

**Minutes**

DVD No. 132

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, November 7, 2005. Mayor Peggy Dunn presided.

**Councilmembers present:** Jim Rawlings, Mike Gill, Lou Rasmussen, Scott Gullledge, James E. Taylor, Sr., Gregory Peppes, and Debra Filla.

**Councilmembers absent:** Gary Bussing.

**Staff present:**

Scott Lambers, City Administrator  
Chief Sid Mitchell, Police Department  
Chief Ben Florance, Fire Department  
Kathy Rogers, Finance Director  
Chris Claxton, P & R Director  
Eirene Oliphant, Building Official  
Jeff Joseph, Planner  
Christy Wise, Deputy City Clerk

Patty Bennett, City Attorney  
Major John Meier, Police Department  
Deputy Chief Randy Hill, Fire Department  
Joe Johnson, Public Works Director  
Jeff Cantrell, Neighborhood Serv. Admin.  
Mark Klein, Senior Planner  
Deb Harper, City Clerk  
Mark Andrasik, IS Director

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted that revisions to Item No. 7V had been placed on the dais. She advised that the item could be pulled from the Consent Agenda for discussion if so desired. The agenda will also include a report from Councilmember Gullledge under Item No. 9 and a report from Public Works Director Joe Johnson under Item No. 10.

Councilmember Rasmussen moved to approve the agenda, seconded by Councilmember Taylor. The motion was approved following a unanimous vote of 7-0.

**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 personnel 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.**

**4. PROCLAMATIONS National Hunger and Homelessness Awareness Week, November 13-20, 2005**

Karen Wulfkuhle, Executive Director of United Community Services, was present to accept the proclamation. Mayor Dunn read the proclamation into the record and stated that the original had been mailed. Ms. Wulfkuhle thanked Mayor Dunn on behalf of United Community Services and other organizations who participate in the Continuum Care on Homelessness for helping raise awareness of the issue. Mayor Dunn expressed appreciation to members of the organization.

**5. PRESENTATIONS/RECOGNITIONS Historic Presentation by April Bishop, Oxford School Docent**

Beverly Hurley, Historic Commission Chair, stated the presentation is in recognition of Leawood's birthday as it was incorporated on November 30, 1948. She introduced Alice Hawk, Diane Sharp, Barbara Holzmark, Janet O'Neal, and Bob Canfield as members of the Historic Commission.

April Bishop, Oxford Schoolhouse Program Coordinator, performed a demonstration of what life was like for students in 1918. In character of Louise McKinney, an actual teacher at the Oxford Schoolhouse, she provided a brief history of how the school came to be built in 1877 and described the typical classroom setting for this time period. Docent Jeanne McGuire displayed an original class photo of Oxford schoolchildren. Mayor Dunn and councilmembers participated in a quiz on Johnson County history with authentic slates and chalk.

Mayor Dunn thanked and led a round of applause for Ms. Bishop, other docents, and the Historic Commission for their involvement in the Johnson County Sesquicentennial Celebration.

**6. SPECIAL BUSINESS**

- A. Ordinance amending the Leawood Building Code, Chapter 4, Article 9, of the Code of the City of Leawood 2000, by adding a new Section 4-920, entitled Basement Required [Roll Call Vote] – *Continued from the August 15, 2005, September 19, 2005 and October 3, 2005 Governing Body meetings*

City Administrator Scott Lambers advised that adoption of the revised ordinance is not intended to occur this evening. It was prepared under the guidance of issues identified by Council at previous meetings with raised concerns incorporated. Interested parties will be given opportunity to comment regarding the ordinance. Input will be considered before a determination is made at the next Governing Body meeting.

Mayor Dunn stated the ordinance seemed to address all concerns.

Mr. Lambers confirmed for Councilmember Taylor that the ordinance is applicable to single-family units only.

Larry Winn, 6201 College Boulevard, representative of Cottages of Lakeshyre, addressed the Council. He claimed to have no issue with the proposed policy, however argued it should not affect the already approved project. Passage of the ordinance would be detrimental to his client by causing a total redesign to take place as final plans and architectural drawings have been prepared. The basements are unnecessary in terms of safety with elderly homeowners not able to access steps. Safe-rooms on the primary floor of the structures would be more practical to utilize, which his client agreed to provide during preliminary approval. Mr. Winn asked the Council to make the ordinance effective to projects on the publication date and allow his client to move ahead with the plan as approved.

Mayor Dunn reminded Mr. Winn that he agreed to abide by any decision made regarding basements during preliminary approval. Mr. Winn recalled the agreement to be in reference to the safe-room issue.

Mayor Dunn stated that extensive discussion took place regarding cost differentials between basements and safe-rooms with estimates in excess of actual determined costs. Mr. Winn agreed that actual costs of the safe-rooms fell in the lower range of the previously quoted \$5,000 to \$15,000.

Councilmember Gill pointed out exception (a) in the requirement as stating, "The provisions of this section shall not apply to single-family detached dwellings which are designed and constructed specifically for the use of a disabled individual and which contain a storm shelter or safe room constructed pursuant to the Federal Emergency Management Agency publication." He asked if the provision applied to the Cottages of Lakeshyre.

Mr. Winn informed that consultations with Staff revealed the exception to be intended for specialized handicapped facilities. The project does not fall under exemption even though it will include features such as widened hallways. Councilmember Gill asked what requirements a facility must include in order for the provision to be applicable. City Attorney Patty Bennett stated the provision was intended for homes built specifically for disabled individuals with amenities such as lower counters, roll-in showers, and wider doorways versus homes that are able to be retrofitted. She advised the ordinance could be tailored to meet Council's approval.

Mr. Lambers stated the provision essentially assumes the occupant is wheelchair-bound with limited mobility. Dwellings are to include nonstandard features and be easily discernable by Staff level for this provision to apply. He stated that Mr. Winn's project targets people of this age range with some limited access, however does not meet the total requirement. Mr. Winn agreed that the project did not fall into this category.

Mr. Winn asserted that fairness was the issue with a large amount of time and money spent by his client over the last year.

Councilmember Gulledge, Mayor Dunn, and Mr. Winn reviewed prior conversations regarding the economics of adding basements to the cottages, the option of half-basements, and the question of whether Mr. Winn agreed to comply with a basement ordinance.

Referencing provision (b), Mayor Dunn confirmed with Mr. Winn that there were no subsurface conditions to prevent the construction of basements.

Councilmember Filla stated support for Mr. Winn's request to be excluded from the requirement in terms of fairness. She voiced appreciation to Staff for including provisions for handicapped individuals. Councilmember Filla added that she did not view excluding the project from the basement requirement as a detriment to the housing stock in Leawood.

Mr. Winn restated that redesigning the project to include basements would severely impede his client. He asked for Council's consideration on the matter.

Councilmember Rawlings said that he was sensitive to the changing needs of the housing market and asked why the developer felt the need to exclude basements. Mr. Winn responded that basements would not be utilized for storage by this age group due to the task of climbing stairs. He commented that the two-car garages could be used for storage as some occupants will own only one vehicle.

Councilmember Gill expressed concern with the theory of garage storage as it could cause the need for parking on the street for two-car families and precipitate the need for wider streets.

Mr. Winn assured the final development plan will mirror the approved preliminary plan with no basis for denial. Councilmember Gill reminded there had been free and open discussion about the possibility of a basement requirement. He sympathized with the fairness issue but stated in fairness to the community, parking and storage were also safety concerns that should be explored. Mr. Winn urged the Council to contemplate the imposition placed upon his client.

Councilmember Filla recalled a past comment made by a citizen who said that not having a basement would be an advantage. Councilmember Gullledge remarked that credence should not be placed with the positive comment as it could be equally matched with testimony against the development.

Mayor Dunn also expressed sympathy with the developer's situation; however, from a personal viewpoint, stated that she would not buy a house without a basement and, as a buyer, would expect to absorb the additional cost. Mr. Winn pointed out the beauty of the marketplace is the ability to have choices.

Councilmember Gullledge stated that as City officials, considerations must be made for what is best for Leawood. He agreed with Councilmember Gill's parking concerns.

Mayor Dunn confirmed with a Home Builders Association [HBA] member in attendance that he did not desire to speak at this time.

Mr. Lambers anticipated the issue to come before the Council again on either November 21<sup>st</sup> or December 5<sup>th</sup>. He advised the ordinance will be part of the Building Code and will apply to any project that has not obtained a building permit. If there is to be an exception for Mr. Winn's client, it must be specific.

**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. Accept Appropriation Ordinance Nos. 1036B, 1037A and 1037B
- B. Accept minutes of the October 3, 2005 Governing Body Work Session meeting
- C. Accept minutes of the October 17, 2005 Governing Body meeting
- D. Accept minutes of the October 17, 2005 Governing Body Work Session meeting
- E. Accept minutes of the October 10, 2005 Public Works Committee meeting
- F. Accept minutes of the September 19, 2005 I-Lan Sister City Committee meeting
- G. Approve renewal of Cereal Malt Beverage [CMB] License for Hy-Vee Foods, Inc., 12200 State Line Road
- H. Approve 7<sup>th</sup> and Final Pay Request in the amount of \$58,378.47 to Miles Excavating, Inc., pertaining to the JB-04-008 SMAC Project, Phase II, Lee Boulevard to State Line and 103 Street to I-435 Highway
- I. Approve Change Order No. 1 in the amount of \$8,685.00 to Commercial Waterproofing, Inc., pertaining to City Hall Courtyard repairs, renovations and maintenance
- J. Approve Change Order No. 3 in the reduced amount of \$84,140.90 to Wiedenmann & Godfrey pertaining to the Dykes Branch Channel Improvement SMAC DB-04-024 Project, between 83rd Street and Wenonga Road south to 86th Street and Overhill Road
- K. Approve Change Order No. 1 in the amount of \$134,295.00 to Continental Construction Company, pertaining to the Parkway Plaza Project, located at 135th & Roe [CIP # 195]
- L. Resolution No. 2487 approving and authorizing certain employees of the City of Leawood to establish Credit Card Accounts with Commerce Bank, N.A., for city purchases
- M. Resolution No. 2488 approving the 2006 Human Service Recommendation Report [United Community Services-USC] and the City of Leawood's participation for an amount not to exceed \$7,920.00
- N. Resolution No. 2489 calling for a Public Hearing to be heard on Monday, November 21, 2005 regarding amendments to the 2005 Fiscal Budget for the City of Leawood, Kansas
- O. Resolution No. 2490 approving and authorizing the Mayor to execute a Mutual Aid Agreement between the City of Leawood and the City of Kansas City Missouri pertaining to assist with fire and other emergency services

- P. Resolution No. 2491 approving and authorizing the Mayor to execute an Inter-local Agreement between the City of Leawood and the City of Prairie Village, Kansas, pertaining to the installation of solar powered school zone flashing beacons with speed limit signs located south of 85<sup>th</sup> Street and east of Mission Road for Mission Valley Middle School
- Q. Resolution No. 2492 approving and authorizing the Mayor to execute a Community Service Agreement between the City and Blue Valley Unified School District No., 229, pertaining to the assignment of School Resource Officers [SRO]
- R. Resolution No. 2493 accepting a Deed of Dedication from Lenexa Trails Center L.L.C of Johnson County, for property located within Leabrooke, 3<sup>rd</sup> Plat, approximately 147<sup>th</sup> & Kenneth Road, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets
- S. Resolution approving and authorizing the Mayor to execute a Service Agreement in the amount of \$20,000 between the City and the Kansas City Symphony, pertaining to performance in 2006- ***Continued from the October 17, 2005 Governing Body meeting – CONTINUED TO THE DECEMBER 5, 2005 GOVERNING BODY MEETING***
- T. Resolution approving and authorizing the Mayor to execute a Service Agreement between the City and the United Methodist Church of the Resurrection for the rental of space pertaining to the 2006 performance of the Kansas City Symphony ***Continued from the October 17, 2005 Governing Body meeting – CONTINUED TO THE DECEMBER 5, 2005 GOVERNING BODY MEETING***
- U. Resolution No. 2494 approving Final Plat for Tuscan Reserve, 3<sup>rd</sup> Plat, located at 135<sup>th</sup> Terrace and Canterbury [*from the October 25, 2005 Planning Commission meeting*]
- V. Resolution No. 2495 approving Final Site Plan for Tomahawk Pointe, located on the northwest corner of College Boulevard and Tomahawk Creek Parkway [*from the October 25, 2005 Planning Commission meeting*]
- W. Resolution No. 2496 approving Final Site Plan for addition to Prairie Star Elementary School, located on the northeast corner of 143<sup>rd</sup> Street and Mission Road [*from the October 25, 2005 Planning Commission meeting*]
- X. Resolution No. 2497 approving Final Site Plan for Reece & Nichols, located on the southeast corner of 115<sup>th</sup> Street and Roe Avenue [*from the October 25, 2005 Planning Commission meeting*]
- Y. Resolution No. 2498 approving Final Plat for Village of Camden Woods, 84<sup>th</sup> Plat, located on 143<sup>rd</sup> Street west of Kenneth Road [*from the October 25, 2005 Planning Commission meeting*]
- Z. Resolution No. 2499 approving Final Plat for Village of Camden Woods, 85<sup>th</sup> Plat, located on 143<sup>rd</sup> Street west of Kenneth Road [*from the October 25, 2005 Planning Commission meeting*]

Councilmember Rasmussen requested to pull item No. 7Q. On motion of Councilmember Taylor, seconded by Councilmember Peppes, the remainder of the Consent Agenda was approved with a unanimous vote of 7-0.

- 7Q. Resolution No. 2492 approving and authorizing the Mayor to execute a Community Service Agreement between the City and Blue Valley Unified School District No., 229, pertaining to the assignment of School Resource Officers [SRO]

Councilmember Rasmussen reviewed that the original agreement was made during a time when Leawood was in better financial shape than Blue Valley School District. The situation is currently reversed. He reported voting against the matter in the past and wished to do so this evening as well.

Councilmember Gullede moved to approve the resolution with a second provided by Councilmember Gill.

Councilmember Gill voiced support for program. Mayor Dunn added that Leawood is fortunate to be able to offer the service as there is tremendous merit with the SRO program as well as the DARE program.

The motion carried with a vote of 6-1 (Nay: Councilmember Rasmussen).

## **8. MAYOR'S REPORT**

- A. Attended the Kansas City Metropolitan Crime Commission Annual Luncheon in honor of law enforcement in the community and surrounding communities. Mayor Dunn congratulated Leawood resident Kevin Stafford, Special Agent in charge of the Federal Bureau of Investigations [FBI] for this region, on receiving the Clarence M. Kelley Award.
- B. Attended a dinner with the Mayor of Bethlehem, Dr. Victor Batarshah, who was in the area to sign a sister-city agreement with Joplin, Missouri. He spoke of his desire for increased tourism in the West Bank Town of Bethlehem.
- C. Attended luncheon hosted by the Bioscience Coalition. Guest speaker was Clay Blair, who serves as President of the Bioscience Authority as appointed by Governor Kathleen Sebelius.
- D. Attended the Leawood Chamber of Commerce celebration event in appreciation of contributions made by major sponsors. A presentation was given by Chamber President Kevin Jeffries regarding the past ten years of activities. The Leawood Chamber of Commerce was started in 1995 with five volunteers. By 1998, Mr. Jeffries was hired to manage the 150 members. Currently there are 350 members and growing. Mayor Dunn congratulated Mr. Jeffries and his staff of two for the good work they provide to the community.
- E. Addressed the Senior Leadership of Johnson County at their Graduation Ceremony. This program is offered by the Volunteer Center of Johnson County which recruits and trains adults 50 years of age and older to assume leadership roles in the community. Two past participants of the program include Planning Commissioner Mel Henderson and Mary Tearney, Chair of the Leawood Arts Council.

- F. Attended the grand dedication of "Pastoral Dreamer," the latest addition to the public art collection, at 133<sup>rd</sup> and Granada. Sculptor David Phelps was present along with Councilmembers Rasmussen, Bussing, and Taylor. Mayor Dunn congratulated Ann Kenney, Chair of the Arts in Public Places Initiative [APPI].
- G. Attended groundbreaking for the Park Place development with nearly 100% City Council and Staff attendance in addition to 300 other guests.
- H. Attended Council of Mayors Meeting. Mayor Dunn Congratulated Lenexa Mayor Mike Boehm on being elected President of the Kansas League of Municipalities. A biannual meeting with State Legislators took place. Topics of discussion included Taxpayer's Bill of Rights [TABOR], education, public funds, Internet publishing of legal notices, concealed carry, imminent domain, and annexation.
- I. Attended reception hosted by the Greater Kansas City Chapter of Hadassah, the medical center in Jerusalem. Mayor Dunn congratulated Leawood resident Maria Devinki, who was honored as the Hadassah Woman of Valor.
- J. Reminder to Council of upcoming Johnson/Wyandotte County Council of Mayors Annual Social Dinner. RSVPs from councilmembers and spouses should be given to City Clerk Deb Harper by December 6<sup>th</sup>. Directions have been provided for the new dinner location in Lake Quivera.
- K. Reminder for the Joint Governing Body/Planning Commission meeting at 6:00 P.M. on Monday, November 14<sup>th</sup>, at Hereford House. RSVPs for this event should also be given to Ms. Harper.

## 9. COUNCILMEMBERS' REPORT

- A. Councilmember Gullede's report – Councilmember Gullede spoke of concerns associated with the use of All Terrain Vehicles [ATVs] in south Leawood, specifically vehicle size, time restrictions for use, and noise levels. He moved that Staff prepare a report within 60 days on how other cities regulate the issue. Councilmember Gill seconded the motion.

Mayor Dunn confirmed with Mr. Lambers that 60 days would be ample time to prepare a preliminary report. The motion carried with a unanimous vote of 7-0.

## 10. STAFF REPORT

- A. Update Report from Deputy Fire Chief Randy Hill on the Gulf Region Hurricane Relief Effort

Deputy Fire Chief Randy Hill reported that following Hurricane Katrina, 26 missions from Kansas responded to the assistance request from Louisiana and Mississippi. There were 459 people involved in the missions with 319 volunteers coming from the four-county area of Johnson, Wyandotte, Leavenworth, and Douglas counties.

A summary of Leawood's response includes deployment of a 14-person instant management team to Biloxi, Mississippi on September 16<sup>th</sup>; two police officers, Shawn Farris and David Jennings, left with a 67-person law enforcement team on September 19<sup>th</sup>; Captain Scott Rutherford and firefighter Mike Knisely traveled with a 40-person team to Biloxi on September 22<sup>nd</sup>; the initial law enforcement team was replaced with a 66-person team including two police officers from Leawood, Jason Ahring and Phil Goff, on October 3<sup>rd</sup>; the 40-person team was replaced with a 15-person team including Battalion Chief Louis Dunham on October 5<sup>th</sup>; and another two week deployment replaced the law enforcement team with officers Shane Chambers and Robert Mahon on October 18<sup>th</sup>.

Deputy Chief Hill informed that he spent three weeks in Biloxi and two weeks in Louisiana, returning on November 2<sup>nd</sup>. He stated the chaos and destruction was much worse than images seen on television. Adding to the difficulty was the lacking emergency preparedness and incident management skills of the affected areas. He likened the destruction to an F3 tornado hitting Leawood with complete destructions of sewers, roads, bridges, schools, and public safety facilities. Deputy Chief Hill stated that he was pleased with the aid Kansas was able to give.

Aside from the personal satisfaction of helping the victims, another benefit from the experience was to further learn what should be done during a disaster situation. Deputy Chief Hill felt like this area would be prepared in similar circumstances. The ability to work together with firefighters and police officers from surrounding counties was also a positive factor.

Deputy Chief Hill expressed sincere appreciation to the Governing Body, Mr. Lambers, Chief Mitchell, Chief Florance, and other City employees for supporting the relief effort.

Mayor Dunn said she was proud of all the volunteers and was very thankful for their safe return.

Councilmember Rasmussen stated he found a quote from the New Orleans mayor interesting in that the first thing he should have done was to "secure the area." Deputy Chief Hill agreed with this priority. He stated that perimeters should be established to aid with coordinating emergency response as well as monitor who is coming in and out of the area.

Deputy Chief Hill presented a slide show of the devastation caused by Hurricanes Katrina and Rita in the Gulf Region. He then received a standing ovation in recognition of his heroic efforts.

- B. Update Report from Public Works Director Joe Johnson on the status of Roe Avenue improvements

Mr. Johnson reported that striping and bridge work completion north of 127<sup>th</sup> Street should be finished by next week. Landscaping for this phase is also in the final stages.

The tentative schedule for south of 127<sup>th</sup> Street includes putting in cables for street lights and paving sidewalks this week. Preparing the street will take place next week. Final surfacing and striping could be complete by the end of this month, however will be weather dependent as temperatures need to be 55 degrees and rising for application. At this time, APAC will be consulted on when to open the street for the rest of the year. Work to take place next year will also be discussed. The contract completion date is March 6, 2006 with a penalty of \$1,000-1,200 per day until all contract items are complete.

Mr. Johnson verified for Mayor Dunn there is no guarantee of final surface completion before the end of the year due to inability to predict the weather. Assuming that weather is not conducive, there is the option of temporarily opening the road until construction can resume next year. The road will have a drivable surface.

Councilmember Taylor verified with Mr. Johnson that incomplete areas on the west retaining walls were due to stonework falling off. Councilmember Taylor inquired about a specific area north of 126<sup>th</sup> Street where it is written, "Do Not Stone." Mr. Johnson assured that he would check into the matter as all wall panels should have stone facing. He stated the contractor may be preparing the wall before replacing the stone or awaiting manufacturer's recommendations. Councilmember Taylor also reported debris on the main east retaining wall.

Mr. Johnson confirmed for Councilmember Taylor that APAC will grind and smooth the grout around the steel posts.

Mayor Dunn thanked Mr. Johnson for the report. She pointed out that the public has been told repeatedly to expect an open road by Thanksgiving. Mr. Johnson relayed that APAC guaranteed no issue with this time frame. He reported expressing frustration and concerns with the vice-president of APAC for how they have managed the project.

Mr. Lambers advised that the contractor will not be allowed to lay the final surface during improper weather as this will cause the need for more improvements. The contractor may take issue with this decision if it causes the project to extend beyond liquidated damages. He confirmed for Mayor Dunn that the road can open prior to final surfacing.

Councilmember Taylor asked if the sidewalk work south of 127<sup>th</sup> Street would be complete as consultants Bucher, Willis, and Ratliff raised the issue of temperatures affecting concrete. Mr. Johnson informed that concrete can be set as long as temperatures are above freezing by covering the work with thermal blankets for five days.

Councilmember Gill confirmed with Mr. Johnson that delays have been caused by APAC giving priority to their other projects.

Councilmember Gullidge suggested applying the final surface now and taking precautions not to scar the asphalt. Mr. Johnson stated this has been discussed with the company. They may pave this week in lieu of sidewalk work with the understanding that only certain equipment will be allowed on the roadway after final overlay has occurred.

## **COMMITTEE RECOMMENDATIONS**

### **11. IRONHORSE ADVISORY BOARD**

*[from the June 23, 2005 Ironhorse Advisory Board meeting]*

- A. Accept recommendation for that certain Professional Service Agreement dated September 2, 2003, between the City and Orion Management Solutions, to provide for the management of the IRONHORSE Golf Facility be extended for a two-year period, ending December 31, 2008 *[Continued from the September 19, 2005 Governing Body meeting]* - **CONTINUED TO NOVEMBER 21, 2005 GOVERNING BODY MEETING**

*Staff Comment: It is the position of the City Administrator that the course closure for construction in the fall of 2006 and spring of 2007 provides an opportunity to solicit bids for a long-term [4-5 year] management contract because if there is a change in management companies, then a 'seamless' transition could occur prior to the resumption of golfing activities in May, 2007.*

### **12. PLANNING COMMISSION**

### **13. OLD BUSINESS**

### **14. NEW BUSINESS**

- A. **Ordinance No. 2136C** amending Sections 14-101 through 14-108 and adding new Sections 14-109 and 14-110 of the Code of the City of Leawood, Kansas, 2000, pertaining to regulating traffic within the corporate limits of the City of Leawood, Kansas; incorporating by reference the 'Standard Traffic Ordinance for Kansas Cities, 2005 Edition,' [STO] with certain amendments, and repealing existing Sections 14-101 through 14-108; and other sections in conflict herewith [Roll Call Vote]

Councilmember Rasmussen moved for approval, seconded by Councilmember Gill.

Ms. Bennett revealed that language for item Nos. 14A and 14B should read “amending Sections 14-101 through 14-110 and repealing those sections” and “amending Sections 11-101 through 11-107 and repealing those sections” respectively. She assured that corrections will be made prior to publication.

The ordinance was passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gullede, Taylor, Filla, Peppes, Rawlings, Rasmussen, and Gill. Nay: None. (Councilmember Bussing absent).

- B. **Ordinance No. 2137C** amending Sections 11-101 through 11-105 and adding new Sections 11-106 and 11-107 of the Code of the City of Leawood, 2000, pertaining to regulating public offenses within the corporate limits of the City of Leawood, Kansas; incorporating by reference the ‘Uniform Public Offense Code for Kansas Cities,’ 2005 Edition, [UPOC] with certain amendments and omissions, and repealing existing § 11-101 through 11-105, and other sections in conflict herewith [Roll Call Vote]

Councilmember Rasmussen moved to pass the ordinance with a second by Councilmember Gill. The motion was approved with the following unanimous roll call vote of 7-0: Yea: Councilmembers Taylor, Filla, Rawlings, Gill, Peppes, Gullede, and Rasmussen. Nay: None. (Councilmember Bussing absent).

- C. **Ordinance No. 2138C** amending Code Section 3-111 of the Code of the City of Leawood, 2000, entitled ‘Regulations’ pertaining to the retail sales of cereal malt beverages [Roll Call Vote]

Councilmember Rasmussen moved for approval, seconded by Councilmember Filla.

Mayor Dunn confirmed with Ms. Bennett that grocery stores will be allowed to sell cereal malt beverages on the Sunday following publication of the ordinance. City Clerk Deb Harper advised that November 15<sup>th</sup> will be the publication date.

The motion carried with the following unanimous roll call vote of 7-0: Yea: Councilmembers Filla, Peppes, Rawlings, Rasmussen, Gill, Taylor, and Gullede. Nay: None. (Councilmember Bussing absent).

- D. **Ordinance No. 2139C** amending Code Section 3-204 of the Code of the City of Leawood, 2000, entitled ‘Hours of Operation for Retail’ pertaining to the retail sales of alcoholic liquor [Roll Call Vote]

Councilmember Rasmussen moved for approval, seconded by Councilmember Taylor.

Councilmember Gill verified with Ms. Bennett that the ordinance will allow retail sale of alcohol on Sundays beginning at noon. This is in accordance with the new state statute and will void the previous charter ordinance.

The motion was approved with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Rawlings, Rasmussen, Gullledge, Peppes, Taylor, and Filla. Nay: None. (Councilmember Bussing absent).

- E. Schedule Governing Body Work Session to be held at 6:00 P.M. on Monday, November 21, 2005 to discuss public art to be included as part of CIP

Councilmember Rawlings moved for approval with a second provided by Councilmember Rasmussen. The motion carried with a unanimous vote of 7-0.

## **15. OTHER BUSINESS**

- A. Ironhorse Center Revised Final Plan Process

Mr. Lambers explained that Staff is in receipt of a final plan application for a building at Ironhorse Center. Changes have been made in order to accommodate desires of the client. Construction deadlines must be met in order to secure the client. The proposal is to allow the application to move forward with the final site plan on record. Once complete, the developer has agreed to present a preliminary and final plan revision to document changes. Mr. Lambers displayed the existing plan and noted the proposed revisions.

Councilmember Rasmussen confirmed with Mr. Lambers that modifications will not affect stormwater problems in the area.

Councilmember Gill asked the use of the building. Mr. Lambers responded it would be used for office.

Mayor Dunn verified with Mr. Lambers that the level of stories and square footage has remained very similar. The primary change is added distance between buildings to allow for a better view of the golf course.

Mr. Lambers explained for Councilmember Taylor that the request is a concurrence for the process to allow the application for the building to proceed under the final plan currently on record. The normal procedure would be to apply for revised preliminary and final approval, which would postpone construction until May. The intention is to finish the project by the end of next year. The developer has agreed not to apply for any other projects until the process is complete.

Mayor Dunn determined there were no objections from the Council.

Councilmember Taylor remarked that he was pleased with the provided flexibility that will allow project advancement.

Councilmember Gill requested to make an announcement regarding a newspaper article on the *Kansas City Star* website. The article referenced crime statistics in Leawood and attempted to humorously report how law enforcement officers had been extremely prompt in providing requested information. The tone of the article seemed unfair to the tremendous job and value provided by the Police Department. Councilmember Gill stated his appreciation to Chief Mitchell and members of the Police Department for their prompt, kind, and compassionate efforts.

**ADJOURN**

The Governing Body meeting was adjourned at 9:15 P.M.

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Debra Harper, CMC, City Clerk

Christy Wise  
Recording Deputy City Clerk