

Minutes

DVD No. 144

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, June 5, 2006. Mayor Peggy Dunn presided.

Councilmembers present: Lou Rasmussen, Jim Rawlings, Scott Gullede, Gary Bussing, Debra Filla, Gregory Peppes, Mike Gill, and James Azeltine.

Councilmembers absent: None.

Staff present:

Scott Lambers, City Administrator
Chief Ben Florance, Fire Department
Kathy Rogers, Finance Director
Chris Claxton, P&R Director
Deb Harper, City Clerk
Christy Wise, Deputy City Clerk

Shannon Marcano, Assistant City Attorney
Chief Sid Mitchell, Police Department
Joe Johnson, Public Works Director
Mark Klein, Senior Planner
Jeff Joseph, Planner
Jack Reece, IS Specialist

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn advised the agenda will include a report from Councilmember Filla under Item No. 9, Councilmembers' Report, as well as scheduling of an Executive Session for attorney-client privilege under Item No. 15, Other Business. A motion to approve the agenda was made by Councilmember Rasmussen; seconded by Councilmember Peppes. The agenda was approved following a unanimous vote of 8-0.

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 – None.

5. PRESENTATIONS/RECOGNITIONS Recognition of Dick Fuller for 23 Years of Service to the Parks and Recreation Advisory Board

Parks & Recreation Director Chris Claxton reviewed Mr. Fuller's involvement with the Parks & Recreation Advisory Board over the past 23 years and highlighted his recognition by the Kansas Recreation and Park Association in 2005 for community volunteer service. Ms. Claxton bestowed sincere thanks to Mr. Fuller and presented him with a Plaque of Appreciation for his outstanding service.

Mr. Fuller thanked past and present councilmembers and mayors for allowing him the opportunity to give back to the community and relayed how much he has enjoyed working with Staff over the years. He then introduced family members in attendance.

Mayor Dunn expressed appreciation to Mr. Fuller for the impact his contributions have made upon the Parks & Recreation Department, especially the soccer program. She also stated delight in that he will still serve on the IRONHORSE Advisory Board.

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. 1051B, 1051C, and 1052A
- B. Accept Minutes of the May 15, 2006 Governing Body meeting
- C. Accept Minutes of the February 8, 2006 Leawood Foundation meeting
- D. Accept Minutes of the April 27, 2006 IRONHORSE Advisory Board meeting
- E. Accept Minutes of the March 28, 2006 Leawood Arts Council Committee meeting
- F. Approve Cereal Malt Beverage [CMB] License for CVS Pharmacy #8588, 11729 Roe Avenue [formerly Osco Drug]
- G. Approve waiver of rental fees at Ironwoods Challenge Course from June 18-23, 2006, for "Camp Inferno"
- H. Approve Massage Establishment License for Jill Roberts at Offices of Living Well Chiropractic, 5337 W. 151st Street
- I. Acceptance of donated philanthropic funds of \$4,000.00 to the Leawood Fire Department and Leawood Police Department from the Leawood Woman's Club
- J. Approve 6th and Final Pay Request in the amount of \$27,586.40 to Miller Paving & Construction LLC, for the 2005 Residential Street Improvement Project
- K. Approve 32nd and Final Pay Request in the amount of \$40,500.00 to Black & Veatch Consulting Engineers for professional design services provided pertaining to the Dykes Branch Channel Improvement Project, [SMAC Project DB-02-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road

- L. Request to approve payment in the amount of \$28,000 to Overland Park State Bank and Trust Company and Annette T. Young, Co-Trustee, pertaining to the Dykes Branch Channel Improvement Project, [SMAC Project DB-02-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road
- M. Resolution No. 2602 accepting Temporary Construction and Permanent Storm Sewer Easements from Matthew I. Germann and Kristen L. Germann, 2805 W. 83rd Street, pertaining to the Dykes Branch Channel Improvement Project, [SMAC Project DB-02-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road
- N. Resolution No. 2603 approving and authorizing the Mayor to execute a Letter of Engagement Agreement for an amount not to exceed \$30,200, between the City and Cochran, Head & Company, P.C., pertaining to the 2006 audit
- O. Resolution accepting and approving the Annual Report regarding the Leawood Public Art Impact Fee and providing for no change to such impact fee, pursuant to Code § 12-601 et seq – ***Continued from the February 20, 2006 and April 17, 2006 Governing Body meetings – CONTINUED TO THE AUGUST 7, 2006 GOVERNING BODY MEETING***
- P. Resolution No. 2604 approving a Revised Final Site Plan for Paddy O’Quigley’s, located within the Camelot Shopping Center at the northeast corner of 119th Street and Roe Avenue [*from the May 23, 2006 Planning Commission meeting*]
- Q. Resolution No. 2605 approving a Revised Final Plat and Revised Final Site Plan for Parkway Plaza Office Condominiums, located within the Parkway Plaza development on the northwest corner of 135th Street and Roe Avenue [*from the May 23, 2006 Planning Commission meeting*]
- R. Resolution No. 2606 approving a Final Plat for 1 Parkway 133, located within the Parkway Plaza development on the northwest corner of 135th Street and Roe Avenue [*from the May 23, 2006 Planning Commission meeting*]
- S. Declaration of surplus property; 9 Police and Public Works Department Vehicles

Mayor Dunn pulled item No. 7I for discussion. On motion of Councilmember Gullede, seconded by Councilmember Peppes, the remainder of the Consent Agenda was approved following a unanimous vote of 8-0.

- 7I. Acceptance of donated philanthropic funds of \$4,000.00 to the Leawood Fire Department and Leawood Police Department from the Leawood Woman’s Club

Mayor Dunn noted an additional donation of \$1,500 from the Leawood Woman’s Club to the Leawood Foundation for the public art project near the Oxford Schoolhouse at Ironwoods Park. She explained there is a ballot every year listing 7-8 causes that are voted on by members of the Leawood Woman’s Club. The top three vote-getters are distributed the donated funds. Mayor Dunn thanked the group, which is chaired by Alice Hawk, as well as Fire Chief Florance and Police Chief Mitchell for acknowledging the donations.

A motion to approve Item No. 7I was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion carried with a unanimous vote of 8-0.

8. MAYOR'S REPORT

- A. Relayed information from the Leawood Chamber of Commerce Board of Directors meeting regarding the proposed Leawood smoking ordinance. A motion to take no position on the issue was unanimously approved based upon the fact the Chamber supports free markets within their legislative agenda.
- B. Attended ribbon cutting for Cheeseburger in Paradise in Cornerstone of Leawood at 135th Street and Nall Avenue along with Councilmember Azeltine. The restaurant gave a philanthropic donation to Habitat for Humanity.
- C. Attended ribbon cutting for National Bank of Kansas City at I-435 and Nall Avenue in Overland Park. The bank will also keep the Leawood location in Ranchmart Shopping Center. The Volunteer Center of Johnson County received a donation from the bank.
- D. Attended ribbon cutting for Fitness Quest at 143rd Street and Kenneth Road in the Camden Woods Retail Center. Mayor Dunn shared literature from the new business and wished them much success.
- E. Attended ribbon cutting for Dancewear Express at 129th Street and State Line Road.
- F. Attended the Nativity DARE Graduation with Police Captains Troy Rettig and Dale Finger. Police Officer Mark Chudik did a wonderful job with the students.
- G. Mayor Dunn expressed appreciation to Councilmember Rasmussen for representing the Governing Body in her absence at the Brookwood Elementary DARE Graduation. The program is instructed by Police Officer Randy Wiler.
- H. Attended a birthday celebration for Kansas City Mayor Pro Tem Alvin Brooks along with Police Chief Sid Mitchell. Gratitude and congratulations were extended for his many achievements, especially in the area of crime prevention within the greater metropolitan region.
- I. Attended the Mid-America Regional Council [MARC] Luncheon where a presentation was given by Dr. Jaime Lerner from Brazil, who spoke on bus rapid transit and design of public transport systems.
- J. Attended MARC's 10th Annual Regional Assembly and Regional Leadership Awards along with City Administrator Scott Lambers, members of the Planning Department, and some Planning Commissioners.
- K. Attended the National Trails Day Celebration in conjunction with Kansas City, Missouri. Leawood participants were met by Kansas City, Missouri Councilmember Chuck Eddy at Mill Creek Park. Mayor Dunn complimented Parks & Recreation Director Chris Claxton, Special Events Coordinator Lindsay Youle, and other Staff members for organizing the event and doing a beautiful job on the trails.
- L. Attended the Kansas City-New Orleans Jazz Cooperative Fundraising Event at Ironwoods Park for Katrina victims' medical supplies. The event was sponsored by Leawood-based Schifa International and Common Ground Health Clinic. Kansas City, Missouri Mayor Pro Tem Alvin Brooks was also in attendance.
- M. Reminder for the upcoming art show this Friday at Marshall & Ilsley Bank from 5:30 P.M. to 7:30 P.M. Exhibitors will be Michael Duane, Ethan Hirsh, Marsha Pirtle, and JoEl Vogt.

- N. Mayor Dunn congratulated Fire Chief Ben Florance for receiving an improved Public Protection Classification [PPC] rating of Class 3 from the Insurance Services Office. The new rating will go into effect on July 1, 2006, and will equate to a savings in insurance premiums for the City.
- O. Reminder for the Joint Governing Body/Budget & Finance Committee meetings that will be held next week on June 12th, 13th, 14th, and possibly 15th.

9. COUNCILMEMBERS' REPORT – Councilmember Filla's Report

Councilmember Filla informed that Mayor Dunn will also perform a ribbon cutting this Saturday for the new bridge on 86th Street in old Leawood. The area has gone through extensive stormwater improvements including construction of a new bridge. The event will include Fire Engine No. 31 from Fire Station No. 1; a Boy Scout Troup to present the colors for the Pledge of Allegiance; a blessing of the bridge for safe travel by Councilmember Filla; and a parade of "wearing the colors of the wildflowers" will begin at 9:45 A.M. at the island of 86th Street and Belinder Road. The ribbon cutting will take place at 10:00 A.M.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the May 23, 2006 Planning Commission meeting]

- A. Resolution No. 2607 approving a Final Site Plan for a tenant finish for Blue Koi Noodles and Dumplings restaurant, located within the Mission Farms located on the southeast corner of 105th Street and Mission Road

Applicant Ko Chang, 21014 W. 56th Street, Shawnee, Kansas, stated he is honored to have his place of business in the City of Leawood.

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

Councilmember Filla confirmed with Mr. Chang the restaurant will serve bubble tea.

Mr. Chang verified for Councilmember Peppes there will not be outdoor music. There will be a fenced outdoor waiting area.

The resolution was approved following a unanimous vote of 8-0.

- B. Resolution No. 2608 approving a Final Site Plan for a tenant finish for Mildred's Coffeehouse, located within the Mission Farms located on the southeast corner of 105th Street and Mission Road

A motion to approve the tenant finish was made by Councilmember Gill; seconded by Councilmember Azeltine.

Councilmember Filla verified with Staff there is also a Mildred's Coffeehouse in old Overland Park.

Applicant Eric Jorgenson with ArchType Design Group, 8010 State Line Road, requested approval of the storefront. He stated an outdoor seating area will be requested at a later date.

Councilmember Azeltine confirmed with Mr. Jorgenson the outdoor fireplace is still included in the plan.

The motion carried following a unanimous vote of 8-0.

Mr. Lambers advised the Governing Body there will be several tenant finish applications in the near future. He suggested consideration be given for placing these items on the Consent Agenda as they can be pulled for discussion if there are any issues.

12. PUBLIC WORKS COMMITTEE

[from the March 29, 2006 Public Works Committee Meeting]

- A. Approve recommendations regarding the median break on Nall Avenue at 152nd Terrace pertaining to the Nall Avenue Street Improvement Project between 151st Street and 154th Street

A motion to approve the recommendations was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

Mayor Dunn thanked Public Works Director Joe Johnson and the Public Works Committee for working with Overland Park to provide safe access for Leawood citizens.

13. OLD BUSINESS – None.

14. NEW BUSINESS

- A. Schedule Governing Body Work Session at 6:30 P.M. on Monday, June 19, 2006, to discuss vacating the existing Police Department building at 9617 Lee Boulevard; disposition of city owned property on Tomahawk Creek Parkway; and design-build authority for the new Justice Center to be located at 117th & Tomahawk Creek Parkway; and financial options

A motion to approve scheduling of the Work Session was made by Councilmember Azeltine; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 8-0.

15. OTHER BUSINESS

- A. Schedule an Executive Session immediately following the Governing Body meeting for a period of 15 minutes to discuss matters related to attorney-client privilege

A motion to approve the Executive Session was made by Councilmember Gullledge; seconded by Councilmember Rawlings. The motion was approved following a unanimous vote of 8-0.

The Governing Body recessed into Executive Session at 8:15 P.M.

A motion to extend the Executive Session for a period of 15 minutes was made by Councilmember Bussing; seconded by Councilmember Azeltine.

The Governing Body reconvened into regular session at 8:45 P.M.

A motion to adjourn the regular meeting was made by Councilmember Filla; seconded by Councilmember Bussing.

ADJOURN

The Governing Body meeting adjourned at 8:45 P.M.

Debra Harper, CMC, City Clerk

Christy Wise
Recording Deputy City Clerk