

Minutes

DVD No. 139

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 20, 2006. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Scott Gullede, James E. Taylor, Sr., Gregory Peppes, Mike Gill, and Gary Bussing.

Councilmembers absent: Lou Rasmussen and Debra Filla.

Staff present:

Scott Lambers, City Administrator
Chief Sid Mitchell, Police Department
Major John Meier, Police Department
Jeff Cantrell, Neighborhood Serv. Admin.
Deb Harper, City Clerk
Karl Weinfurter, IS Specialist

Patty Bennett, City Attorney
Chief Ben Florance, Fire Department
Joe Johnson, Public Works Director
Mark Klein, Senior Planner
Christy Wise, Deputy City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted a continuance on the agenda for Item No. 11A. She also pointed out revised information for Item Nos. 11A, 11B, 11C, and 11D has been placed upon the dais. A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Gill. The agenda was approved 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 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.**

Tom Hall, 9848 Ash Drive, Overland Park, Kansas, informed the Governing Body of a recent policy change in the Parks and Recreation Department which requires background checks for persons volunteering as soccer coaches. He agreed with the necessity of the safeguard, however stated the release form also gives permission for credit and consumer reports to be obtained.

Additionally, he stated registration forms and fees were accepted before Staff notified applicants of the new background check policy. Mr. Hall requested Council consideration of the matter.

Councilmember Gill stated he was troubled by Mr. Hall's comments and requested information regarding this release form be forwarded to the Council. He said the performance of a credit report was invasive and irrelevant to ensuring the safety of children.

Councilmember Gullidge agreed with Councilmember Gill's comments and discussed the form with City Attorney Patty Bennett. Ms. Bennett stated the entity performing criminal checks for the City, Clarence Kelley and Associates, requires a social security number as a driver's license number can be changed virtually overnight. Ms. Bennett informed she reviewed a draft of the release form, however did not see the final document form. The form included standard consumer report language required by Clarence Kelley and Associates under the Fair Credit Reporting Act [FCRA]. Criminal background checks also fall under the FCRA.

Councilmember Gill requested to see a copy of a report obtained from Clarence Kelley and Associates after removal of the name and social security number. Ms. Bennett assured the reports go directly to the Human Resource Department and are destroyed if the criminal check is negative.

Mayor Dunn also requested additional information regarding this matter be forwarded to the Governing Body.

4. PROCLAMATIONS – None.

5. PRESENTATIONS/RECOGNITIONS – None.

6. SPECIAL BUSINESS

- A. Appeal of Administrative Appeal regarding the parking of a Recreational Vehicle [motor home and sailboat] at 3200 W 82nd Terrace [John Gall], in accordance with § 4-4 of the Leawood Development Ordinance [Ord. No. 1956]

Neighborhood Services Administrator Jeff Cantrell reviewed information regarding the case. It is his recommendation to deny the appeal due to minimal landscaping attempts and continued exposure of the vehicles. Per Ordinance No. 1956, stipulated approval was granted which allows storage during summer months. However, the applicant wishes to have year-round storage on his property and is requesting to do so.

Mayor Dunn confirmed with Mr. Cantrell that stipulated approval permits vehicle storage on the property 255 days of the year. Entitlements in the ordinance allow parking two weeks of each month in addition to summer months.

Applicant John Gall, 3200 W. 82nd Terrace, asked the Governing Body to grant him the ability to continue storage of his motor home and sailboat in his side yard on a year-round basis. He expressed gratitude for the stipulated approval, however reported the vehicles were typically stored in other locations during this time as they are being used for recreational purposes.

Councilmember Taylor asked if the vehicles could be stored offsite. Mr. Gall stated financial reasons restrict him from doing so with the least inexpensive cost for such storage at \$50.00 per month at a location in Bonner Springs. The estimated values of the vehicles are approximately \$20,000 for the motor home and \$1,000 for the sailboat.

Mr. Gall verified for Councilmember Rawlings that he was aware of the ordinance changes occurring over the last three years regarding recreational vehicle storage. Mr. Gall participated in an RV group who worked with the City Council at the time the ordinance was changed. After submitting a letter explaining his situation in 2001, he quoted a response from former Councilmember Shelby Storey as, "it is certainly our goal to allow all RV owners to park and store RVs on their property."

In attempting to meet this goal of the task force, Mayor Dunn noted a three year grace period was given so landscaping could grow and shield the vehicles. Mr. Gall explained he has a significant 9-foot slope on his property which has made it difficult to conceal the vehicles with landscaping during the three year grace period as it will require very tall trees.

Mayor Dunn stated she has visited both sites asking for an appeal on this agenda.

Councilmember Gill asked if the site could be made compliant within a reasonable amount of time. Mr. Cantrell stated if 6-foot trees had been planted in a more aggressive manner than the 34-inch trees installed by Mr. Gall, proper screening would have occurred more rapidly. There are many cases of compliant RV locations throughout the City.

Mayor Dunn confirmed with Mr. Cantrell that the three year grace period ended on January 1, 2006.

Mr. Gall offered to store the sailboat offsite year-round and keep only the motor home on his property.

Councilmember Peppes stated he also has viewed the site in question. He asked Mr. Gall if the motor home could be stored offsite along with the sailboat. Mr. Gall reported he could store the sailboat free of charge at the Perry Lake Yacht Club, however would have to finance storage of the motor home.

As this is the first appeal of this type to come before the Governing Body, City Administrator Scott Lambers explained the procedure would be to concur with Staff recommendations, override the recommendations, or accept Mr. Gall's offer to remove the sailboat while keeping the motor home. Mr. Lambers confirmed with Mr. Gall the vehicles are not on site a majority of the year while being used at the lake location, which would make it necessary to rent storage space for the motor home only approximately 6-7 months of the year.

A motion was made by Councilmember Bussing to accept Staff recommendations and require compliance within 30-60 days. He stated the City Council, Staff, and residents spent an enormous amount of time and effort three years ago to resolve this issue by setting the current guidelines. In fairness to those people and the residents who have complied with the provisions, the ordinance should be followed as it was approved. Councilmember Peppes seconded the motion.

Mayor Dunn clarified with Mr. Cantrell that with stipulated approval, Mr. Gall can actually keep the vehicles on his property from May 1st through October 1st with existing screening. The 30-60 day requirement will give Mr. Gall until October 1st to comply with storing the vehicles offsite.

Mr. Cantrell informed issuance of the administrative appeal, which goes beyond the scope of the ordinance, was warranted in this case based upon deciduous vegetation located on the property which provides screening during summer months.

Councilmember Gill stated support for the recommendations made by Staff.

The motion carried following a unanimous vote of 6-0.

- B. Appeal of Administrative Appeal regarding the parking of a Recreational Vehicle [fishing boat] at 8007 Meadow Lane [Larry Klien], in accordance with § 4-4 of the Leawood Development Ordinance [Ord. No. 1956]

Mr. Cantrell stated this case stems from an earlier interaction with the applicant. At one time, the applicant owned a smaller fishing boat which he thought would be in compliance with the ordinance. Since that time, however, the applicant has purchased a larger boat and aggressively trimmed the shrubs which served as screening. It is not felt that a stipulated approval is merited for this case as it simply does not comply with the ordinance.

Larry Klein, 8008 Meadow Lane, distributed a plot plan and a petition from his neighbors to the Governing Body. He reported having a previously owned boat stolen from a secured storage area and is apprehensive about placing this boat in such a facility. Mr. Klein stated he utilizes his boat weekly, making offsite storage inconvenient as well as expensive with a cost estimate of \$60 per month. Referring to the petition, he informed the surrounding neighbors are not opposed to the boat being parked on his property.

Mr. Klein stated he appreciated the time and cooperative effort put forth by Mr. Cantrell. Displaying pictures of the shrubs, which will be tall enough to shield the boat from Lee Boulevard in a few months, he asked the Governing Body to grant an exception to the screening requirements for off-street parking and storage of a vehicle in a residential district.

Mr. Klein clarified the bushes previously used for screening were not entirely removed but were cut back due to significant overgrowth. Mayor Dunn asked if additional foliage could be planted upon other available land on the lot. Mr. Cantrell stated if the boat could be pushed beyond the side yard, there is potential for screening in the rear yard area; however, it is questionable whether the width of the boat will allow this placement to occur.

Discussion took place regarding available screening options for the fishing boat.

Councilmember Bussing acknowledged Mr. Klein's willingness to work towards a compromise and made a motion to approve Staff recommendations but allow Mr. Klein to continue working with Mr. Cantrell for a period of 90 days in order to design a plan which would resolve the current ordinance noncompliance. Councilmember Taylor seconded the motion.

The motion was approved following a unanimous vote of 6-0.

Mr. Lambers stated it is important to maintain the integrity of the ordinance. He advised if an acceptable plan is submitted in the 90 day timeframe, another extension of no more than 60 days should be a sufficient amount of time to comply with the ordinance.

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. 1046A, 1046B, 1047A, and 1047B
- B. Accept Minutes of the February 20, 2006 Governing Body meeting
- C. Accept Minutes of the February 20, 2006 Governing Body Work Session meeting
- D. Accept Minutes of the February 6, 2006 Governing Body Work Session meeting
- E. Accept Minutes of the January 19, 2006 IRONHORSE Golf Advisory Board
- F. Accept Minutes of the February 21, 2006 Parks & Recreation Advisory Board Meeting
- G. Approval of the Governing Body 2006 Goals & Objectives
- H. Approve Certified Cost Summary for Transportation Development District [TDD] [CIP # 190] [Roe/Nall & 137th Street] [CHURCH OF THE RESURRECTION]
- I. Approve Certified Cost Summary for Transportation Development District [TDD] [CIP # 191] [137th & Briar] [CORNERSTONE]
- J. Approve purchase in the amount of \$635,742 from Pierce Manufacturing for the purchase of 2006 Pierce Dash 75' Ladder Truck
- K. Approve bid in the amount of \$49,676.00, to Mobile Data Systems for the purchase of mobile data computers for the Fire Department
- L. Resolution No. 2554 adopting Amended GASB-34 Policy in accordance with the criteria established by the Governmental Accounting Standards Board [GASB], and repealing Resolution No. 1932
- M. Resolution No. 2555 calling for a public hearing regarding amendments to the 2006 Fiscal Budget for the City of Leawood, Kansas

- N. Resolution No. 2556 approving Shane Gardner as General Manger for the IRONHORSE Golf Club, 15400 Mission Road
- O. Resolution No. 2557 approving and authorizing the Mayor to execute Addendum No. 2, to that certain Purchase and Service Agreement dated May 5, 2003, in the amount of \$34,325.00, between the City and Eden Systems, Inc., pertaining to the Integrated Finance Software System [Eden Project] for 2 additional modules, GASB-34 and Contract Management
- P. Approve selection of Design Sense, Inc., to provide Design Engineering Services for the City in the amount of \$18,865.00, pertaining to the new facilities at Ironwoods Park, located at 14701 Mission Road
- Q. Resolution No. 2558 approving and authorizing the Mayor to execute a Lease/Purchase Agreement between the City and Commerce Bank, in the amount of \$220,000, for the leasing of golf cars for a 4-year term for IRONHORSE Golf Club – *Continued From The February 20, 2006 Governing Body Meeting*
- R. Resolution No. 2559 approving and authorizing the Mayor to execute a Relocation Agreement between the City and Water District No. 1 of Johnson County, Kansas [WATERONE] located at 117th and Nall Avenue, pertaining to the Park Place for sections of Roe Avenue, and 135th Street & Mission Road, pertaining to the Park Place Benefit District [CIP # 196]
- S. Resolution No. 2560 approving and authorizing the Mayor to execute Construction Agreement in the amount of \$231,250.00 between the City and Musselman & Hall Contractors, LLC, pertaining to the 2006 Slurry Seal Program
- T. Resolution No. 2561 approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,535,005.90, between the City and Miller Paving, pertaining to the Residential Street Reconstruction Program [CIP # 80202]
- U. Resolution No. 2562 consenting to the enlargement of Consolidated Main Sewer District of Johnson County, Kansas, [JCUWD] by the Board of County Commissioners of Johnson County, Kansas [BOCC], pursuant to Johnson County Charter Resolution No. 29-92, for property located in the vicinity of 140th Drive & Mission Road, [Merry Lea Farms 3rd Plat]
- V. Resolution No. 2563 approving a Final Site Plan for signage for Realty Executives, located at 11401 Ash Street [*from the February 14, 2006 Planning Commission meeting*]
- W. Resolution No. 2564 approving a Final Site Plan for Merry Lea Farms, 3rd Plat, located on the south side of 140th Drive and west of Mission Road [*from the February 28, 2006 Planning Commission meeting*]
- X. Fire Department Monthly Report
- Y. Municipal Court Monthly Report
- Z. Police Department Monthly Report

Councilmember Taylor requested to pull Item No. 7P. On motion of Councilmember Gullede, seconded by Councilmember Peppes, the remainder of the Consent Agenda was approved following a unanimous vote of 6-0.

- 7P. Approve selection of Design Sense, Inc., to provide Design Engineering Services for the City in the amount of \$18,865.00, pertaining to the new facilities at Ironwoods Park, located at 14701 Mission Road.

Councilmember Taylor confirmed with Public Works Director Joe Johnson that Design Sense, Inc., has also been selected to serve as construction manager for the project. The contract will be presented for Council approval and amended after programming is complete and before design build process begins. Councilmember Taylor then moved to approve the item with a second provided by Councilmember Gill. The motion carried following a unanimous vote of 6-0.

8. MAYOR'S REPORT

- A. Attended meeting with Johnson County Appraiser Paul Welcome along with City Administrator Scott Lambers, Finance Director Kathy Rogers, and Budget Coordinator Kathy Byard. A summary document of information obtained from the meeting has been distributed to Council by the Finance Department. The average appraised value for new and existing single-family homes increased 6.67%. Leawood demonstrated an 8.967% growth increase in appraised value this year with commercial value included. The average single-family home price at \$416,000 has increased from last year's \$393,000 figure, demonstrating a 5.84% increase. The average priced home in Johnson County is \$238,000. Changes in appraised value for Leawood residents included 17% with no changes, 60% with an increase of 1-5%, and 12% with an increase of 6-10% or higher. North Leawood is still increasing at the fastest percentage rate of 4.24%, South Leawood is at 4.14%, and Hallbrook has slowed to 2.29%. There is expected to be 3,000 appeals by the March 31st deadline. Commercial value increased by approximately 14%.
- B. Participated in the 45th Annual Mayors Prayer Breakfast. Keynote speaker was United States Air Force General Richard B. Myers. The meeting continued with the theme of emphasizing the ethics, morality, and spirituality in business, labor, the professions, and government.
- C. Presented abbreviated versions of the 2006 State of the City Address to the Leawood Lion's Club and the Leawood Rotary Club. Mayor Dunn thanked Councilmember Rawlings for attending both events and Councilmember Bussing for attending the Leawood Rotary Club function.
- D. Attended the Council of Mayors Meeting in Shawnee, Kansas. Linda Off, Executive Director of the Johnson County Library Foundation, gave a presentation on the future of the Johnson County Library and remarked on the 2005 National Award for Library Service. A \$6-million fundraising campaign will be launched on April 6th, of which \$1.5-million has already been raised during a quiet phase. Funds will be equally divided between endowment and programming.
- E. Participated in Read Across America 2006 at Prairie Star Elementary and Children's Mercy South Hospital. Mayor Dunn expressed appreciation to the many Staff members, including Fire Chief Ben Florance, who also contributed to the effort.

- F. Attended the groundbreaking event for Villaggio of Leawood on the southeast corner of 135th Street and Roe Avenue. She wished the project much success.
- G. Served with husband, Terry Dunn, as the host couple for the Annual Boy Scouts of America's Report to the Nation. Mayor Dunn had the honor of meeting with President George Bush in the Oval Office along with eight outstanding Boy Scouts. The selected scouts demonstrated extraordinary leadership and were chosen to represent the 4.5-million Boy Scouts across the country.
- H. Mayor Dunn offered congratulations to Gold Bank for receiving the 24th Annual Pirouette Award from the Kansas City Ballet Guild. The award is given to recognize an individual or group for contributions to the performing arts.
- I. Announced the upcoming art exhibit and reception at Gold Bank on Friday, March 24th, from 5:30 P.M. to 7:30 P.M. Featured artists will be Julie Johnson, Ellen Sweeney, Gil Rumsey, and Judy Thompson. Mayor Dunn noted that Gil Rumsey is the artist who recently experienced a terrible fire which destroyed his gallery.
- J. Mayor Dunn also congratulated Norm and Elaine Polsky for being named the 2006 Volunteers of the Year by the Johnson County Community College Foundation. The Polskys will be honored at a formal fundraising dinner in November of which proceeds will go towards JCCC scholarships.
- K. Reminder for the Johnson County Leadership Summit on Friday, March 31st from 8:30 A.M. to 4:30 P.M. at the Ritz Charles Conference Facility in Overland Park. Mayor Dunn stated she will be attending along with Mr. Lambers and urged others interested in participating to inform City Clerk Deb Harper this evening.
- L. Reminder for the Executive Session scheduled for Monday, March 27th at 6:00 P.M. regarding the semiannual personnel evaluation of City Administrator Scott Lambers.

9. COUNCILMEMBERS' REPORT – None.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the February 14, 2006 Planning Commission meeting]

- A. Ordinance rezoning from AG [Agriculture] to RP-3 [Planned Cluster Detached Residential], and Preliminary Site Plan and Preliminary Plat for Colton Creek, located north of 143rd Street and east of Nall Avenue [Roll Call Vote] – ***CONTINUED TO THE MAY 1, 2006 GOVERNING BODY MEETING***
- B. Ordinance No. 2157 approving Parkway Plaza Starbuck's for a Special Use Permit for a drive-thru, preliminary site plan, final site plan and final plat, located at the northwest corner of 135th Street and Roe Ave [Roll Call Vote]

A motion to approve the Special Use Permit was made by Councilmember Taylor; seconded by Councilmember Gill.

Applicant Brad Vince, 14553 Sherwood Street, Leawood, Kansas, offered to address any questions or concerns. He stated the structure will be the most elegant and expensive of all the Starbuck's in the four-state area.

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

C. Resolution No. 2565 approving a Revised Final Site Plan and Revised Final Plat for Estates of Old Leawood, located at 8901 Sagamore

Architect Bill Prelogar with Nearing, Staats, Prelogar, and Jones, 3515 W. 75th Street, Prairie Village, Kansas, requested approval of the revised final site plan and final plat on behalf of the developers of Estates of Old Leawood. He informed of three revisions made to the previously approved plan. This first revision is a slight realignment of two cul-de-sac streets including lot reconfiguration. The purpose of the change is to allow for regularization of the lots in comparison to surrounding homes. The second revision involves raising the street grade by six feet at the end of the cul-de-sacs, which will permit development of walk-out basement homes. The third modification is creating the retaining walls with the material Versa-Lok as it was discovered that a differential settlement of up to four inches could occur with the previously planned concrete structures.

A motion to approve the revised final site plan and revised final plat was made by Councilmember Gullede; seconded by Councilmember Taylor.

Councilmember Gill noted that Stipulation No. 26 of Ordinance No. 2087, approval of the preliminary site plan and preliminary plat, was not listed in the revised version. For clarification purposes, Councilmember Gill suggested a friendly amendment to incorporate the stipulation and the declaration of restrictions, covenants, easements, and homes associations' declarations of the Estates of Old Leawood into the motion.

Stipulation No. 26 of Ordinance No. 2087 was read into the record by Councilmember Gill:

“The Owner/Developer of the property shall provide easements or other legally enforceable rights for use of all of the trails and green space, as well as, the pool, cabana and tennis courts area. With respect to the pool, cabana, and tennis areas, such rights shall be provided to the neighboring homes associations on a tiered or other staggered basis and such documents shall provide information on eligibility for use, membership dues, maintenance and parity, including establishing rules and regulations for usage shall be provided at the time of final site plan application for review and approval by the Governing Body. As to the green space and trails, such rights shall be afforded to all neighboring owners.”

Councilmember Gullede confirmed agreement to the stipulation with Mr. Prelogar. Applicant Bill Whitaker, 6832 El Monte, Prairie Village, Kansas, stated Stipulation No. 26 of Ordinance No. 2087 had been previously agreed upon. He verified there were no additional issues being requested and concurred with Mr. Prelogar's statement of agreement.

Senior Planner Mark Klein explained following preliminary plan approval, covenants and restrictions were provided to address the stipulation; hence the issue was removed from the final plan request. He informed all stipulations from the original final plan have been carried forward to the revised final plan with the addition of Stipulation No. 18, which ensures sidewalk alignment following street reconfigurations.

Councilmember Gullede amended his motion for approval to include Stipulation No. 26 of Ordinance No. 2087. Councilmember Taylor seconded the friendly amendment to the motion.

Mayor Dunn commented the modifications are an improvement to the plan.

The resolution was approved following a unanimous vote of 6-0.

12. OLD BUSINESS – None.

13. NEW BUSINESS

- A. Ordinance No. 2155 accepting an Amended and Restated Petition for the creation of a Resurrection Transportation Development District [TDD] 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. [CIP # 190] [Utilities: Roe/Nall & 137th Street] [CHURCH OF THE RESURRECTION]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Taylor.

Councilmember Gill verified with Ms. Bennett and Ms. Harper that revisions to this item include a complete legal description and the actual amended petition submitted by the applicant. Mayor Dunn noted the information was not available at the time of packet distribution, which prompted replacements for Item Nos. 13A and 13C.

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

- B. Resolution No. 2549, ordering a public hearing to be held on April 3, 2006 at 7:30 P.M., or as soon thereafter as may be heard on proposed assessments for the burying of power lines located within the Resurrection Transportation Development District [TDD] immediately east of Nall Avenue between 137th and 139th Streets and directing the City Clerk to publish notice thereof and provide written notice to owners of property of such assessments [CIP # 190] [Roe/Nall & 137th Street] [CHURCH OF THE RESURRECTION]

Mayor Dunn noted the original packet material called for the public hearing on March 20th with the revised version calling for an April 3rd date in accordance with the agenda.

A motion to approve the resolution was made by Councilmember Bussing; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 6-0.

- C. Ordinance No. 2156 accepting an Amended and Restated Petition for the creation of a Cornerstone Transportation Development District [TDD] 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. [CIP # 191] [Utilities: 137th & Briar] [CORNERSTONE] [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gulledge; seconded by Councilmember Taylor. The ordinance passed with the following unanimous roll call vote of 6-0: Yea: Councilmembers Peppes, Gulledge, Bussing, Rawlings, Gill, and Taylor. Nay: None. (Councilmembers Ramussen and Filla absent).

- D. Resolution No. 2550, ordering a public hearing to be held on April 3, 2006, at 7:30 P.M., or as soon thereafter as may be heard on proposed assessments for the for the burying of power lines located within the Cornerstone Transportation Development District [TDD], between Briar Street and Nall Avenue and 135th and 137th Streets, and directing the City Clerk to publish notice thereof and provide written notice to owners of property of such assessments [CIP # 191] [137th & Briar] [CORNERSTONE]

A motion to approve the resolution was made by Councilmember Gill; seconded by Councilmember Bussing. The resolution was approved following a unanimous vote of 6-0.

- E. Resolution No. 2551, amending Resolution No. 1681, authorizing the construction of improvements to Roe Avenue, a main trafficway, between 124th Street and 135th Street, located within the City of Leawood, Kansas, pursuant to K.S.A. § 12-685 ET SEQ., and authorizing certain related matters and actions; [Roe Avenue CIP# 110]

A motion to approve the resolution was made by Councilmember Taylor; seconded by Councilmember Rawlings.

Mr. Lambers stated it was unlikely to have total project completion by the March 31st deadline.

Mr. Johnson informed surfacing would occur as soon as temperatures permit. He confirmed for Mr. Taylor that grinding of the concrete areas are punch list items and will be complete following surfacing.

The motion was approved following a unanimous vote of 6-0.

Mr. Lambers advised the street will be closed entirely for approximately five days during final surfacing.

- F. Resolution No. 2552 authorizing the City to purchase land located at the southwest corner of 117th Street and Tomahawk Creek Parkway, Leawood, Johnson County, Kansas for the purposes of constructing public buildings, including a Justice Center

A motion to approve the resolution was made by Councilmember Rawlings; seconded by Councilmember Gullede. The motion carried following a unanimous vote of 6-0.

- G. Resolution No. 2553 authorizing the acquisition of certain real property located at the southwest corner of 117th Street and Tomahawk Creek Parkway, within the City of Leawood, Kansas and construction and installation of a public building or buildings thereon; providing for the issuance of General Obligation Bonds of the City pursuant to K.S.A. § 12-1737 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

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

Mr. Lambers informed this will provide the Governing Body an option of issuing bonds to reimburse the general fund, which will be utilized to obtain the acquisition.

The resolution was approved following a unanimous vote of 6-0.

- H. Resolution declaring it necessary to appropriate private property for the use of the City of Leawood, Kansas for Phase II of the Dykes Branch Channel Improvement Project, [SMAC Project DB-04-024] from 83rd Street and Wenonga, south to 86th Street and Overhill Road, in the City of Leawood, Johnson County, Kansas

On behalf of Councilmember Rasmussen, Mayor Dunn inquired about the negotiation process. Mr. Johnson reviewed it was decided by the Governing Body during Phase I to use city-at-large funds to obtain easements through condemnation rather than create a benefit district. There are 8 of 15 easements yet to be obtained with possibly 4 requiring condemnation. At this time, the original cost estimate to acquire the necessary easements has decreased from \$160,000 to \$90,000. City Engineer David Ley and Senior Construction Inspector Shawn Johnson are involved in the negotiation process with the homeowners. Mr. Johnson stated there is one property owner who will have to be taken through condemnation as he is requesting a much higher price than what is being offered.

A motion to approve the resolution was made by Councilmember Bussing; seconded by Councilmember Taylor. The motion carried following a unanimous vote of 6-0.

14. OTHER BUSINESS – None.

ADJOURN

There being no further business, the Governing Body meeting adjourned at 9:15 P.M.

Debra Harper, CMC, City Clerk

Christy Wise
Recording Deputy City Clerk