concerning the excessive cost of the bar-b-que grill. Ms. Claxton replied that the grill would be paid from the Ironwoods Park's Furnishings Fund. Councilmember Gill confirmed with Ms. Claxton that the grill would be a revenue generator. Councilmember Rawlings added that the grill would have the capability of cooking enough food for the maximum capacity of the Lodge at Ironwoods Park (300 people). It would be an attraction for caterers and renters. Councilmember Rasmussen reiterated that he felt the cost was unwarranted.

Councilmember Dunn made a motion to approve the purchase. Councilmember Gullede seconded the motion, and it passed 7-1-0, with Councilmember Rasmussen opposed for reasons stated.

- V. **Resolution No. 2106** approving a Final Site Plan for Church of the Resurrection private drive, located south of 137th Street and east of Nall Avenue *[from the September 23, 2003, Planning Commission meeting]*

624 Mayor Dunn asked if there was any discussion on Item "7V." There being none, Councilmember Bussing made a motion to approve the Resolution. Councilmember Gullede seconded the motion, and it was approved 7-0-1, with Councilmember Taylor recusing for reasons stated.

648 **8. MAYOR'S REPORT**

- A. Expressed gratitude to Councilmember Gill and his law firm for the use of their videoconferencing equipment for the ceremonial signing of the Sister City Agreement between Leawood and Regional Council Gezer, Israel. Additionally she thanked Scott Lambers, Deb Harper and those of the Governing Body who were able to attend the Special Call Meeting.

- B. Attended a ground-breaking ceremony for the Bio-Medical Research Building on the Kansas University Medical Center Campus
- C. Participated in an Economic Development Industry Outlook networking session that was co-sponsored by the Missouri Department of Economic Development and the Kansas City Area Development Council [KCADC]
- D. Attended the 2003 Jake Mascotte Awards ceremony for Excellence in Community Development, hosted by Kansas City, Kansas
- E. Attended a grand opening celebration with City Administrator Scott Lambers for the Czech Republic Regional Council office. Ambassador Martin Palous and the Honorary Consul Sharon Valasek were present.
- F. Hosted a luncheon and an educational seminar for a delegation of eleven (11) Russian architects whose visit was sponsored by local Rotary clubs
- G. Attended the dedication ceremony with Ms. Claxton and Brian Anderson for the last section of Indian Creek Trail in Johnson County, linking 19 miles of trail from the Missouri State Line to Olathe, Kansas
- H. Announced the Arts Council show at Gold Bank, Friday, October 10, 2003, at 5:30 P.M.

757 **9. COUNCILMEMBERS' REPORT - None**

759 **10. STAFF REPORT – None**

COMMITTEE RECOMMENDATION

760 **11. PLANNING COMMISSION**

[from the August 26, 2003, Planning Commission meeting]

A. Ordinance No. 2024 approving a Special Use Permit [SUP] for a sales trailer for Tuscany Reserve, located at 137th Street & Canterbury [Roll Call Vote]

There being no discussion, Councilmember Gullede made a motion to pass the Ordinance. Councilmember Rasmussen seconded the motion, and it was passed unanimously with a Roll Call vote, 8-0-0.

B. Ordinance No. 2025 approving a Preliminary Site Plan and Final Site Plan for Villas of Whitehorse, Lots 38 and 39, located north of 151st Street and east of Nall Avenue [Roll Call Vote]

Councilmember Gill asked if the berming adjacent to some of the property was a stormwater feature or purely aesthetical. Diane Binckley stated it was only for aesthetics. Joe Johnson confirmed that the site contained no stormwater problems.

Councilmember Taylor made a motion to pass the Ordinance. Councilmember Rawlings seconded the motion, and it was passed unanimously with a Roll Call vote, 8-0-0.

C. **Ordinance No. 2026 approving a Preliminary Site Plan for Pet Suites of Kansas City, located on the southeast corner of 143rd Street and Overbrook Road, within the Bi-State Business Park [Roll Call Vote]**

Councilmember Gill confirmed with Mr. Johnson that there were no stormwater issues on the site.

There being no further discussion, Councilmember Taylor made a motion to pass the Ordinance. Councilmember Gill seconded the motion, and it passed unanimously with a Roll Call vote, 8-0-0.

890 D. **Resolution approving a Final Site Plan for Covenant Chapel Church, Phase II, located at 13300 Kenneth Road [from the August 26, 2003, Planning Commission meeting]**

Staff Comment: Planning Staff's recommendation for this project was for the applicant to change the proposed roofing material from standing seam metal to an architectural shingle, as shown on the approved Preliminary Plan. The Planning Commission removed this stipulation from their recommendation. The Planning Staff does not agree with the action of the Planning Commission. If the Governing Body concurs with the Planning Staff, then this item should be removed from the Consent Agenda and placed under Planning Commission Recommendation; Section 11.

Mr. Lambers stated that recently the Council changed the procedure by which final plans are presented to the Governing Body. In the past, the Planning Commission solely considered them. The Final Site Plan for Covenant Chapel Church could not be agreed upon between the Planning Commission and the Planning Staff. In the future, Final Site Plans would be put on the Consent Agenda; should there be any points of contention, these would be noted as Staff Comments. The Governing Body could then make the decision to keep an issue on the Consent Agenda, or put it under the Planning Commission recommendations.

Ms. Binckley confirmed that the only issue on the Covenant Chapel project concerned the roofing material. On the Preliminary Site Plan, the roof had been shown with an architectural shingle, and the applicant had come forward with standing seam metal to match Phase I of the project. Planning Staff asked that the roofing material be changed to architectural shingle, while the Planning Commission approved the standing seam to match the first phase.

Councilmember Rasmussen said he felt the Resolution should support the Council's previous recommendation for the Preliminary Site Plan's architectural shingle use. He questioned whether the applicant had additionally adhered to the stipulation "to investigate opportunities to break up some of the larger facades of the buildings." Ms. Binckley stated that stipulation was one that Staff had left to the Planning Commission to work out with the applicant. There was an unwritten policy that there be a 40/60 split between stone and stucco. The applicant had tried to bring the stone up to the level of the first building to maintain some consistency.

Councilmember Taylor stated he was concerned about the exterior elevation of the proposed addition in relationship to that of the existing structure. He said the predominant exposure of the buildings would be that of the green metal roof on the first building. The new addition would only have a small portion of roof showing. To introduce new roofing material would be a poor design solution. Councilmember Taylor stated he would be in favor of the new roof matching the material of the existing roof. He added that while he was not supportive of metal roofs, he was supportive in this situation so as to create a consistency in design. Ms. Binckley replied the Planning Staff was concerned about setting a precedent for the applicant's final phase that was going to be the largest building. The Planning Staff wanted to direct the applicant in the appropriate direction for the final phase, and not support further use of the standing seam.

Councilmember Gulledge confirmed with Ms. Binckley that the Staff had hoped to compromise with the Planning Commission that in the future, if the applicant would agree, to allow an evaluation of the original building's roof by the Planning Commission and approve a change. However, while it was suggested, it was never included in the motion.

Councilmember Gill stated that of all the projects the City has done, this one had been the most disappointing aesthetically. He stated he was not in favor of perpetuating a problem and would not support continued use of metal roofing. Councilmember Bussing agreed with Councilmember Gill, and stated he would not support further construction of green metal roofing.

The applicant's architect, Carl Yaeger, of Berger Devine Yaeger, Inc., 3700 Broadway, stated that Covenant Chapel was sensitive to the design issues that had been brought up in the Planning Commission meeting. Regarding the issue of the green metal roof, Mr. Yaeger stated that the roof area in the Phase II building would only have 470 square feet, or 6% of the gabled area, elevated in such a way as to be seen from the street. The remaining 94% would be a flat roof. The Phase II project was considered a transitional building between the first structure and those proposed for the future. The 6% roofing portion would be metal, and would be the only element that would tie it to the original building. Without it, the second structure would not relate in any way to the first building.

Councilmember Gill asked Mr. Yaeger whether homes adjacent to the Chapel would view more of the roof because of the elevation of these homes. Mr. Yaeger stated that judging by the plan, it depended upon the distance west or east from the building. Viewing it directly north of the building, the most that would be seen would be a 6-foot wide area of the gable end of the west end of the building. He further stated that the decision to use the metal roofing corresponded to the plan timetable. Phase III would not be started for another 10-12 years, at which time roofing material could change. Rather than have a different material on the buildings of Phases I and II, and a possibility of a third material on Phase III, the best plan would be to have the same roofing material on the first two buildings, and reevaluate the plan at Phase III.

Councilmember Gullledge confirmed with Mr. Yaeger that the planned roof on Phase III would be pitched, and that on Phase IV would be either pitched or flat. Mr. Yaeger stated the applicant felt that it would be cost prohibitive to change the roof on Phase I at a later date to make it relate to future phase projects. Mayor Dunn discussed with Mr. Yaeger the changing of the roofing material on Phase II. He reiterated that a change in the roofing material on Phase II would not cause a cohesive flow between it and the Phase I building. The stone and stucco planned for use in Phase II would tie the building to those in Phases III and IV; the roofing material was the only tie between the buildings in Phases I and II.

Councilmember Taylor stated he felt the transition between the first two buildings, being in close proximity to each other, was important for the design element. He said that while neighbors might see a small portion of additional green metal roofing, it would be more appropriate than changing the roofing material at this time.

Councilmember Rasmussen asked about the life of a standing seam roof. Mr. Yaeger projected the lifespan to be 25-30 years, with Phase III being built in 10-12 years.

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Councilmember Dunn left the Council Chambers at 8:35 P.M.

Councilmember Gill asked Ms. Binckley for the history of how the metal roof was approved. Ms. Binckley stated the Governing Body would have only reviewed the Preliminary Plan, and that the Final Plan would have been reviewed solely by the Planning Commission. Councilmember Gill asked to see the documents the Council had reviewed and approved before voting on this Phase of the construction. He stated he felt the applicant had not fulfilled the expectations of the Governing Body, and he did not want to perpetuate a disappointing project if there was an alternative plan available.

Councilmember Dunn returned to the Council Chambers at 8:37 P.M.

Councilmember Gill moved for a continuation to the October 20, 2003, Governing Body meeting, and that the information he requested be assembled, along with any additional suggestions for roof changes the church may have. Councilmember Taylor seconded the motion.

Councilmember Gullede mentioned that Covenant Chapel was not the only metal roof that had been approved by the Governing Body. He stated Christ Community Church on Kenneth Road had one, with a second building on the same property approved for a metal roof as well. Mayor Dunn added that Leawood Commons also had a metal roof.

Councilmember Bussing confirmed with Ms. Binckley that when the Covenant Chapel's original Preliminary Plan was redone by Mr. Yaeger's firm, it came before the Governing Body in early 2003, showing the architectural shingle on the elevation. Ms. Binckley confirmed with Mayor Dunn that the Preliminary Plan showed the architectural shingles on both Phases II and III. Councilmember Bussing discussed the fact that architectural shingles had been proposed in Phase I, but had been changed. Phase II originally showed architectural shingles but now it, too, had been changed. Councilmember Bussing asked if the expectation was to have shingles on Phase III. Mr. Yaeger commented that using architectural shingles on the Phase II building would be more economically sound, but because of its proximity to the original building, and the desire to maintain continuity, the metal roof was now planned. He further stated that whatever product was used on Phase II may not be available in 10 years for the Phase III project.

Mayor Dunn asked Mr. Yaeger how a continuance would affect the building timeline. He stated it would not help his project as they wanted to begin this fall before the weather changed. Mr. Lambers stated the City could issue a grading permit to allow construction to begin. He added that he agreed with Councilmember Gill, that allowing an error to continue was not good City planning and he felt the City should correct the error without delay. He said he agreed with the applicant that in the future there may be different materials available, but it should be a stipulation that within the 20-25 years of the Phase I building's roof life that the error be corrected and all buildings utilize one consistent building material.

Councilmember Rasmussen asked that Mr. Lambers provide a written proposal for the October 20th Governing Body meeting, so a proper motion could be entertained.

There being no further discussion, Mayor Dunn asked for a vote to continue this item. The vote was 7-1-0, with Councilmember Gullede opposing, stating for the record he felt the continuance was unnecessary for reasons already stated.

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E.
(formerly
#7S)

Resolution approving a Final Plat and Final Plan for Parkway Plaza-East, located on the northwest corner of 135th Street & Roe Avenue [from the August 26, 2003, Planning Commission meeting]

Staff Comment: Planning Staff's recommendation for this project was for the applicant to amend the condominium elevations to provide additional stone and less stucco in order to provide for a more quality appearance. The Planning Commission removed this stipulation from their recommendation. The Planning Staff does not agree with the action of the Planning Commission. If the Governing Body concurs with the Planning Staff, then this item should be removed from the Consent Agenda and placed under Planning Commission Recommendation; Section 11.

Councilmember Gill left the Council Chambers at 8:44 P.M.

Ms. Binckley commented that as stated previously, the general direction of the City had been to ask for a 40/60 split between natural materials and stucco. The application for the plan's residential buildings called for more natural materials. During the Planning Commission's review, they chose to allow the proposal to remain as provided by the architect.

Councilmember Rasmussen questioned whether the applicant had asked for standing seam metal roofing as the primary roofing material. Ms. Binckley stated that Staff did not have any problems with it being an accent material, but did not want it to be a primary material as had been used on the Plaza Pointe project to the south.

Councilmembers Story and Gill returned to the Council Chambers at 8:45 P.M.

Councilmember Rasmussen asked that a motion be made with the Staff Comments included as part of the stipulations. Councilmember Taylor seconded the motion. Mayor Dunn confirmed with Councilmember Rasmussen that specifically the motion was identifying the ratio of natural materials and stucco, and the use of tile for the roof with metal roofing as an accent only.

Councilmember Gullede left the Council Chambers at 8:46 P.M.

Architect David Suttle, of Suttle Mindlin Architects, appeared for the applicant, R.H. Sailors & Company. He explained that the premise of the plan, which included a mixed use of three primary functions (retail, office, and condominium/residential), was to allow enough variety of building materials so as not to be boring and create a monolithic feel to the project's architecture. He stated the use of a standing seam roof for the office buildings would not create the feel of a utility building. He asked that construction be allowed to incorporate various building materials, and, in particular, use the standing seam roof as an accent on one building and as the main roofing material on another. This type of usage would allow for more variety and natural aesthetic flow. Mr. Suttle stated he thought the usage could be done very attractively and stylishly, with the buildings tying together without the feel of one big indistinguishable project. Additionally, Mr. Suttle said that the look of the residential buildings would appear softer if less stone and more stucco was incorporated, as already the roofing and other architectural details were heavy and dense looking. He felt the residential buildings should appear less dominant so as to blend better within the project. Mr. Suttle explained these suggestions were solely for aesthetics, and not to make the project appear utilitarian or less sophisticated.

Councilmember Gullede returned to the Council Chambers at 8:48 P.M.

Councilmember Gill stated he agreed with Mr. Suttle, and asked if seam metal roofing was the only way to provide accent. Additionally he asked if the use of stucco was the only means to provide a softer look. Mr. Suttle replied that regarding the roofing material, there were not many options to chose from and he was not aware of any other that would be as effective for an accent material. Councilmember Gill asked Mr. Suttle that had the City approached his firm and asked for a plan for three non-monolithic looking buildings, could that request have been met without the use of seam metal roofing. Mr. Suttle replied that it could. Councilmember Gill then asked Mr. Suttle to do just that concerning both the roofing and stucco issues with this project. Mayor Dunn restated the wishes of the Planning Commission, saying the metal roofing could be used as an accent. Mr. Suttle responded that it had been his hope that additionally one or two of the buildings could have been allowed to use the metal roofing as the main roofing material to avoid a monolithic effect. However, if the Governing Body was not supportive of that idea, the applicant would then look at texture, scale and color differences in other materials and use the metal roofing solely as accent.

Councilmember Gill confirmed with Ms. Binckley that the landscaping materials would be evaluated as each individual building was completed. The applicant also agreed to the grading around the detention ponds.

Councilmember Bussing expressed his concern about the appearance of the actual buildings as compared to the architectural renderings. Mr. Suttle explained that the reasoning behind more stucco and less stone was purely aesthetics, to remove the heavy, ponderous look to the project.

Councilmember Gullede confirmed with Mr. Suttle that the percentage of metal roofing to be used on the project would be approximately 15-20%.

Councilmember Taylor confirmed with Mr. Suttle that brick would be introduced as an element for the signage. Councilmember Taylor asked Ms. Binckley to explain the reasoning behind Recommendation No. 38, "a letter, signed and sealed by a Kansas registered Landscape Architect, shall be submitted prior to final occupancy that states that all landscaping has been installed per the approved landscape plan and all plant material used is to the highest standards of the nursery industry." She replied it was for a final landscaping review.

Mayor Dunn verified with Ms. Binckley, that while the City generally approved a ratio of 40/60 (stucco to stone), in this case they were recommending 60/40 (stucco to stone) for the project. Mr. Suttle stated that the current plan would utilize 1/3 stone and 2/3 stucco. In the retail building, brick, stone and stucco were to be used; in the residential building, the dominant feel of stone was wanted without the actual use of so much heavy material.

Councilmember Rasmussen stated that he recalled hearing the same comments concerning the construction of the apartment complex on Tomahawk Creek Parkway. He said with respect, that he took what Mr. Suttle said with reservation. Councilmember Rasmussen stated that historically the City has had certain building requirements that have worked, and he did not wish to see a revision in plans. Councilmember Rasmussen called for the question. The call was seconded by Councilmember Gullede. The vote to call was 7-1-0, with Councilmember Bussing opposing.

Mayor Dunn stated the motion on the floor was to add the Staff Comments bullets No. 3 [The applicant is proposing standing seam metal roof as the primary roof material on retail buildings. Staff is recommending that standing seam metal roof should be used as an accent feature and tile be used as the primary roof material.] and 4 [The residential buildings show stucco as the primary building material. Staff is recommending the applicant use natural materials like stone as the primary building material and use stucco as the accent material.] as two additional stipulations to the Resolution. She stated an override to the Planning Commission would take 6 votes to approve. The motion was approved unanimously 8-0-0.

- 2838 F. **Resolution approving a Final Plat and Final Plan for Parkway Plaza-West, located on the northwest corner of 135th Street & Briar [from the August 26, 2003, Planning Commission meeting]**
Staff Comment: Planning Staff's recommendation for this project was for the applicant to amend the condominium elevations to provide additional stone and less stucco in order to provide for a more quality appearance. The Planning Commission removed this stipulation from their recommendation. The Planning Staff does not agree with the action of the Planning Commission. If the Governing Body concurs with the Planning Staff, then this item should be removed from the Consent Agenda and placed under Planning Commission Recommendation; Section 11.
Mayor Dunn confirmed with Ms. Binckley that the roofing and 40/60 ratio issues were once again the only problems remaining to be worked out.

Councilmember Rasmussen made a motion to incorporate the two stipulations from Item 11E into Item 11F. The motion was seconded by Councilmember Taylor, and it was approved unanimously, 8-0-0.

- 2875 12. **PUBLIC WORKS COMMITTEE**
[from the September 10, 2003, Public Works Committee meeting]
Recommendation of request for Traffic Calming devices on 85th Terrace between State Line Road and Lee Boulevard
Councilmember Bussing stated the request was not for approval of traffic calming devices on 85th Terrace, but for 1) the hiring of a consultant to look at alternative solutions to address the issues that the residents had raised, and 2) request the establishment of a Benefit District of which the residents would circulate a petition. Should the citizens not return the petition, a consultant would not be retained.

Mayor Dunn indicated that her concern was that the residents be made aware of the costs associated with the project that they would be responsible for paying. She asked that they agree to those payments before a consultant was retained. Councilmember Bussing stated that on the petition the City's best estimate of the project's cost would be stated so that each resident would understand what the cost would be to them individually. No consultant would be hired at this time, but it was necessary to proceed with the development of a request for a proposal [RFP].

Mr. Johnson stated that the Public Works Department would work with the City Attorney to draft a form letter to the property owners to determine if 51% or more would participate in the Benefit District. Concurrently, an RFP would be developed to bid a consultant to do the work. If there was not enough support for a Benefit District, that information would go back to the Public Works Committee, with a recommendation that the project be curtailed at that point. Mayor Dunn confirmed with Mr. Johnson that currently the cost associated with design and construction of the project was estimated at \$50,000.00.

Mayor Dunn confirmed with Councilmember Bussing that the homeowners were aware that they would be paying for this project in its entirety. He added that it was clearly reflected in the Public Works Committee Meeting minutes and there could be no misunderstanding about who would be paying for the project. Councilmember Dunn added that as the project was in his district, he knew the residents were very aware that the costs would be placed upon them.

Councilmember Taylor asked whether the City would be obligated to pay for the consultant should the consultant come back saying no traffic calming devices were necessary. Councilmember Bussing stated he had not obligated the City for any costs associated with this project, but rather it would be brought before the Governing Body to decide how the consultant costs would be handled in that case scenario.

Councilmember Dunn made a motion to approve the Resolution to adopt the Public Works Committee recommendation to go forward with the contact of homeowners to ascertain their interest in forming a Benefit District and prepare an RFP for the consultant. The motion was seconded by Councilmember Rawlings, and approved unanimously 8-0-0.

3134 **13. OLD BUSINESS – None**

3135 **14. NEW BUSINESS**

A. Approve Change Order No. 3, in the amount of \$10,172.00, to Zimmerman Construction Company, Inc., pertaining to the Fire Station No. 2 Remodeling Project, located at 12701 Mission Road [CIP # 150]

Councilmember Taylor questioned Item 36 on the Change Order concerning the patching of bad asphalt in the East Parking Lot. Chief Ben Florance stated that some of work would be mill and overlay, but there were also some spots that needed to be patched. At the dumpster site, the enlargement of the pad would keep it from deteriorating when the trash truck pulled up. Chief Florence indicated that waiting six months to have the mill and overlay done through the City's program would not be appropriate, as by that time there would not be any asphalt left to cover. The project consultant, Jeffrey DeGasperi, of DeGasperi & Associates confirmed that there were some areas that needed patching, as there would not be enough asphalt to overlay after the milling was done. The patching would reinforce the subsurface, allow for car traffic, and extend the life of the lot for 5 to 10 years. Mr. Johnson added that it was difficult to determine if the cost would be less if the mill and overlay was done now or postponed until the City's mill and overlay program addressed the problem.

Councilmember Rasmussen made a motion to approve the Change Order. Councilmember Gill seconded the motion, and it was approved unanimously 8-0-0.

- 3333 **B. Approve Change Order No. 1, in the amount of \$108,164.32, to Walton Construction Company, pertaining to the construction of Briar Street between 135th Street and 137th Street, construction of improvements to 135th Street from immediately east of Briar Street to Nall Avenue and construction of improvements to 137th Street between Briar Street and Nall Avenue [Church of the Resurrection] [CIP # 191]**

Councilmember Dunn confirmed with Mr. Johnson that the developer understood the implications of the Change Order and had approved it.

Councilmember Gill asked Mr. Johnson whether this Item and Item 14C were being bid out by the construction company that was receiving the money. Mr. Lambers interjected that the reason for the Change Order was that there had been an omission in the bidding process for fly ash. The fly ash had been excluded, but was now included, and this Change Order reflected the correction.

Councilmember Rasmussen made a motion to approve the Change Order. Councilmember Gullede seconded the motion, and it was approved 7-0-1, with Councilmember Taylor recusing due to a conflict of interest.

- 3550 **C. Approve Change Order No. 2, in the amount of \$190,532.00, to Walton Construction Company, for landscaping pertaining to the construction of Briar Street between 135th Street and 137th Street, construction of improvements to 135th Street from immediately east of Briar Street to Nall Avenue and construction of improvements to 137th Street between Briar Street and Nall Avenue [Church of the Resurrection] [CIP # 191]**

Councilmember Dunn confirmed with Mr. Johnson that the Change Order cost would be paid for by the Benefit District.

Councilmember Rasmussen made a motion to approve the Change Order. Councilmember Gullede seconded the motion, and it was approved 7-0-1, with Councilmember Taylor recusing due to a conflict of interest.

- 3514 **D. Resolution adopting a Purchasing Policy for the City of Leawood, Kansas**

Councilmember Gill asked if the increase in purchasing powers were aggregate within a project or per occurrence. Mr. Lambers stated the authority would be effective for each occurrence. For most projects, the Staff would bring a contingency amount before the Council, with the understanding that it was not seeking approval to spend that amount, but was only an estimate of the total project cost.

Councilmember Rasmussen made a motion to approve the Resolution. Councilmember Dunn seconded the motion, and it was approved unanimously 8-0-0.

- 3564 E. **Ordinance amending Sections 1-306 entitled Duties and 1-307 entitled Powers, of Article 3 of Chapter 1 of the Code of the City of Leawood, 2000, pertaining to the duties and powers of the City Administrator, and repealing existing Sections 1-306 and 1-307 [Roll Call Vote]**

There being no discussion, Councilmember Dunn made a motion to pass the Ordinance. Councilmember Rawlings seconded the motion, and the Ordinance was passed unanimously with a Roll Call vote, 8-0-0.

- 3593 F. **Ordinance amending Section 1-406 of Article 4 of Chapter 1 of the Code of the City of Leawood, 2000, entitled City Treasurer pertaining to the authority of the City Administrator, and repealing existing Section 1-406 [Roll Call Vote]**

Councilmember Bussing inquired as to whether Mr. Thomas would be interested in addressing the Council on this issue. Mayor Dunn stated Mr. Thomas was no longer present in the Council Chambers.

There being no further discussion, Councilmember Dunn made a motion to pass the Ordinance. Councilmember Gullege seconded the motion, and the Ordinance was passed unanimously with a Roll Call vote, 8-0-0.

3632 15. **OTHER BUSINESS**

Consideration of bid award for the Oxford School Renovation Project

Mr. Lambers stated that the costs of the renovation for the schoolhouse were higher than anticipated and the money available for the project was less than projected. He stated his recommendation was for the project to move forward and be completed before the opening of Ironwoods Park. Currently, the project was approximately \$83,000.00 short. There was one qualified bidder who had come in above the estimate. Mr. Lambers asked to be authorized to use the project monies including any possible liquidated damages that might accrue from the contractor.

Mayor Dunn questioned Mr. Lambers about the projected completion timeline. Mr. Lambers stated if the project was rebid, the City would be looking at a Spring, 2004, project. He advised it would be beneficial to award the bid now, and get it done as quickly as possible. Ms. Claxton advised the contractor had indicated the project could be completed in 90 days or less with the weather that was anticipated. Mayor Dunn confirmed with Ms. Claxton that the work included the restoration of the schoolhouse, and that all that remained was for the Historic Commission to furnish the building. Mayor Dunn further complimented the Historic Commission on its perseverance in obtaining monies for the project.

Councilmember Taylor confirmed with Ms. Claxton that the original Historic Commission budget for the restoration of the schoolhouse had been \$69,000.00 in 2000. To proceed with the contract now would cost \$147,000.00 plus a contingency of \$11,000.00. Kathy Rogers stated the project was approximately \$80,000.00 short. Councilmember Story added that the original estimates were not ones that were given by an outside architect, but rather by a member of the Historic Commission who happened to be an architect, but who did not specialize in this type of work. Ms. Claxton interjected that a memo she wrote in December of 2002, stated the numbers indicated for the budget could be high or low. Since the project had not been underway until now, it came in higher than anticipated. Ms. Rogers stated that originally there had been \$130,000.00 in the budget. Grant dollars had been awarded which brought the budget to \$217,000.00. With the Change Order, the total amount of the project would be approximately \$300,000.00. The project included moving, stabilization, interior and exterior renovation, running utility lines, furniture, fencing and security.

Councilmember Rasmussen made a motion to approve the Change Order, awarding the bid for \$147,000.00 plus \$11,000.00 for contingency. Councilmember Story seconded the motion, and the motion was approved 7-1-0, with Councilmember Taylor opposing, stating he felt the City lost control of the project.

4007

16. ADJOURN

There being no further business, the meeting was adjourned at 9:45 P.M.

Debra Harper, City Clerk

Emily Gleasure, Recording Deputy City Clerk