

Minutes

DVD No. 105

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 2, 2004. Mayor Peggy Dunn presided.

Councilmembers present: Debra Filla, Louis Rasmussen, Mike Gill, Jim Rawlings, Gary Bussing and Gregory Peppes.

Councilmembers absent: Councilmembers Scott E. Gulledge and James E. Taylor, Sr.

Staff present:

Scott Lambers, City Administrator
Joe Johnson, Public Works Director
Craig Hill, Major, Police Dept.
Karl Weinfurter, Info Systems Director
Deb Harper, City Clerk

Patty Bennett, City Attorney
Kathy Rogers, Finance Director
Chris Claxton, Parks & Rec Director
Jeff Cantrell, Neighborhood Serv. Admin.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion was made by Councilmember Rawlings, seconded by Councilmember Peppes to approve the agenda. The motion carried following a unanimous vote of 6-0.

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personal issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**

Mr. G. Gordon Thomas, 10516 Mohawk Lane, made comments.

4. PROCLAMATIONS - None

5. PRESENTATIONS/RECOGNITIONS - None

6. SPECIAL BUSINESS

A. PUBLIC HEARING Consider the 2005 Fiscal Budget for the City of Leawood

Mayor Dunn extended her thanks to Scott Lambers, Kathy Rogers, the Finance Department Staff, along with the Budget and Finance Committee members for their premium work on the 2005 budget. Ms. Rogers stated a pre-public hearing was held in May, followed by open budget work session in late June. This public hearing tonight is a statutory requirement prior to the 2005 budget being adopted.

Mayor Dunn opened the public hearing for comments. There being no one present, Councilmember Rasmussen made a motion to close the public hearing. The motion was seconded by Councilmember Gill and was approved following a unanimous vote of 6-0. Mayor Dunn stated that the City's mill levy would not be increased for this 2005 fiscal budget year.

B. Resolution accepting a petition for the creation of a Transportation Development District [TDD] for the Park Place Development located in an area bounded by Nall Avenue, 117th Street and Town Center Drive, in Leawood, Kansas, pursuant to the provisions of K.S.A. §. 12-17,140 et seq, calling and providing for the giving of notice of the intent to impose a Transportation District Sales Tax and providing for the giving of notice of a public hearing on the advisability of creating a Transportation Development District in the City of Leawood, Kansas and financing certain transportation project improvements therein

A motion was made by Councilmember Rasmussen, seconded by Councilmember Gill to approve the resolution.

Mr. Jeff Alpert, Park Place Partners, LLC, 2912 W. 113 Street, made a brief comment and thanked the Governing Body and staff for working so diligently on this project and getting to this point. If this resolution is approved, he will begin working on finalizing a Development Agreement that will outline more specific details. Councilmember Gill stated he would be anxious to discuss this matter in more detail at the September 7th meeting. Councilmember Bussing echoed Mr. Gill's comment and reiterated that he is against funding this project by increasing the sales tax rate within this TDD district. A motion was made by Councilmember Rasmussen, seconded by Councilmember Gill to approve the resolution and accept the petition. The motion carried following a unanimous vote of 6-0.

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. 1004
- B. Accept Minutes of the July 19, 2004, Governing Body meeting
- C. Accept Minutes of the July 1, 2004, Joint Governing Body/Budget & Finance Work Session

- D. Accept Minutes of the June 30, 2004, Joint Governing Body/Budget & Finance Work Session
- E. Accept Minutes of the June 15, 2004, Historic Commission meeting
- F. Approve 1st and Final Payment in the amount of \$129,800.00, to Musselman & Hall Contractors, pertaining to the 2004 Slurry Seal Program
- G. Approve payment in the amount of \$16,666.60, to Water One, for the installation of a water line, pertaining to the ILan Park Improvement Project, 12601 Nall Avenue [CIP # 111]
- H. Approve quote for an amount not to exceed \$80,000.00, to Central Salt, L.L.C., for the purchase of winter road salt
- I. Approve purchase in the amount of \$47,385.00, from Challenger TeamWear for the purchase of soccer uniforms for the 2004/2005 soccer season
- J. Resolution No. 2268, approving and authorizing the Mayor to execute a Letter of Engagement Agreement between the City and Cochran & Head, P.C., pertaining to the 2004 audit
- K. Resolution No. 2269, attesting to an increase in tax revenues for Budget Year 2005, for the City of Leawood, Johnson County, Kansas
- L. Resolution No. 2270, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$287,700.00, between the City and Ron Weers Construction Company, pertaining to the Parkway Plaza Project, located at 135th & Roe [CIP # 195]
- M. Resolution No. 2271, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$574,980.00, between the City and O'Donnell & Sons, pertaining to the Cornerstone Development and Church of the Resurrection Public Improvement Projects [CIP # 193 & 194]
- N. Resolution No. 2272, approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Crossroads, in the amount of \$19,000.00, pertaining to the Leawood Stage Company fall production
- O. Resolution No. 2273, approving a final plat for Village of Camden Woods, 66th Plat, located south of 143rd Street and west of Kenneth Road [*from the July 27, 2004 Planning Commission meeting*]
- P. Resolution No. 2274, approving a Final Site Plan for Phillips 66 for signs located south of 119th Street and east of Roe Avenue [*from the July 27, 2004 Planning Commission meeting*]
- Q. Resolution No. 2275, approving a Final Site Plan for Leawood Fountain Plaza - Buildings 1 and 3 located south of College and east of Nall Avenue [*from the July 27, 2004 Planning Commission meeting*]
- R. Resolution No. 2276, approving a Final Site Plan and final plat for Town Center Business Park - Cosmetic Dentistry located south of 115th Street and east of Granada [*from the July 27, 2004 Planning Commission meeting*]
- S. Resolution No. 2277, approving a Final Site Plan for Mission Farms - Mixed Use located at the southeast corner of 105th Street and Mission Road [*from the July 27, 2004 Planning Commission meeting*]
- T. Resolution No. 2278, approving a Final Site Plan for Town Center Business Park for design guidelines located south of 115th Street and east of Roe Avenue [*from the July 27, 2004 Planning Commission meeting*]

Councilmember Peppes asked that Item 7R and 7T be removed from the Consent Agenda, as he would be recusing himself from these items. A motion was then made by Councilmember Bussing, seconded by Councilmember Gill to approve the remainder of the Consent Agenda. The motion carried by a unanimous vote of 6-0.

- R. Resolution No. 2276, approving a Final Site Plan and final plat for Town Center Business Park - Cosmetic Dentistry located south of 115th Street and east of Granada [*from the July 27, 2004 Planning Commission meeting*]

A motion was made by Councilmember Bussing, seconded by Councilmember Rawlings to approve Resolution No. 2276. The motion was approved following a vote of 5-0-1, with Councilmember Gregory Peppes recusing.

- T. Resolution No. 2278, approving a Final Site Plan for Town Center Business Park for design guidelines located south of 115th Street and east of Roe Avenue [*from the July 27, 2004 Planning Commission meeting*]

A motion was made by Councilmember Bussing, seconded by Councilmember Gill to approve Resolution No. 2278. The motion was approved following a vote of 5-0-1, with Councilmember Gregory Peppes recusing.

8. MAYOR'S REPORT

- A. Attended the Heartstring Community Foundation ribbon cutting ceremony with special recognition certificates given to honor specific police officers and firefighters. Mayor Dunn asked that Scott Lambers forward these certificates to the respective departments.
- B. Oxford Schoolhouse Dedication held on Saturday, July 26, 2004, attended by Councilmembers Rawlings, Bussing and Rasmussen, and Scott Lambers. Mayor Dunn congratulated Beverly Hurley, Historic Commission Chair, and the entire Park and Recreation staff for their efforts. An ice-cream social was held at Ironwoods Park the next day and was well attended.
- C. Attended the 85th birthday celebration of JCCC Trustee, Virginia Krebs, hosted by the JCCC Foundation
- D. Reminded the Council of the upcoming fund raiser sponsored by Gold Bank for Leawood Stage Company on September 11th at 6:30 P.M. at the Lodge at Ironwoods Park

9. COUNCILMEMBERS' REPORT - None

10. STAFF REPORT

Mayor Dunn asked for an update on the Roe Avenue Improvement Project [between 124th Street and 135th Street] [CIP # 110].

Scott Lambers stated 127th Street is currently blocked off to allow that phase of the project to begin. The total project is currently 2 weeks behind schedule due to the wet weather. The 127th intersection will be advanced by 2 weeks, giving the developer an opportunity to make up some time. This portion should be completed by the end of November, as well as the first phase of the project. It will be opened up through the winter months, and Phase II [south of 127th Street] will begin mid-March, weather permitting.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION - None

12. OLD BUSINESS - None

13. NEW BUSINESS

A. Resolution No. 2265 determining it necessary and advisable and ordering the resurfacing and repair of certain residential streets or portions thereof located within the City of Leawood, Kansas, pursuant to K.S.A. § 12-614 et seq. [CIP # 202]

A motion was made by Councilmember Bussing, seconded by Councilmember Rawlings to approve the Resolution. The motion was approved following a unanimous vote of 6-0.

B. Resolution No. 2266 authorizing the sale by the City of Leawood, Kansas, of \$4,280,000.00, principal amount of General Obligation Improvement Bonds and \$26,200,000.00 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

A motion was made by Councilmember Gill, seconded by Councilmember Bussing to approve the Resolution. Councilmember Gill stated a lot of these projects were for benefit district or stormwater and asked what projects were funded other than by the general fund. Ms. Rogers stated CIP Project Nos. 190 through 195 are projects funded by special benefit districts. Project No. 200 and 202 are the accelerated residential street projects. CIP Project No. 157, is a jointly funded project with Leawood and Kansas City Missouri.

Councilmember Bussing asked if all of these projects would be bid at the same time, and what the prevailing interest rates would be. David Arteberry, George K. Baum Finance Advisor, stated the sale would occur on September 7th. There will be one sale for the bonds and one for the notes. Although, it is difficult to pinpoint the exact rate for the bonds it would in the 4 to 4.5 range; the prevailing rate for the notes would be possibly between 1 ½ to 1 ¾. The motion was approved following a unanimous vote of 6-0.

14. OTHER BUSINESS

Mayor Dunn reminded everyone that Tuesday was Election Day and encouraged everyone to vote, and extended the City's thanks to the Kansas City Star and the Johnson County Sun for their efforts and assistance in reporting information on the City's ballot question regarding the extension of the City's one-eighth of one percent [.125%] sales tax to fund stormwater and other street projects.

ADJOURN

There being no further business, the meeting was adjourned at 8:00 P.M.

Debra Harper, CMC, City Clerk