

Minutes

DVD No. 137

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, February 6, 2006. Mayor Peggy Dunn presided.

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

Councilmembers absent: Mike Gill.

Staff present:

Scott Lambers, City Administrator
Chief Sid Mitchell, Police Department
Major John Meier, Police Department
Joe Johnson, Public Works Director
Mark Klein, Senior Planner
Jeff Cantrell, Neighborhood Serv. Admin.
Christy Wise, Deputy City Clerk

Patty Bennett, City Attorney
Chief Ben Florance, Fire Department
Kathy Rogers, Finance Director
Chris Claxton, P & R Director
Jeff Joseph, Planner
Deb Harper, City Clerk
Jack Reece, IS Specialist

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted an amended agenda had been placed on the dais. She also advised there will be two reports given under Item No. 9, Councilmembers' Report. Councilmember Peppes will provide a report as Item No. 9A and Councilmember Filla will do the same as Item No. 9B. A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Peppes. The agenda 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.

Donald M. Brod, 4323 W. 112th Street, advocated for the need of more handicapped accessible amenities in public establishments.

He stated the AMC Theater at Town Center Plaza does not meet ADA standards as it does not have a handicapped entrance. He also voiced frustration in that there is only one handicapped seat available in each theater. Mayor Dunn stated the situation will be reviewed.

4. PROCLAMATIONS – None.

5. PRESENTATIONS/RECOGNITIONS Recognition of Cody Kandt by the Leawood Fire Department

Fire Chief Ben Florance introduced 9-year-old Cody Kandt to the Governing Body and informed he also had the honor along with representatives of Johnson County MedAct of presenting Cody with a certificate of achievement at his school, Barstow Elementary, a few weeks ago. Chief Florance then turned the presentation over to Battalion Chief Wayne Harder and members of Engine Company No. 31 from Fire Station No. 1.

Battalion Chief Harder explained that twice last year Cody made 911 calls regarding his mother and her illness. He did so very calmly and professionally in order to guide the Fire and Police Departments to her aid. Battalion Chief Harder presented Cody with a plaque in recognition of “outstanding service to his family and community and for actions performed under duress in time of an emergency.” He was also presented with an authentic Leawood Fire Department sweatshirt and stocking cap. Young Mr. Kandt introduced members of his family who were in attendance.

Police Chief Sid Mitchell also commended Cody for his brave actions and presented him with a Leawood police car replica.

Mayor Dunn congratulated Cody and stated that everyone was very proud of him.

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. Accept Appropriation Ordinance Nos. 1042C, 1042D, 1044A, and 1044B
- B. Accept Minutes of the January 17, 2006 Governing Body meeting
- C. Accept Minutes of the January 3, 2006 Joint Governing Body & Park Board meeting
- D. Accept minutes of the December 8, 2005 IRONHORSE Advisory Board
- E. Adoption of the 2007 Budget/Financial Calendar
- F. Resolution No. 2529 calling for a Public Hearing to be conducted at 7:30 P.M., on Monday, February 20, 2006, to consider the 2007-2011 Capital Improvement Program [CIP] for the City of Leawood, Kansas
- G. Approve Renewal of Cereal Malt Beverage License [CMB] for Hen House Grocery Store located at 11721 Roe Avenue

- H. Approve Renewal of Cereal Malt Beverage License [CMB] for Dragon Dynasty, located at 12248 State Line Road
- I. Approve bid in the amount of \$273,900 from Club Car, Inc., pertaining to the lease of golf cars for IRONHORSE Golf Club
- J. Approve Co-Op Bid in the amount of \$94,923 to Raytown Dodge for the purchase of [1] Neighborhood Services PU; [4] Police Vehicles
- K. Approve Co-Op Bid in the amount of \$317,922 to Shawnee Mission Ford for the purchase of [1] Fire Dept. F-250 truck; [1] Information Services Utility; [1] P&R PU; [7] Police Vehicles; [1] PW F-250 truck; and [3] PW SUV's
- L. Resolution No. 2530 accepting the 2006 IRONHORSE Golf Course Business Plan, as submitted by Orion Management Solutions, Inc.
- M. Resolution No. 2531 approving a Final Plat for The Woods 2nd Plat, located south of 111th Terrace and west of Alhambra Street
- N. Resolution No. 2532 approving a Final Plat for The Woods 3rd Plat, located at 11212 and 11216 Delmar
- O. Resolution No. 2533 approving a Final Plat for Siena, 2nd Plat, located on the northwest corner of 140th Street and Mohawk

Mayor Dunn pulled Item No. 7L for discussion. Councilmember Rasmussen moved to approve the remainder of the Consent Agenda; seconded by Councilmember Peppes. The motion carried with a unanimous vote of 7-0.

- 7L. Resolution No. 2530 accepting the 2006 IRONHORSE Golf Course Business Plan, as submitted by Orion Management Solutions, Inc.

Mayor Dunn confirmed with Parks & Recreation Director Chris Claxton that packet information regarding the business plan was identical to the later distributed bound material except for omission of the capital improvements and capital equipment sections as discussions regarding these issues had not taken place at the time of packet distribution.

Mayor Dunn complimented the IRONHORSE Advisory Board and Orion Management Solutions for the well put together business plan. In reading the comparisons of other golf courses, Mayor Dunn noted one in particular who caters to the 9-hole golfer. She asked if this was something considered for IRONHORSE. Shane Gardner of Orion Management Solutions stated that a 9-hole evening rate was added last year for clients who wish to play after their workday. There is also a Senior League and a Ladies League in the evenings that play only 9-holes. The special rates are not offered in the daytime as the course is typically full with 18-hole rounds.

A motion was made by Councilmember Rasmussen to approve Item No. 7L; seconded by Councilmember Gullede. The resolution was approved following a unanimous vote of 7-0.

8. MAYOR'S REPORT

- A. Addressed a breakfast club at Beth Shalom's new education center on 142nd Street and Lamar regarding the Leawood-Gezer Region sister-city relationship.
- B. Attended the second Salaam Shalom Interfaith Celebration, hosted by Leawood at Ironwoods Lodge, which was a great success. Councilmembers Filla, Rasmussen, Rawlings, Taylor and Gulledge were in attendance along with 500 Christians, Muslims, and Jews. Mayor Dunn shared a press release from the January 19th edition of the *Johnson County Sun* regarding the celebration. She expressed appreciation to Kim Curran, Logan Wagler, and Gregg Winsor of the Parks and Recreation Department for their hard work. On a sad note, she extended sincere sympathy to interfaith celebration committee co-chair Mahnaz Shabbir and her four children, who unexpectedly suffered the loss of her husband the day prior to the event.
- C. Thanked the I-Lan Sister-City Committee, chaired by Jim Rochel, and staff liaison Shannon Marcano for hosting the Lunar New Year Celebration to ring in the 'Year of the Dog.' The event took place at the Fortune Star Restaurant with over 100 guests including Councilmembers Peppes, Rawlings, Rasmussen, Bussing, and Taylor. Jack C.K. Chen, the new Director General of the Taipei Economic & Cultural Office in Kansas City, gave his first formal address at the celebration. He also presented the City with a scroll designed by Terence from the I-Lan Library which contains Happy New Year wishes in Mandarin.
- D. Attended a Council of Mayors meeting in Spring Hill at the Sycamore Ridge Golf Course Clubhouse. There were a number of interesting discussions including the following:
 - Tim Underwood, Executive Vice President of the Home Builders Association [HBA] of Greater Kansas City and chair of the Housing Choices Coalition gave a presentation on opportunities of the decade and beyond. He assured that permits remain strong, however Johnson County issued only 30% of the permits in the greater region as permits are mostly on the periphery versus the inner core. Home prices are continuing to rise with \$300,000 being the average cost for a new home. Home values continue to exceed income levels in growth. In the next 25 years, 40% more houses will be needed. Mr. Underwood advocated for higher density allowances within municipalities. Only 10.9% of homes in Johnson County are valued above \$350,000 with the biggest challenge being how to build for the middle-class working family. More mixed use residential developments will be needed in the future as lifestyles and demographics change. He discussed the Park Place development in Leawood as the premiere project of the Greater Kansas City region. Mayor Dunn shared the January 2005 edition of *Ingram's Magazine*, which features Park Place.
 - Jeff Spivak spoke on his "Rating the Suburbs" series, which appeared in *The Kansas City Star* at the end of 2005. While polling suburbanites, the two areas of most importance were crime and education. Mayor Dunn noted that high ACT scores of Leawood students helped propel our No. 2 rating.

Mr. Spivak stated that low taxes and high services attribute to Johnson County's success. The series is planned to be repeated in a couple of years.

- A county-wide leadership summit of local elected officials in Johnson County proposed by County Chair Annabeth Surbaugh was discussed. Chair Surbaugh would like all mayors, councilmembers, and city managers/administrators to come together at the Ritz-Charles on Friday, March 31st from 8:30 a.m. to 4:30 p.m. Mayor Dunn stated that she and Mr. Lambers will be attending the event and encouraged councilmember participation.
- E. Attended the first-ever Governors' Summit on Regional Growth with both Kansas Governor Kathleen Sebelius and Missouri Governor Matt Blunt. The event was hosted by Sprint CEO Gary Forsee and the Greater Kansas City Chamber of Commerce at the Sprint Nextel Corporation Campus. Topics of discussion included economic development, life sciences, higher education and transit. The need for more cooperation and less competition across State Line and in the region itself was stressed. A Commitment to Regional Economic Growth for Greater Kansas City was signed by both governors, Mr. Forsee and Greater Kansas City Chamber of Commerce Chair Tom Bowser at the end of the summit. Copies of the document have been provided for councilmembers.
- F. Attended a ribbon-cutting ceremony for Larson Financial Services, who opened their new offices at College Boulevard and Roe Avenue. The company has relocated to Leawood from the Plaza area.
- G. Shared an article from the January 21st edition of *The Kansas City Star* regarding the importance of public art in communities and featuring Leawood's deer sculptures along Tomahawk Creek Parkway.

9. COUNCILMEMBERS' REPORT

- A. Councilmember Peppes' report - Councilmember Peppes reported that snow removal issues were discussed at the Goals and Objectives Work Session in January. As there are now more businesses in Leawood not on main thoroughfares, it was felt priorities should be reviewed. Councilmember Peppes asked for council support in requesting the Public Works Committee to review snow removal routes and incorporate streets lined with businesses as a first or higher priority with recommendations of action within 30 days. Councilmember Gullede so moved with a second by Councilmember Filla. The motion carried with a unanimous vote of 7-0.
- B. Councilmember Filla's report – Councilmember Filla reported the remodeling process was also discussed during the recent Goals and Objectives Work Session. Staff is in the process of gathering statistics on the amount of dollars devoted to remodeling and has begun scheduling quarterly meetings with builders. She applauded Staff for taking steps to acknowledge the increased activity in remodeling, especially north of I-435.

She and Councilmember Rawlings attended a joint neighborhood meeting that included architects, citizens, realtors, and homeowners association [HOA] members and where various issues related to remodeling were discussed. HOA members were most interested in becoming part of the permitting process and would like to receive notification of and be allowed to review remodeling permit applications. Councilmember Filla moved that Staff prepare appropriate documentation within 30-60 days to allow homeowners associations to participate in the initial 30-day window of review as part of the remodeling permit process. Councilmember Rawlings seconded the motion. The motion was approved following a unanimous vote of 7-0.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the January 24, 2006 Planning Commission meeting]

- A. Ordinance No. 2150 approving a revised Preliminary Site Plan and revised Preliminary Plat for Ironhorse Centre, located on the southeast corner of 151st Street and Nall Avenue [Roll Call Vote]

A motion was made by Councilmember Rasmussen to pass the ordinance; seconded by Councilmember Bussing.

Applicant Fred Merrill, 12803 Walmer, stated the design included a revision to the lot lines from the original plan. The only change in the plan is the location of a building which will be the corporate headquarters of C3.

Mayor Dunn confirmed with Mr. Merrill that the parking ratio of 3.04 fell below requirements due to cross-parking of the overall development as well as to spaces that are currently land-banked. These additional parking spaces can be utilized in the future if necessary.

Councilmember Taylor thanked Mr. Merrill for bringing this exciting project to Leawood. He asked if there will be retaining wall systems on the south and east quadrants of the proposed site. Mr. Merrill stated there is a wall on the south running from Nall Avenue to midpoint of the property line. The railing on top of the wall is in the process of completion. A wall will also be built on the east side starting at 151st Street and again running midpoint along the property line. Erection of the east wall will take place at a later date pursuant to construction of other buildings.

Mr. Merrill confirmed for Councilmember Taylor that there will not be a retaining wall around the C3 building. The elevation of the floor is 5-6' above Fairway #16 with a significant amount of landscaping going from the corner of the building to the creek area through the golf course in order to handle the gradual slope. Mr. Merrill stated a retaining wall is not required in this area.

Councilmember Rasmussen thanked Mr. Merrill for incorporating artwork into the design. Mayor Dunn stated appreciation for Mr. Merrill's contribution to the public art impact fee as well as to the internal art features of his design.

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

- B. Resolution No. 2534 approving a Final Site Plan for Parkway Plaza, located on the northwest corner of 135th Street and Roe Avenue

A motion was made by Councilmember Rasmussen to approve the resolution; seconded by Councilmember Gulledge.

Norm Holst of R.H. Sailors & Company offered to answer questions regarding the project.

Planner Jeff Joseph verified for Councilmember Bussing the only change from the preliminary plan is a square footage increase to retail building No. 15 (1,800 sq.ft. to 1,850 sq. ft.).

Mayor Dunn noted the last Staff Comment on page 10 regarding the architecture proposed for the corporate building not being consistent with the “village” style plan for the rest of the development is specifically referenced in Stipulation No. 30.

The resolution was approved following a unanimous vote of 7-0.

12. OLD BUSINESS

- A. Resolution No. 2521, amending Resolution No. 1683 authorizing the improvement of a certain section of State Line Road, a main trafficway, at the intersection of 92nd Street located with the City of Leawood, Kansas [CIP # 157]-
[Continued from the December 19, 2006, January 3, 2006 and January 17, 2006 Governing Body Meetings]

A motion was made by Councilmember Peppes to approve the resolution; seconded by Councilmember Bussing.

Councilmember Rasmussen stated concern that a traffic signal in this location would accentuate vehicles cutting through adjacent subdivisions. He also voiced that having to stop on this hill during winter road conditions would cause a hardship for motorists. Councilmember Rasmussen then recommended cancelling the project in light of escalating costs generated since inception.

Regarding the memorandum in the packet material, Finance Director Kathy Rogers verified for Mayor Dunn that the words “before the end of the fiscal year” in the third paragraph should be omitted.

Public Works Director Joe Johnson confirmed that \$130,000 has been spent on the project to date. Overruns on the project were created by a lack of anticipated funding from the Missouri Department of Transportation [MODOT]. Councilmember Taylor recalled at the beginning of the project, Leawood was not to pay for any right-of-way acquisitions as they were to be funded by Kansas City, Missouri. He stated he could not support the project for this reason.

Councilmember Filla informed she has received calls about cars cutting through subdivisions off of 92nd Street in order to circumvent traffic. She asked for Police Chief Mitchell's insight into the possibility of patrol car placement in this area and whether a traffic signal would stop the behavior. Chief Mitchell stated the intersection is not a good place for a patrol car and would only add to confusion. A police motorcycle could be placed, however would only eliminate response time if an accident occurred as it is not illegal for people to make a right hand turn on 92nd Street.

Councilmember Peppes confirmed with Mr. Johnson that two traffic warrants were issued and approved by MODOT.

Councilmember Bussing asked if it was standard for an intersection to have two warrants. Mr. Johnson explained there are eleven warrants with only one required to signify the need for signalization. Three warrants must be met in order to qualify for federal aid. The number of warrants met is indicative of potential traffic issues for the intersection.

Councilmember Rasmussen and Mr. Johnson discussed the essence of warrants, which is to identify issues at an intersection that installation of a traffic signal would improve. Bucher, Willis, & Ratliff were hired by Kansas City, Missouri to perform the warrant study on this intersection. Councilmember Rasmussen asked how long it has been since widening occurred at this intersection. Mr. Johnson answered twenty-plus years.

Mayor Dunn recalled prior discussions of the project in 1998 wherein former-Councilmember Pat Dunn considered it his highest accomplishment to have the signal approved. She verified with Ward I representatives, Councilmembers Peppes and Filla, that they have received citizen correspondence in support of the traffic signal.

The resolution was approved with a vote of 5-2 (Yea: Councilmembers Peppes, Gulledge, Bussing, Rawlings, and Filla. Nay: Councilmembers Taylor and Rasmussen).

13. NEW BUSINESS

- A. Ordinance amending Code Section 1-208 of the Code of the City of Leawood, 2000, pertaining to the compensation for the Office of City Councilmember [Roll Call Vote] **-CONTINUED TO THE FEBRUARY 20, 2006 GOVERNING BODY MEETING**
- B. Schedule Governing Body Work Session at 5:45 P.M. on Monday, March 20, 2006, to discuss potential future Community Center

Councilmember Rawlings made a motion to approve the scheduling of the Work Session. The motion was seconded by Councilmember Peppes. Councilmember Rasmussen informed he may not be able to attend the meeting and Councilmember Filla stated she would attend via telecommunications. The Work Session was approved with a unanimous vote of 7-0.

- C. Schedule Governing Body Work Session at 6:00 P.M. on Monday, February 20, 2006 to discuss 2007-2011 Budget Model Assumptions and review and discuss 2006 Budget Presentations

A motion was made by Councilmember Taylor to approve the scheduling of the Work Session; seconded by Councilmember Peppes. Councilmember Bussing stated he would not be available on this date. The motion carried with a unanimous vote of 7-0.

- D. Schedule Governing Body Executive Session at 6:00 P.M. on Monday, March 27, 2006 to discuss a Personnel Matter, City Administrator's 6-month review

A motion was made by Councilmember Peppes to approve the scheduling of the Executive Session; seconded by Councilmember Rasmussen. It was noted the review will be a formal written evaluation for which councilmembers will receive materials in advance. The Executive Session was approved with a unanimous vote of 7-0.

- E. Ordinance No. 2151 extending the duration of validity of a Preliminary Site Plan and Preliminary Plat for 135th & Roe Office Retail Development located on the northeast corner of 135th Street and Roe Avenue [Roll Call Vote]

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

- F. Ordinance No. 2152 accepting a Petition and authorizing the creation of a Transportation Development District in the City of Leawood, Kansas; authorizing the development of certain transportation project improvements relating thereto; approving the estimated costs of such transportation project improvements; and providing for the method of financing therefor. [Utility Improvements, west portion of Villaggio] [CIP # 80452] [Roll Call Vote]

Councilmember Taylor recused himself from the issue due to a conflict of interest. Before leaving the Council Chambers, he stated that Councilmember Gullede would duly represent Ward 4 in the matter.

Mayor Dunn noted revised packet material for this item had been placed on the dais.

A motion was made by Councilmember Rasmussen to pass the ordinance; seconded by Councilmember Rawlings.

Councilmember Bussing asked for specifications regarding the term "utility facilities" used in the petition. Mr. Lambers stated the term refers only to existing power lines which will be relocated and put underground.

Mr. Lambers confirmed for Councilmember Peppes that timing issues prevent this project from joining the coalition of other property owners along 135th Street in applying for a joint TDD. The remaining south side of 135th Street will be involved in the joint TDD request. Councilmember Rasmussen added that zoning will require underground placement of the power lines, the only question is how to finance the task. He stated if the property owners do not apply for the TDD jointly, he will not be in favor of approving them individually.

Councilmember Filla verified with Mr. Lambers that special property tax assessments, not sales tax, will be used to pay for the Villagio TDD as well as any others along 135th Street.

Mayor Dunn and Mr. Lambers discussed the timing of the future joint TDD request. He stated it is 6-8 months behind the Villagio project. Members of the joint TDD initially planned to request only financing for power line undergrounding, however now wish to have two separate TDD districts to include the widening of south 135th Street. Some property owners who have no imminent plans for development may have reservations about joining the coalition. Minimally, Mr. Lambers stated he anticipated the undergrounding to go forward with perhaps street widening being done on a project by project basis.

The payment period for both the Villagio and the joint TDD will be 15 years.

The ordinance passed with the following roll call vote of 6-0: Yea: Councilmembers Peppes, Rasmussen, Gulledge, Bussing, Filla, and Rawlings. Nay: None. (Councilmember Gill absent and Councilmember Taylor recusing).

14. OTHER BUSINESS – None.

ADJOURN

There being no further business, the Governing Body meeting adjourned at 8:45 P.M.

Debra Harper, CMC, City Clerk

Christy Wise
Recording Deputy City Clerk