

Minutes

Audio Tape No. 610

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, January 5, 2004. Mayor Peggy Dunn presided.

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

Councilmembers absent: Mike Gill and Scott E. Gullledge.

Staff present:

Scott Lambers, City Administrator
Ben Florance, Fire Chief
Craig Hill, Deputy Chief, Police Dept.
Jeff Cantrell, Neighborhood Serv. Admin.
Diane Binckley, Planning & Develop. Dir.
Deb Harper, City Clerk

Patricia A. Bennett, City Attorney
Joe Johnson, Public Works Director
Chris Claxton, Parks & Rec Director
Mark Andrasik, Info Systems Director
Colleen Browne, Human Resources Dir.

- 115 **1. PLEDGE OF ALLEGIANCE**
- 146 **2. APPROVAL OF AGENDA**
Councilmember Rawlings made a motion to approve the Agenda. Councilmember Dunn seconded the motion, and the motion was approved unanimously 6-0-0.
- 160 **3. CITIZEN COMMENTS**
Winston Awadzi, 2300 W. 141st Street, spoke on a ruling the Federal Railroad Administration (FRA) passed on 12/19/03, FRA199-6439. This ruling allows the creation of a quiet zone of ½ mile adjacent to a railroad area in which railroad whistles will not be blown. On January 19, 2004 Leawood will be given the opportunity to create such a zone. He asked the Governing Body to review the materials he brought with him pertaining to the matter for possible action.
- 232 **4. PROCLAMATIONS – Mayor Dunn proclaimed **Martin Luther King Day, January 19, 2004**, in the City of Leawood.**
- 5. PRESENTATIONS/RECOGNITIONS - None**

6. SPECIAL BUSINESS - None

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. 990
- B. Accept Minutes of the December 15, 2003, Governing Body meeting
- C. Accept Minutes of the November 20, 2003, IRONHORSE Golf Advisory Board meeting
- *D. Presentation of 2005 Budget and Capital Improvement Project [CIP] Schedules
- E. Approve purchase in the amount of \$22,166.92, from Communications Associates for the purchase of police portable 800 MHz radios
- F. Approve payment in the amount of \$10,480.00, to Employer Health Services for the 2004 Firefighter annual physicals
- G. Approve 1st and Final Payment in the amount of \$138,187.14, to the City of Kansas City, Missouri, pertaining to the State Line Arterial Mill & Overlay Project
- H. Approve rescheduling of January 20, 2004, Governing Body meeting from 7:30 P.M. to 5:30 P.M.
- I. Schedule Governing Body Work Session at 6:00 P.M., on Monday, January 12, 2004, to discuss Governing Body 2004 goals and objectives
- J. Ratifying scheduling of Governing Body Executive Session at 6:30 P.M., on Monday, January 5, 2004, to discuss matters subject to the attorney-client privilege
- *K. Affirm extension of Reward Agreement between the City and Kansas City Metropolitan Crime Commission Reward in the amount of \$25,000.00 to June, 2004
- L. Approve Change Order No. 18, in the amount of \$16,190.00, to Vanum Construction, Inc., pertaining to the Ironwoods Park Improvement Project [CIP # 116]

Councilmember Rasmussen asked that Items "7D" and "7K" be pulled for discussion. Councilmember Taylor asked that Item "7L" be pulled for discussion. Councilmember Taylor made a motion to approve the remainder of the Consent Agenda. Councilmember Rasmussen seconded the motion, and the motion passed unanimously 6-0-0.

Councilmember Rasmussen pointed out that the 2005 Budget Assumptions meeting and the Governing Body Approval of Budget Goals meeting, both scheduled for March 15th, 2004 on the Budget/Financial Calendar (Item "7D") were during the middle of Spring Break and several Councilmembers may not be able to attend. On the current Agenda under Item "7D," he suggested the wording be changed from "approve" to "present." Scott Lambers asked that Councilmembers should contact him if the March 15th date posed an attendance problem. The calendar could then be revised accordingly. Mr. Lambers agreed that the wording should indicate the meeting was to *present* the Budget Goals, not approve them.

Councilmember Rasmussen made a motion to accept the Budget/Financial Calendar with the wording change. Councilmember Story seconded the motion, and the motion was approved unanimously, 6-0-0.

Councilmember Rasmussen asked that Item "7K" be amended to state that the City would extend the Alexander Kemp Reward Fund for 6 months instead of one year. He asked that the issue be revisited at the June 21st, 2004 Governing Body meeting, and in the meantime discuss alternative methods to handle this case with the Crime Commission.

Councilmember Rasmussen made a motion to approve Item "7K" as amended. Councilmember Taylor seconded the motion, and the motion was approved unanimously 6-0-0.

Councilmember Taylor stated that Change Order No. 18 for Vanum Construction Company (Item "7L") was illegitimate, and he was protesting further payments to Vanum.

Councilmember Bussing confirmed with Mr. Lambers that there had been discussions with Vanum as to completion issues surrounding Ironwoods Park. He stated that this Change Order reflected the necessity to change the soil that was not currently allowed for in the contract. Mr. Lambers felt this Change Order was appropriate to assure that the parking lot was constructed properly.

Councilmember Rasmussen asked Mr. Lambers if by approving this Change Order the City was giving up any leverage in the dealings with Vanum. Mr. Lambers stated this measure was legitimate in correcting a problem and would not negatively affect future discussions with the contractor. He stated he did not see this as consistent with Councilmember Taylor's issue with the balance of the Ironwoods Park project. He recommended approval of the Change Order so that the parking lot could be constructed properly.

Councilmember Dunn made a motion for approval of Item "7L." Councilmember Story seconded the motion, and the motion was approved 5-1-0, with Councilmember Taylor opposing for reasons stated.

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- A. Extended a Happy New Year to everyone and hoped everyone had a nice holiday.
- B. Asked that the Governing Body accept the Monetary Gift from the Cloisters Homes Association to the Leawood Fire and Police Departments in the amount of \$1,175.00, to be shared equally. Councilmember Dunn made a motion to accept the gift. Councilmember Story seconded the motion, and the motion was approved unanimously 6-0-0.
- C. Extended thanks to Public Works Director Joe Johnson, who treated the Governing Body as well as the Public Works crews to a BBQ luncheon.

- D. Attended the Leawood Chamber of Commerce Legislative Luncheon on January 5th with Councilmember Story. Senator John Vratil and State Representatives shared issues they would discuss when the new Legislative Session opened.
- E. Announced the Conveners Reception with the Legislators to be held January 8th at 5:00 P.M. at Universal Underwriters Group, 7045 College Boulevard. The City of Leawood and the Leawood Chamber of Commerce are two of the sponsors.
- F. Commented that the Kansas City Star stated recently that Olathe, Overland Park and Leawood were among the most desirable cities in which to reside in the Midwest, as reported by *Money* magazine
- G. Reminded the Council of the Goal Setting Meeting on January 12th at 6:00 P.M., with dinner provided
- H. Stated the Governing Body meeting on January 20th would begin at 5:30 P.M. to allow the Governing Body to attend the Lunar New Year Dinner celebration at 6:30 P.M., at the Fortune Star Restaurant.

9. **COUNCILMEMBERS' REPORT - None**

10. **STAFF REPORT - None**

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COMMITTEE RECOMMENDATIONS

11. **PLANNING COMMISSION**

[from November 25, 2003, Planning Commission meeting]

- A. **Resolution approving a Final Site Plan for Eckerd's Drug Store, located within Cornerstone, on the southwest corner of 135th Street & Briar – CONTINUED FROM THE DECEMBER 15, 2003, GOVERNING BODY MEETING**

Councilmember Taylor stated he would be recusing, stating conflict of interest, and left the Council Chambers.

Mike Boyd, Wichita, KS, developer for Eckerd Drug, indicated he had no further presentation on the Final Site Plan. He stated the one issue needing clarification concerned the traffic flow stipulation, No. 24 (*Deliveries shall be limited between the hours of 10:00 P.M. and 8:00 A.M. if requested by the City of Leawood based on traffic conflicts. In addition, after 12 months from the date of temporary occupancy of the building, Planning Staff will provide a report to the Planning Commission and Governing Body regarding traffic activities and complaints associated with the Eckerd drug store*). Diane Binckley stated the Planning Commission added the stipulation so that the Governing Body could review the issue should there be complaints.

Councilmember Rasmussen asked Ms. Binckley if the signage at the site conformed to Leawood's requirements. She replied that she had not been out to the site in a while, and would have to do a drive-by inspection. Councilmember Rasmussen asked that that be done. He also questioned whether the circular traffic pattern around the building had been modified. Ms. Binckley indicated that the plan was the same as it had been at Preliminary with the additional stipulation. She stated if a problem occurred, the access drive could be closed.

Councilmember Bussing questioned Stipulation No. 14 (*A sign permit from the Planning Department must be obtained prior to erection of any signs*). Ms. Binckley confirmed that advertising signs or posters must conform to regulations allowing sizes of 5% or less of the window area. She stated a permit was not required for such signage.

Mayor Dunn asked Mr. Boyd if Eckerd would be able to comply with the times indicated in Stipulation No. 24 for deliveries. Mr. Boyd replied Eckerd would not allow deliveries to interfere with their business nor Leawood's traffic.

Councilmember Rasmussen made a motion for approval. Councilmember Story seconded the motion, and the motion was approved 5-0-1, with Councilmember Taylor recusing. Patty Bennett advised that with the slight amendment from the Planning Commission's recommendation, this would require a 2/3 majority vote [6 affirmative votes]. Mayor Dunn stated she would vote in the affirmative. The final vote was 6-0-1.

12. OLD BUSINESS - None

13. NEW BUSINESS - None

14. OTHER BUSINESS - None

15. ADJOURN

There being no further business, the meeting was adjourned at 8:08 P.M.

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Debra Harper, City Clerk

Emily Gleasure
Recording Deputy City Clerk