

**Minutes**

DVD No. 151

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, October 2, 2006. Mayor Peggy Dunn presided.

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

**Councilmembers absent:** James Azeltine.

**Staff present:**

Scott Lambers, City Administrator  
Chief Ben Florance, Fire 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 Sid Mitchell, Police Department  
Chris Claxton, P&R Director  
Jeff Joseph, Senior Planner  
Deb Harper, City Clerk  
Karl Weinfurter, IS Specialist

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted an amended agenda upon the dais. A motion to approve the agenda was made by Councilmember Gullede; 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.**

**4. PROCLAMATIONS**

**Fire Prevention Week, October 8-14, 2006**

Mayor Dunn read and presented the Fire Prevention Week proclamation to Fire Chief Ben Florance. She thanked Chief Florance for providing public safety to the citizenry and for the continued daily training received by members of the Fire Department.

**Double Tenth Day, October 10, 2006**

Mayor Dunn noted the Double Tenth Day proclamation to be in recognition of Leawood's sister-city, I-Lan, Taiwan. She read the proclamation into the record and confirmed with City Clerk Deb Harper that the original has been mailed to the Taipei Economic and Cultural Office in Kansas City.

**5. PRESENTATIONS/RECOGNITIONS      Recognition of the retirement of 2 Police K-9s and introduction of 2 new Police K-9s**

Police Chief Sid Mitchell reviewed that the first K-9 Unit at the Leawood Police Department began in May 1994 with the introduction of Zorro, who was partnered with Officer Greg Turney. During a 5½-year tenure, Zorro conducted 360 narcotic searches, was involved in over 200 arrests, located over \$87,000 in cash during a home search, and performed 55 public demonstrations. Zorro retired in September 1999.

Falco, now retiring, was brought into the K-9 Unit in December 1999 and was partnered with Officer Turney. He performed 50 public demonstrations, made 465 narcotic searches, 89 tracks, 27 building searches, located 16 felony suspects, and located more than 100 pounds of hidden narcotics in two separate searches alone. Chief Mitchell relayed several anecdotes of Falco's career, who could not attend the meeting due to health issues.

Baehr, also retiring, was put on duty in 2002 when Officer Jim Herman came to the Leawood Police Department after serving as a K-9 trainer/handler for the Paola Police Department. Present in the Council Chambers, Baehr is Officer Herman's personal dog and was perfectly trained for the job.

Chief Mitchell noted that the dogs' incredible successes are largely due to their police officer handlers, who not only work with the dogs but also take care of them in their homes and provide continuous training.

New Police K-9's Duke and Rocco will now partner with Officer Herman and Officer Turney, respectively. Duke was introduced to the Governing Body.

**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. 1058C, 1059A, 1059B, and 1060A
- B. Accept Minutes of the September 5, 2006 Governing Body meeting

- C. Accept Minutes of the August 23, 2006 Public Works Committee meeting
- D. Accept Minutes of the July 11, 2006 Park and Recreation Advisory Board meeting
- E. Accept Minutes of the June 20, 2006 Historic Commission meeting
- F. Accept Minutes of the August 8, 2006 Historic Commission meeting
- G. Approve purchase in the amount of \$40,215.57 to ICOP, for the purchase of in-car video recording equipment for police units
- H. Approve Change Order No. 3 in the amount of \$36,848.00, to Continental Construction Company, for the stone retaining wall and fabric west detention pond, pertaining to the Parkway Plaza Project, located at 135th & Roe [CIP # 80195]
- I. Approve Change Order No. 10 in the amount of \$20,288.95, to APAC, Kansas, Inc., pertaining to the Roe Avenue Improvement Project [between 124th Street and 135th Street] [CIP # 110]
- J. Approve 2<sup>nd</sup> and Final Pay Request in the amount of \$47,705.98 to Ron Weers Construction Company, pertaining to the Parkway Plaza Benefit District, CIP # 195
- K. Resolution No. 2657 approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the Board of County Commissioners for Johnson County, Kansas, pertaining to the 2007 County Assisted Road System [CARS] Program, for 143<sup>rd</sup> Street between Kenneth Road and Nall Avenue
- L. **Resolution declaring it necessary to appropriate private property for the use of the City of Leawood, Kansas for street right-of-way for the improvement of Nall Avenue from 143<sup>rd</sup> Street to 151<sup>st</sup> Street, in the City of Leawood, Johnson County, Kansas- THIS ITEM IS REMOVED**
- M. Resolution No. 2658 accepting Temporary Construction Easements and Storm Sewer Easements from UMB Bank [formerly Overland Park State Bank & Trust Co.] and Jane Kasten, Co-Trustees, pertaining to real property located on Lot 778, at 8304 Cherokee Lane, pertaining to the Dykes Branch Improvement Project [SMAC Project DB-04-024, Phase II] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road
- N. Resolution No. 2659 accepting Temporary Construction Easements from Matthew and Sandra F. Miller, 5305 W. 148<sup>th</sup> Street; Douglas W. and Michelle Hutton, 14906 Birch; Thomas C. & Rebecca S. Beiser, 14902 Birch; David A. and Robin A. Love, 5409 W. 148 Terrace; William J. and Dianne M. Dunn, 14914 Birch; Roger A. and Dana J. Gondek, 14824 Birch; Mary T. Roberts, 14918 Birch; Christopher and Karen Rogers, 5452 W. 153 Terrace; Richard and Andria Fuller, 5449 W. 153 Terrace; and Loretta L. Ammon, 5320 W. 154 Street, pertaining to the Nall Avenue Improvement Projects from 143<sup>rd</sup> Street to 159<sup>th</sup> Streets [CIP # 80143 & 80152]

- O. Resolution No. 2660 approving a Final Plat and Final Plan for LeaBrooke 6th Plat, located south of 145th Street and west of Kenneth Road [*from the September 26, 2006 Planning Commission meeting*]
- P. Resolution No. 2661 approving a Final Plat and Final Plan for LeaBrooke 7th Plat, located south of 145th Street and west of Kenneth Road [*from the September 26, 2006 Planning Commission meeting*]
- Q. Fire Department Monthly Report [August, 2006]
- R. Municipal Court Monthly Report [August, 2006]
- S. Police Department Monthly Report [August, 2006]

On motion of Councilmember Rawlings, seconded by Councilmember Filla, the Consent Agenda was approved following a unanimous vote of 7-0.

Councilmember Bussing requested that City Administrator Scott Lambers provide an update regarding the installation of a quiet zone on the railroad tracks in the Leabrooke subdivision. Mr. Lambers stated the process between Leawood, the City of Overland Park, and the railroad is near completion. The necessary median improvements should be done within the next 30-45 days, weather permitting. It is anticipated that the quiet zone will be in effect on the Kansas side at the beginning of 2007. The Missouri side has some railroad crossings, however the closest to Leawood is approximately two miles away. Although the noise will not diminish entirely, the quiet zone will provide a significant, noticeable improvement for residents in this area.

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

- A. Attended the Council of Mayors meeting at the Lenexa Conference Center. Guest speaker Dr. Jon Wefald, President of Kansas State University, discussed his proposal to the City of Olathe for the Johnson County Campus/Bioscience Initiative.
- B. Served as guest speaker at a Johnson County Rotary Club breakfast. The club has several Leawood members and the entire group is interested in learning more about the City of Leawood.
- C. Joined City Administrator Scott Lambers in accepting an award on the City's behalf at the Jewish Federation of Greater Kansas City's 73<sup>rd</sup> Annual Meeting. The honor was given in recognition of Leawood's sister-city relationship with the Gezer Region of Israel. Mayor Dunn stated words of appreciation were given to Todd Stettner, Executive Director of the Jewish Federation of Greater Kansas City, and Board President Karen Pack. Mr. Stettner also paid tribute to the City by presenting a surprise video of Gezer Region Mayor Peter Weiss, Shimon Binoun, Atzmon Yaniv, and others from the Gezer Region.
- D. Attended a ribbon-cutting and grand celebration ceremony welcoming Macy's Midwest to Town Center Plaza, formerly the Jones Store Company. Fire Chief Ben Florance also attended the event along with Councilmembers Peppes, Rawlings, and Azeltine.

- E. Attended a special memorial observance at Fire Station No. 3 to commemorate the 5<sup>th</sup> anniversary of September 11<sup>th</sup>. Mayor Dunn thanked Fire Chief Florance for providing the opportunity for reflection at all three fire stations. The Police Department also participated in the observance at Fire Station No. 1. The event was very dignified and included a reading of "The Fireman's Prayer."
- F. Attended the 3<sup>rd</sup> Annual Kansas City Ballet performance at Ironwoods Park along with nearly 2,000 attendees. Appreciation was extended to Leawood Arts Council Chair Mary Tearney, Cultural Arts Coordinator April Bishop, Parks & Recreation Director Chris Claxton, and other staff members of the Parks & Recreation Department for their collaborative efforts in bringing the ballet to Leawood.
- G. Participated in the Minneapolis-St. Paul Leadership Exchange with other area elected officials and civic leaders through a scholarship with the Greater Kansas City Community Foundation. The symposium was sponsored by the Greater Kansas City Chamber of Commerce. The 110 attendees came together to study regional issues facing various municipalities. The particular area of transit will be discussed in months to come. Mayor Dunn recognized Cathy Bennett, staff member of the Greater Kansas City Chamber of Commerce, who was chiefly responsible for organizing the trip. Ms. Bennett is the sister of Leawood City Attorney Patty Bennett.
- H. Attended the United Way Kick-Off Luncheon at Ironwoods Lodge along with Councilmembers Bussing and Azeltine. The event produced great employee attendance. Thanks were given to Human Resources Director Colleen Browne for arranging the luncheon and running the campaign. The theme of this year's campaign is increased participation. Mayor Dunn encouraged employees to contribute to the cause with either a one-time gift or through employee deductions.
- I. Attended the Leawood-hosted Upper Blue River Watershed Initiative Steering Committee meeting for their final meeting in the Main Conference Room at City Hall. Although the committee is co-chaired by Jackson County Chair Katheryn Shields and Johnson County Chair Annabeth Surbaugh, it was discussed that moneys raised by each individual state will stay in that state to fund the initiatives. Since 1992, there has been approximately \$130-million spent on stormwater improvements in Johnson County. It was suggested and agreed upon that the committee will come before the Governing Body at a future meeting to make a presentation regarding future monetary needs for quality and quantity control.
- J. Attended a Leawood Chamber of Commerce ribbon-cutting for Vintner's Cellar at 130<sup>th</sup> Street and State Line Road. The new business is a custom micro-winery where individuals can make their own wine over a period of eight weeks and design their own labels. Kansas City Mayor Pro Tem Alvin Brooks also attended the ribbon-cutting. The owners of Vintner's Cellar have chosen to join only the Leawood Chamber of Commerce even though they are located on the Missouri side of State Line Road.

- K. Attended the Mid-America Regional Council's [MARC] 2006 MetroGreen City-to-City Discovery Bike Tour. Others present were Kansas City Mayor Pro Tem Alvin Brooks, Councilman Chuck Eddy, and MARC Board Chairman/Prairie Village Mayor Ron Shaffer. The tour began at the Anita B. Gorman Discovery Center at 47<sup>th</sup> Street and Troost and ended at 119<sup>th</sup> Street and Tomahawk Creek Parkway in Leawood, where roundtrip cyclists turned around to head back to the starting point. Mayor Dunn shared that she was able to say, "Start your peddling!" at the beginning of the bike ride. More connectivity within the trail systems is anticipated over the years to come.
- L. Attended a Leawood Rotary Dinner this past Saturday night where an auction was held supporting Horizon Academy and Community Living Opportunities. Councilmembers Peppes, Bussing and Rawlings, Finance Director Kathy Rogers, and Fire Chief Ben Florance were also present. Congratulations were bestowed upon Chairman Theresa Strubbe, Leawood resident, for organizing the fabulous event.
- M. Announced there will be an Art Reception for the artists of the two new sculptures on loan at City Hall. The reception will take place in the lobby of City Hall on Monday, October 16<sup>th</sup> at 6:00 P.M. just prior to the Governing Body meeting at 7:30 P.M.

**9. COUNCILMEMBERS' REPORT – None.**

**10. STAFF REPORT**

**A. Golf Course Buffer Zone**

Mr. Lambers reported there is a situation involving the golf course in which there is a stipulation precluding surrounding residents from tying into the wrought iron fence bordering their property and the City's property. There is a 25-ft. buffer zone to prevent the construction of items within this area with the purpose of minimizing the risk of individuals crossing paths with errant golf balls; however, the prohibition of tying into the fence was not intended. He requested Governing Body concurrence with this intention as there is a current application from a new homeowner with children and pets who would like to install a fence. A revised stipulation with removal of the prohibition will be processed and brought before the Council at a later date.

A motion to concur with the City Administrator's request to remove language from the stipulation prohibiting property owners from tying into the wrought iron fence surrounding the golf course was made by Councilmember Gill; seconded by Councilmember Rasmussen.

Mr. Lambers clarified for Councilmember Peppes that the 25-ft. buffer zone will remain in effect and restrict placement of items such as swing-sets in this area.

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

## **COMMITTEE RECOMMENDATIONS**

### **11. PUBLIC WORKS COMMITTEE**

*[from the August 23, 2006 Public Works Committee meeting]*

- A. Recommendation regarding the Residential Street Reconstruction Program

A motion to approve the recommendation from the Public Works Committee regarding the Residential Street Reconstruction Program was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Mayor Dunn asked if year 2012 was too far into the future to predict scheduling of the improvements. Public Works Director Joe Johnson stated the same method was used with the current street program and produced good results. The final year of the proposed program, 2013, will be left open. He affirmed that the program can be reviewed at any time upon the request of the Governing Body or Public Works Committee.

Councilmember Gill questioned why the new reconstruction program did not include streets south of I-435. Mr. Johnson informed the streets in south Leawood can be treated with mill & overlays whereas north Leawood streets are constructed with only 3-inches of asphalt and do not allow this type of maintenance.

Mr. Johnson confirmed for Councilmember Bussing that sections of High Drive will undergo curb reconstruction due to drainage issues as part of the Residential Mill & Overlay Program. The improvements are scheduled for 2008 so as not to conflict with the 2007 National Swim Meet at Leawood South Country Club.

Councilmember Rasmussen inquired if there was flexibility within the program to build streets quicker given the possible occurrence of future lower asphalt costs in conjunction with decreased oil prices. Mr. Johnson stated resolutions will be passed identifying the streets in 2-3 year increments, which will allow faster reconstruction to occur with any possible excess funding by moving out-year streets into the current year.

The motion carried following a unanimous vote of 7-0.

### **12. PARK AND RECREATION ADVISORY BOARD**

*[from the September 12, 2006 Park and Recreation Advisory Board meeting]*

- A. Recommendation regarding the use of the Pedestrian/Bicycle Trails by organized groups

Ms. Claxton stated there have been several requests from various associations to utilize the trail system for organized events. The events have ranged from 200-1,200 participants and would encompass booths set along the trail. Facility use within the Parks & Recreation Department, such as the shelters and ball fields, require special use permits; however, there are no set guidelines for the trail system and requests have been denied up to this point. The trail system runs 6.2 miles from Indian Creek to Tomahawk Creek with numerous entrances and exits. Concerns related to the requests include group size, blind spots located on the trail, and the feasibility of closing down entrance and exit points.

Ms. Claxton requested direction from the Governing Body in developing an ordinance to either prohibit use of the trails by organized groups or allow the activity under certain circumstances. She reported the Parks & Recreation Advisory Board have discussed the possibility of allowing events to take place at Ironwoods Park as the trail is a contained circular 1.8 miles and would not be as problematic to manage from a safety standpoint.

Mayor Dunn recalled noticing the occasional closure of Tomahawk Creek Parkway on some Sunday mornings during walking events. Ms. Claxton stated calls requesting street use are referred to the Police Department. Chief Mitchell confirmed that on occasion the Police Department closes streets and intersections for organized runs/walks. He relayed problems associated with these activities include manpower issues as seven officers are sometimes needed to handle traffic control.

Noting from the Parks & Recreation Advisory Board minutes that Overland Park and Johnson County occasionally allow events on their trails, Councilmember Bussing asked if there have ever been groups wishing to transit the park system but were road-blocked by Leawood. Ms. Claxton stated this may have happened in the past unbeknownst to the Parks & Recreation Department and could potentially happen in the future. Councilmember Bussing confirmed with Ms. Claxton that parking could be an issue for such events dependent upon the timeframe and group size. Ms. Claxton stated the recent Cancer Walk on Sunday, September 24<sup>th</sup>, utilized the City Park for parking and shelter. The event took place prior to scheduled soccer games and did not cause a conflict in terms of insufficient parking.

Ms. Claxton added that some groups have requested barricades and traffic cones. She reiterated the need to implement some type of policy based on the number of recent requests. She informed Councilmember Rawlings there have been requests for one walking event and four cycling events this year. As the trails serve mixed uses such as dog walkers, baby strollers, walkers, runners, bicyclers, and rollerbladers, it would be necessary to publicly close the trails during the events in order to provide the safest atmosphere.

As Council Liaison to the Parks & Recreation Advisory Board, Councilmember Peppes listed concerns expressed by the committee as safety, the ability to close the numerous access points, and parking. Following a lengthy discussion, the board reached a unanimous conclusion to not close the trail system for organized events at this point in time.

A motion to uphold the Parks & Recreation Advisory Board's recommendations to not close the trails for organized events was made by Councilmember Peppes; seconded by Councilmember Rasmussen. The intent of the recommendation, motion, and second to the motion was clarified in that utilizing the trail system for organized events will not be allowed.

Mayor Dunn stated there have been past requests to use the trails for teaching students bicycle safety. She asked if there were alternative locations for this activity to take place. Police Captain Troy Rettig reported the possibility of using school parking lots for this purpose has been discussed and is the best alternative from a safety standpoint. The information will be relayed to requestors once Ms. Claxton receives further clarification on the issue. Ms. Claxton added that a section of the trail at Ironwoods Park could be used for small groups of students wishing to gain trail experience.

Councilmember Gill voiced disfavor with the motion. He agreed high-volume/high-speed bicycling and running events should not be allowed but felt the trails were well-suited for walking events. He stated he would support a motion requesting a recommended set of guidelines to accommodate low-impact events without closing the trails.

Mr. Lambers suggested allowing walking events while closing the trail to bicycle traffic if there are a certain number of participants. Signs could be posted during the time period of the activity. Allowing individuals to access the trail for walking purposes during an event would not cause additional problems.

Councilmember Gill reiterated the trail system should not be used for cycling events and agreed that Ironwoods Park may be appropriate for the student groups.

Mayor Dunn verified with Councilmember Peppes that his motion included the prohibition of walking events as well as running and cycling events. It was also clarified that the recent Cancer Walk took place on the streets rather than the trails.

A motion to call for the question was made by Councilmember Rasmussen; seconded by Councilmember Gulledge. The motion carried with a unanimous vote of 7-0.

The motion to uphold the Parks & Recreation Advisory Board's recommendation to disallow use of the pedestrian/bicycle trails for any organized groups of any size was approved with a vote of 5-2 (Nay: Councilmembers Gill and Filla).

Councilmember Bussing confirmed with Mayor Dunn that approval of the motion does not preclude Staff from monitoring requests for permits or presenting guidelines in the future to allow certain types of activity. Staff can report the number and type of future requests received to the Parks & Recreation Advisory Board for possible recommendation of alteration to the policy.

Councilmember Gill noted an organized event would include Boy Scout activity and volunteer clean-up efforts from the school districts. A motion for the Parks & Recreation Advisory Board to specify the definition of organized event and present a recommended list of prohibited and permitted activities was made by Councilmember Gill; seconded by Councilmember Bussing.

Councilmember Rasmussen stated he would not be in favor of this motion due to concerns of abhorrent organized groups claiming they have the right to utilize the trails. Mayor Dunn remarked there is merit to Councilmember Gill's motion as other activities such as Trail Day could also be considered an organized group.

To Councilmember Rasmussen's point, Councilmember Filla suggested that the Parks & Recreation Advisory Board use group size and type of activity as criteria for determining what is acceptable and not acceptable. She also encouraged the use of Ironwoods Park for certain events. In terms of bike safety training, she stated the parking lot across from the Ward Parkway Shopping Center would be an ideal location. Mayor Dunn noted the parking lot is private property.

Councilmember Gullede questioned whether the requested list should be a function of the Parks & Recreation Advisory Board. Mayor Dunn stated the list will be compiled by Staff and then taken to the committee for review prior to Governing Body presentation.

The motion carried following a vote of 5-2 (Nay: Councilmembers Rasmussen and Gullede).

### **13. PLANNING COMMISSION**

*[from the August 22, 2006 Planning Commission meeting]*

A. Ordinance amending § 16-4-3 of the Leawood Development Ordinance entitled Special Use Provisions [Roll Call Vote]

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

Mr. Lambers stated the amendment will allow a Special Use Permit [SUP] to run with the land and will remove the time stipulation.

Councilmember Gill informed of his intent to oppose the ordinance amendment. He stated allowing transferability of use with the SUPs would be disadvantageous in some situations and did not agree with omitting the 20-year timeframe.

Councilmember Rasmussen agreed with Councilmember Gill. The existing ordinance allows the Governing Body to review further desirability of an SUP upon transfer. He also intends to vote against the amendment.

Councilmember Rawlings asked for an example situation that would run past 20 years and necessitate the amendment. Mr. Lambers informed there is a specific request from Leawood Town Village, which is going through an ownership transfer at this time. The financing entity involved with the new owner does not find the 20 years sufficient as adequate collateral. Causing problems from a financial aspect triggered the ordinance amendment. Regarding transferability, Mr. Lambers stated SUPs are issued with set terms and conditions. If owners and subsequent owners do not comply with the specifications, they will be required to come before the City Council to apply for a new permit. Mr. Lambers advised time limitations of any duration can be placed upon SUPs at Council's discretion.

Mr. Lambers informed Councilmember Gill that Leawood Town Village carries an SUP for independent living. The owners are asking for an unlimited timeframe.

Councilmember Rasmussen commented that a 20-year timeframe is not unreasonable in terms of financing. Councilmember Gulledge noted that some financing entities, such as HUD, only offer a 40-year amortization.

Mayor Dunn confirmed with Mr. Lambers that a time extension could be granted for this one project in lieu of changing the ordinance. Mr. Lambers recommended amending the ordinance to allow the transferability of ownership but require the owner to request a timeframe extension. Due to the possibility of the Governing Body not allowing the ordinance amendment, the new owners of Leawood Town Village have an SUP application in process and will make their request for transfer of ownership and extended timeframe at the next Governing Body meeting.

Mr. Lambers discussed options regarding the timeframe limitation. He stated the application for the specific project can be dealt with and the ordinance amendment deferred following further consideration.

The motion to pass the ordinance failed with the following roll call vote of 3-4: Yea: Councilmembers Gulledge, Bussing, and Filla. Nay: Councilmembers Rawlings, Peppes, Rasmussen, and Gill. (Councilmember Azeltine absent).

A motion to remand the ordinance amendment back to the Planning Commission was made by Councilmember Gill; seconded by Councilmember Gulledge.

In terms of transferability, Councilmember Gill requested the Planning Commission review and call-out from the ordinance SUP categories of such a personal nature that would be affected by the identity of the provider. He also requested reexamination as to whether or not a timeframe of 20 years is adequate with a provision that allows for case-by-case expansion or contraction of the default period. Councilmembers Gulledge, Rasmussen, Rawlings, and Peppes agreed with Councilmember Gill's concerns.

Mr. Lambers advised there is no reason for a remand if Council prefers to leave the ordinance unchanged.

Councilmember Gill removed his motion to remand the ordinance amendment and Councilmember Gulledge removed his second.

A motion to override the Planning Commission's recommendation for approval of the ordinance amending § 16-4-3 of the Leawood Development Ordinance entitled Special Use Provisions was made by Councilmember Gill; seconded by Councilmember Rasmussen. The motion was approved following a unanimous vote of 7-0.

*[from the August 8, 2006 Planning Commission meeting]*

- B. Ordinance amending § 16-2-5.7 of the Leawood Development Ordinance entitled RP-4 [Planned Apartment Residential District - 4,000 sq.ft. Per Dwelling] [Roll Call Vote] – *Continued from the September 5, 2006 Governing Body meeting*
- C. Ordinance amending § 16-2-5.2 of the Leawood Development Ordinance entitled RP-A5 [Planned Rural Residential District - 5 Acres Per Dwelling] [Roll Call Vote] – *Continued from the September 5, 2006 Governing Body meeting*
- D. Ordinance amending § 16-2-5.3 of the Leawood Development Ordinance entitled R-1 [Planned Single Family Low Density Residential District - 15,000 sq.ft. Per Dwelling] [Roll Call Vote] – *Continued from the September 5, 2006 Governing Body meeting*
- E. Ordinance amending § 16-2-5.4 of the Leawood Development Ordinance entitled RP-1 [Planned Single Family Residential District - 12,000 sq.ft. Per Dwelling] [Roll Call Vote] – *Continued from the September 5, 2006 Governing Body meeting*
- F. Ordinance amending § 16-2-5.5 of the Leawood Development Ordinance entitled RP-2 [Planned Cluster Detached Residential District - 6,000 sq.ft. Per Dwelling] [Roll Call Vote] – *Continued from the September 5, 2006 Governing Body meeting*

Mr. Lambers requested a continuance for Item Nos. 13B through 13F to the January 17, 2007 Governing Body meeting in order allow the interim scheduling of a Work Session regarding these issues.

A motion to continue Item Nos. 13B through 13F to the January 17, 2007 Governing Body meeting was made by Councilmember Rawlings; seconded by Councilmember Bussing. The motion was approved following a unanimous vote of 7-0.

Mr. Lambers explained the process of amending the LDO. Although the amendments are policy decisions by the Governing Body, they are also planning applications and must be taken before the Planning Commission prior to Council presentation. A change in the procedure could include holding joint Work Sessions between the City Council and Planning Commission for discussion although action could not be taken. Mr. Lambers stated he does not think the LDO needs a comprehensive review but more Staff-initiated amendment requests may arise in the future. He confirmed for Councilmember Bussing that the process does not preclude individual discussions between councilmembers and Staff regarding amendment items.

**14. OLD BUSINESS – None.**

**15. NEW BUSINESS**

- A. Ordinance No. 2184 amending Chapter XI, Article 2 of the Code of the City of Leawood, Kansas, 2000, by adding new Section 11-212, Entitled, ‘Carrying of Firearms Prohibited.’ [Roll Call Vote]

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

Mayor Dunn confirmed with Mr. Lambers it is not the intent to have metal detectors at City Hall. The new Justice Center will have metal detectors and screeners with a cost of several hundred-thousands of dollars and additional staffing.

There will not be a need for the equipment at City Hall once Municipal Court is moved to the new location. Discussion can take place at future budget meetings if Council desires metal detectors and screeners at City Hall. He advised it would be necessary to have such at both the upstairs and downstairs entrance to the facility. At this time, there is signage posted on both entrance doors to City Hall prohibiting firearms in the building.

Councilmember Gill confirmed with Ms. Bennett that a Class A violation is the highest consequence that can be imposed to punish noncompliance. She advised that a higher fine can be levied for the violation within the City Code. Councilmember Gill stated he will likely propose a requirement of maximum punishment for this serious violation and requested Ms. Bennett to provide him with such information.

Councilmember Rasmussen asked how the ordinance would be enforced in the City parks and trail system. Mr. Lambers responded if a City employee or citizen notices an individual carrying a weapon on City property, there would be sufficient probable cause to alert the Police Department. The Police Department would then detain the individual to see if they fall within the limited parameters for which carrying a weapon is legal.

Referring to a section of the proposed ordinance which states, “the City of Leawood desires to prohibit the carrying of such weapons in public buildings and in public parks and greenways by persons who are not authorized by other laws to carry such weapons,” Mayor Dunn confirmed with Mr. Lambers that a person with a concealed weapon permit will not be exempt from the violation.

Councilmember Rasmussen determined that even though an individual may have a permit from the State of Kansas to carry a concealed weapon, they will not be allowed to do so upon City property with passage of the ordinance. Mr. Lambers restated the only mechanism for enforcement is probable cause. Triggered by a change in Kansas State Law permitting the carrying of concealed in addition to unconcealed weapons, the ordinance will ban such activity from occurring in the outlined areas.

Councilmember Rasmussen expressed disfavor with denying licensed individuals, who are concerned with their safety along areas such as the trail system, the ability to protect themselves against attackers.

The ordinance passed with the following roll call vote of 6-1: Yea: Councilmembers Gullede, Rawlings, Peppes, Gill, Filla, and Bussing. Nay: Councilmember Rasmussen. (Councilmember Azeltine absent).

**OTHER BUSINESS – None.**

**ADJOURN**

The Governing Body meeting adjourned at 9:10 P.M.

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Debra Harper, CMC, City Clerk

Christy Wise  
Recording Deputy City Clerk