

**Minutes**

Audio Tape No. 624

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, March 22, 2004. Mayor Peggy Dunn presided.

**Councilmembers present:** Jim Rawlings, Patrick Dunn, Louis Rasmussen, Scott E. Gulledge, Mike Gill, and Gary Bussing.

**Councilmembers absent:** James E. Taylor, Sr. and Shelby Story.

**Staff present:**

Scott Lambers, City Administrator  
Ben Florance, Fire Chief  
Sid Mitchell, Chief, Police Dept.  
Mark Andrasik, Info Systems Director  
Diane Binckley, Planning & Develop. Dir.  
Colleen Browne, H.R. Director

Patricia A. Bennett, City Attorney  
Joe Johnson, Public Works Director  
Chris Claxton, Parks & Rec Director  
Kathy Rogers, Finance Director  
Jeff Cantrell, Neighborhood Serv. Adm.  
Deb Harper, City Clerk

- 72     **1.     PLEDGE OF ALLEGIANCE**
- 154    **2.     APPROVAL OF AGENDA**  
Mayor Dunn noted Item “12A” would be continued to the April 5<sup>th</sup>, 2004 Governing Body Meeting. Councilmember Gulledge made a motion to approve the amended Agenda. Councilmember Rawlings seconded the motion, and the motion was approved unanimously, 5-0-0.
- 173    **3.     CITIZEN COMMENTS - None**
- 176    **4.     PROCLAMATIONS - None**
- 178    **5.     PRESENTATIONS/RECOGNITIONS – Leawood Foundation’s Fundraiser Project**  
Gail Williams discussed the Leawood Foundation’s fundraiser project, “Leawood Tomorrow.” She explained that the Leawood Foundation’s mission was to provide resources for activities and projects that might not be funded through tax dollars for cultural projects and the arts in Leawood. One of the projects that the Leawood Foundation has supported in the past has been the Oxford Schoolhouse project.

Ms. Williams explained the “Leawood Tomorrow” project would entail the selling of inscribed paver bricks, with the funds to be used for classroom furnishings at the Oxford Schoolhouse, to provide park benches in the Leawood parks, or to provide for additional art throughout the City. Bricks would sell for \$55 for the first brick, and \$40 for additional bricks per purchase, and placed in the courtyard of City Hall.

Alice Hawk recognized Sherman Titens for his work, and Mark Andrasik and the IS Dept. for putting the information on the Leawood website.

369 **6. SPECIAL BUSINESS – None**

370 **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. 994
- B. Accept Minutes of the March 1, 2004, Governing Body meeting
- C. Accept Minutes of the March 1, 2004, Governing Body Work Session meeting
- D. Accept Minutes of the February 16, 2004, Governing Body Work Session meeting
- E. Accept Minutes of the February 10, 2004, Leawood Historic Commission meeting
- F. Accept Minutes of the February 10, 2004, Park and Recreation Advisory Board meeting
- G. Accept Minutes of October 28, 2003, Arts Council meeting
- H. Approve Change Order No. 20, in the amount of \$2,965.32, to Vanum Construction, Inc., pertaining to the Ironwoods Park Improvement Project, 14701 Mission Road [CIP # 116]; and FLan Park Improvement Project 12601 Nall Avenue, [CIP# 111]
- I. **Resolution No. 2194** accepting Permanent Storm Sewer Easements from certain property owners pertaining to the Storm Water Drainage Improvements to the Dykes Branch [SMAC PROJECT DB-04-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road
- J. **Resolution No. 2195** accepting Temporary Construction Easements from certain property owners pertaining to the Storm Water Drainage Improvements to the Dykes Branch [SMAC PROJECT DB-04-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road
- K. **Resolution No. 2196** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$119,426.00, between the City and Snyder Brothers Golf Construction Company, pertaining to irrigation at IRONHORSE Golf Club
- L. **Resolution No. 2197** approving a Final Site Plan for National Bank of Kansas City; Monument Sign located at 3510 W. 95th Street [*from the February 24, 2004, Planning Commission meeting*]
- M. Declaration of surplus property [various Fire Department apparatus items]
- N. Municipal Court Monthly Report
- O. Fire Department Monthly Report

P. Police Department Monthly Report

Councilmember Gulledge made a motion to approve the Consent Agenda. Councilmember Rawlings seconded the motion, and the motion was approved unanimously, 5-0-0.

395 **8. MAYOR'S REPORT**

- A. Acknowledged the 100<sup>th</sup> Birthday Anniversary of Dr. Seuss
- B. Attended the Johnson/Wyandotte County Council of Mayors meeting in Mission Hills, KS. MARC's Regional Director David Warm and Transportation Director Mel Henderson gave a presentation on "Smart Moves."
- C. Attended the Partnership for Children's Annual Luncheon
- D. Acknowledged March as Women's History Month
- E. Recognized Mary Tearney as the 2003 Leawood Rotary Person of the Year
- F. Recognized Bob Regnier as the 2003 Johnson Countian of the Year. Mayor Dunn expressed sympathy to the Regnier family on the death of Helen Regnier.
- G. Attended funeral services for former Lenexa Mayor Joan Bowman
- H. Reminded the Governing Body of the Executive Session on March 29<sup>th</sup> at 6:00 P.M. to conduct the 6-Month Evaluation of the City Administrator

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

636 **10. STAFF REPORT**

A. **Public Art Master Planning**

Chris Claxton reported on the recent meetings conducted to revise the Public Art Policy. Mayor Dunn mentioned that Overland Park had a matching program to match up to \$50,000 within a year's time of privately collected funds with public funds to purchase art. Additionally, Ms. Claxton advised that the dedication ceremony for "Lllooppi" would be held at 10:00 A.M., on Saturday, May 15, 2004.

**11. STORMWATER MANAGEMENT COMMITTEE**

*[from March 5, 2004, Stormwater Management Committee meeting]*

A. **Recommendation for SMAC Project NC-04-001 [Ironhorse Golf Club]**

Joe Johnson reported on Continental Engineer's recommendation to construct levees along the residential property with minor channel modifications along Hole #13 in Ironhorse Golf Club. This plan would minimize the impact on the golf course and construction could be done while maintaining play. He stated the County would place it on the SMAC program for 2005-2006.

Councilmember Dunn added this plan was more cost effective than the other two plans considered. He stated this was a much-needed project, as the homes in the area flood during heavy storms. He stated construction easements and permanent easements had been dedicated. Councilmember Gill confirmed with Mr. Johnson that while the homes in this location would be provided a 100-year flood

protection, there was still one home near Hole #10 that was in the flood plain, but to which this project did not address.

Councilmember Dunn made a motion to approve the recommendation. Councilmember Gullede seconded the motion, and the motion was approved unanimously, 5-0-0.

980 **12. PLANNING COMMISSION**

*[from the February 24, 2004, Planning Commission meeting]*

A. **Resolution approving a Final Site Plan and Final Plat for Leawood Market Center located on the southeast corner of 135<sup>th</sup> Street and Kenneth Road**  
*[Continued to the April 5<sup>th</sup>, 2004 Governing Body Meeting]*

B. **Resolution No. 2198 approving a Final Site Plan and Final Plat for Luke Professional Park located on the southwest corner of Kenneth Road and Kenneth Parkway**

Jay Lucas, Lucas Development, 12525 Antioch, Overland Park, KS, stated all Stipulations had been agreed upon by applicant Daryl Carter, engineer Terry Uhl, and himself. Councilmember Gill confirmed with Diane Binckley that she was comfortable with the plans as presented.

Councilmember Rasmussen made a motion to approve the Resolution. Councilmember Gill seconded the motion, and the motion was approved unanimously, 5-0-0.

1065 C. **Ordinance No. 2054 approving a 2-year Special Use Permit for Prairie Star Elementary School to allow for temporary classrooms located at 3800 W. 143<sup>rd</sup> Street [Roll Call Vote]**

Councilmember Rasmussen made a motion to pass the Ordinance. Councilmember Rawlings seconded the motion. A Roll Call Vote was taken. Yea: Councilmembers Rasmussen, Rawlings, Gill, Gullede and Dunn. Nay: None The Ordinance passed unanimously, 5-0-0.

1087 D. **Ordinance No. 2055 approving a rezoning for a portion of the property from SD-NCR (Planned Neighborhood Retail) to SD-CR (Planned General Retail), Preliminary Site Plan and Preliminary Plat for Nall Valley located on the northeast corner of 151st Street and Nall Avenue [Roll Call Vote]**

Otto Westerfield, director of real estate for the Regnier family introduced the architect and engineer of the project.

Henry Klover, Klover Architects, Inc. gave a brief presentation. He stated the project had eclectic elements, of which current award-winning projects in other cities boasted. Instead of a linear design, it had pods and nooks to create familiarity.

Ed Schlagel, engineer, Schlagel & Associates addressed the stormwater issue brought up by Councilmember Rasmussen, explaining the direction the runoff would drain into Tomahawk Creek.

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Councilmember Bussing arrived at 8:15 P.M.

Councilmember Rasmussen asked Mr. Johnson how this affected the existing stormwater design under Nall. Mr. Johnson acknowledged that the stormwater system under Nall would be improved when Nall was upgraded to a four-lane road. Mr. Johnson stated he did not know if the drainage from the south side development was large enough to accommodate drainage from this property.

Mr. Klover continued his discussion on the elevations. Councilmember Gill questioned Ms. Binckley as to whether this project was consistent with the phasing of Whitehorse and the villas. She stated this area had been zoned years ago when Nichols owned all of the property. Councilmember Gill asked what types of retail would be seen in parcels "A" and "B." Mr. Westerfield stated they had commitments, but declined to make public specific individuals/firms. He added he had not tried to market the property aggressively as yet.

Mr. Klover confirmed with Councilmember Gill that there would be no future requests for curb cuts. Councilmember Gill discussed the rezoning request with Ms. Binckley, who stated the zoning change would allow for the drugstore.

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Councilmember Dunn confirmed with Mr. Westerfield that the pond would not be used for detention, and that the Regnier family would be responsible for the pond maintenance.

Councilmember Rasmussen stated for the benefit of the developer and Staff that the stormwater issue would be critical at Final Site Plan.

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Councilmember Bussing confirmed with Ms. Binckley that the landscaping plan would be reviewed at Final Site Plan.

Councilmember Gullledge made a motion to pass the Ordinance. Councilmember Rasmussen seconded the motion. A Roll Call vote was taken. Yea: Councilmembers Gullledge, Rasmussen, Dunn, Gill, Bussing and Rawlings. Nay: None. The Ordinance passed unanimously, 6-0-0.

1942 **13. OLD BUSINESS - None**

1943 **14. NEW BUSINESS**

- A. **Ordinance No. 2056C amending Section 8-101, of the Code of the City of Leawood, 2000, entitled "Incorporation of Johnson County Environmental Sanitary Code," pertaining to Environmental Sanitary Regulations, and repealing all other sections in conflict herewith [Roll Call Vote]**

Councilmember Dunn made a motion to pass the Ordinance. Councilmember Rasmussen seconded the motion. A Roll Call vote was taken. Yea: Councilmembers Gullede, Rasmussen, Dunn, Gill, Bussing and Rawlings. Nay: None. The Ordinance passed unanimously, 6-0-0.

- 1984 B. **Ordinance No. 2053, finding as to the advisability of and authorizing the construction of storm water drainage improvements to the Dykes Branch [SMAC Project DB-04-024-01] between 83<sup>rd</sup> street and Wenonga Road south to 86<sup>th</sup> Street and Overhill Road within the City of Leawood, Kansas; providing for the issuance of General Obligation Bonds of the City to provide funds to pay the costs thereof, and for the issuance of temporary notes of the City pending the issuance of said Bonds; expressing the intent to reimburse costs of the project so incurred from proceeds of such temporary notes and general obligation bonds; and authorizing and approving certain related matters and actions [Roll Call Vote]**

Councilmember Dunn made a motion to pass the Ordinance. Councilmember Rawlings seconded the motion. A Roll Call vote was taken. Yea: Councilmembers Gullede, Dunn, Gill, Bussing and Rawlings. Nay: Councilmember Rasmussen. The Ordinance passed, 5-1-0, with Councilmember Rasmussen opposed for reasons stated on numerous occasions in the past.

- 2042 C. **Resolution No. 2199 approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$6,513,992.23, between the City and Reno Construction Company-APAC Kansas, Inc., pertaining to the Roe Avenue Public Improvement Project, between 124th & 135th Street [CIP # 110]**

Mr. Johnson acknowledged that after the first bid, the State found some problems with the contract document. When it was rebid to qualify for Federal funds, another contractor bid lower, coming in \$.5 million under what was estimated in the CIP.

Councilmember Rasmussen made a motion to approve the Resolution. Councilmember Dunn seconded the motion, and it was approved unanimously, 6-0-0.

2184 **15. OTHER BUSINESS**

Councilmember Gullede acknowledged the green-sheeted letters from the City of Prairie Village to Chief Mitchell on the excellent work of the Leawood Police Department. Councilmember Dunn acknowledged the good work of Animal Control when his dog ran off.

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**16. ADJOURN**

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

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Debra Harper, City Clerk

Emily Gleasure  
Recording Deputy City Clerk