

Minutes

DVD No. 160

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 19, 2007. Mayor Peggy Dunn presided.

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

Councilmembers absent: Gary Bussing.

Staff present:

Scott Lambers, City Administrator
Major Troy Rettig, Police Department
Chief Ben Florance, Fire Department
Joe Johnson, Public Works Director
Mark Klein, Asst. to the Planning Director
Deb Harper, City Clerk
Jack Reece, IS Specialist

Patty Bennett, City Attorney
Captain Dale Finger, Police Department
Kathy Rogers, Finance Director
Chris Claxton, P&R Director
Jeff Joseph, Senior Planner
Christy Wise, Deputy City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted an amended agenda with a continuance for Item No. 11B until the March 5th Governing Body meeting. Additionally, revisions to Item No. 13A have been placed upon the dais. She also advised that the Governing Body will recess back into Executive Session following the public portion of the meeting to continue discussion of a personnel matter of non-elected personnel. A motion to approve the agenda was made by Councilmember Gill; seconded by Councilmember Filla. 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.

Erwin D. Roesler, 5426 W. 145th Street, stated concerns related to the current requirements of submitting architectural and structural drawings when constructing a home.

In order to ensure efficiency and safety, he felt that a complete set of documents should be submitted for all residential construction projects within Leawood, i.e. architectural, structural, mechanical, and electrical drawings, as is done with commercial projects. He requested consideration be given to the issue.

Mayor Dunn informed that she has talked extensively to Mr. Roesler on this topic and requested that Councilmember Rasmussen, Chair of the Public Works Committee, discuss the issue with Building Official Eirene Oliphant. If deemed appropriate, a recommendation to refer the matter to the Public Works Committee can then be brought before the Governing Body.

Councilmember Filla suggested that Councilmember Rawlings, Chair of the Building Permit Task Force, invite Mr. Roesler to the next meeting when the committee reconvenes. Mayor Dunn advised that Mr. Roesler's issues are very different from those being reviewed by the task force.

4. PROCLAMATIONS – None.

5. PRESENTATIONS/RECOGNITIONS Presentation of the 2006 City of Caring Award by Joan Cabell, Johnson County United Way Director of Development

Joan Cabell, Director of Development for the Johnson County United Way, stated it is her pleasure to present the City of Caring Award to the City of Leawood for the second year in a row. She thanked Mayor Dunn, City Administrator Scott Lambers, Human Resources Director Colleen Browne, and all City of Leawood employees who believe in improving lives within the community for their long and loyal support.

The award is given based upon the percentage of increase from one campaign year to the next. Ms. Cabell reviewed that the City increased participation by 69% last year and garnered the first City of Caring Award. An increase of 35% was met this past year. She then presented the award to Mayor Dunn.

Mayor Dunn stated it is with great pride that she accepts the award. She recognized Ms. Browne for encouraging the employee participation increase and expressed appreciation to all those who contributed.

6. SPECIAL BUSINESS

A. Discuss participation in the Kansas City Metropolitan Arts Payroll Deduction System

Mayor Dunn advised this item was brought to her attention by Councilmember Rasmussen. The topic was discussed during the recent Goals and Objectives Work Session and was added as a Governing Body goal for 2007.

Councilmember Rasmussen called attention to the proposal entitled, "Investing in the Arts to Enrich our Lives," included as packet information. He noted that various art facilities have made contributions to cultural life in this area. Addressing the issue of providing an operating fund for these institutions has been attempted over the years. The Greater Kansas City Chamber of Commerce and other organizations approached other cities and discovered there have been successful operations that mimic the voluntary contribution program of United Way.

The proposal is to establish an Arts in Kansas City Fund that would operate similarly to the United Way Fund. The function of the fund would be to support the operations of arts in Kansas City. At this stage, corporations and municipalities are being asked to participate on an experimental basis in order to resolve any problems that might arise in the application of establishing a payroll system that would permit voluntary deductions to support the arts in the metropolitan area. Councilmember Rasmussen stated the proposal has been well thought-out and he expects that much knowledge will be gained during the process. There are 27 campaign participants for 2007 with the City of Leawood listed as one of two pending participants for the first year.

A motion to direct the City Administrator to take the appropriate steps necessary for the City of Leawood to participate in the Kansas City Metropolitan Arts Payroll Deduction System for the upcoming period was made by Councilmember Rasmussen; seconded by Councilmember Gill.

Mayor Dunn reiterated that employee and Governing Body participation in the program will be on a voluntary basis. She called attention to the article in *The Kansas City Star*, "Arts fund set to debut," by Diane Stafford, which was included in the agenda packet and defines further details of the fundraising campaign.

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

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. 1068B, 1071B, and 1072A
- B. Accept Minutes of the February 5, 2007 Governing Body meeting
- C. Accept Minutes of the November 14, 2006 Parks and Recreation Advisory Board
- D. Adoption of the Revised 2008 Budget/Financial Calendar
- E. Approve 9th and Final Payment in the amount of \$3,750.00 to Schlagel & Associates, pertaining to the Parkway Plaza Project [CIP # 80195]

- F. Approve purchase in the amount of \$21,695.00 from Drexel Technologies for the purchase of plotter/scanner equipment
- G. Resolution No. 2746 calling for a Public Hearing to be conducted at 7:30 P.M., on Monday, March 5, 2007, to consider the 2008-2012 Capital Improvement Program [CIP] for the City of Leawood, Kansas
- H. Resolution No. 2747 adopting Amended GASB-34 Policy in accordance with the criteria established by the Governmental Accounting Standards Board [GASB], and repealing Resolution No. 2554
- I. Resolution No. 2748 approving and authorizing the Mayor to execute a Utility Agreement between the City of Leawood and Kansas City Power & Light [KCPL] for the attachment of power usage measuring devices to street light poles located throughout the City
- J. Resolution No. 2749 requesting Johnson County, Kansas' participation in the City of Leawood's five-year Capital Improvement Program through the 2008-2012 County Assisted Road System [CARS] Program
- K. Resolution No. 2750 approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Mid-America Regional Council [MARC] pertaining to the Operation Green Light Traffic Control System
- L. Resolution No. 2751 accepting Public Infrastructure Improvements through private development located at 151st Street and Nall Avenue, more commonly known as Nall Valley Shops, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets
- M. Fire Department Monthly Report
- N. Municipal Court Monthly Report
- O. Police Department Monthly Report

Councilmember Azeltine requested to pull Item No. 7K.

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

- 7K. Resolution No. 2750 approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Mid-America Regional Council [MARC] pertaining to the Operation Green Light Traffic Control System

Noting that the City's share for this project of \$16,000 is not reflected in the 2007 Budget, Councilmember Azeltine verified with Mr. Lambers that the cost will come out of the contingency fund.

A motion to approve Item No. 7K was made by Councilmember Azeltine; seconded by Councilmember Filla.

Mayor Dunn added that Operation Green Light has been discussed extensively at transportation meetings that she has attended with other elected officials. The agreement was recently approved by the City of Overland Park. She expressed hopefulness that the project will make a huge difference in streamlining traffic delays at intersections.

Councilmember Rasmussen stated he would like to further discuss this topic during the Capital Improvement Program [CIP] Work Session.

In order to avoid the appearance of impropriety, Councilmember Gill stated he will recuse from the vote as he performed legal duties for MARC when employed by a previous law firm.

The motion was approved following a vote of 6-0-1 (Councilmember Gill recusing).

8. MAYOR'S REPORT

- A. Attended the 46th Annual Mayors' Prayer Breakfast. The mission of this annual event is to emphasize morals, ethics, and spirituality in business, labor, the professions and government. Joanne Collins, former Kansas City Councilmember and community leader, spoke on the issue of cooperatively working against global warming.
- B. Attended the opening festival of the Dead Sea Scrolls at Union Station. Mayor Dunn encouraged everyone to attend the phenomenal exhibit, which is attracting many visitors from this region of the United States and will remain on display until May 13th.
- C. Attended the Leawood Studio Arts Tour along with Councilmembers Rasmussen, Rawlings, Bussing, and Azeltine. The event was co-hosted by M&I Bank and the Leawood Arts Council.

9. COUNCILMEMBERS' REPORT – None.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the January 23, 2007 Planning Commission meeting]

- A. Ordinance No. 2215 approving a Revised Preliminary Site Plan for Villaggio Senior Housing, located north of 137th Street and east of Roe Avenue [Roll Call Vote]

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

Applicant James Taylor stated the plan revision is due to a redesign in the detention system on the north side of 137th Street. It was discovered that moving the detention system further to the east would result in a better parcel of ground for final development of the assisted care facility. He respectfully requested Council consideration and approval.

Mark Klein, Assistant to the Planning Director, pointed out the revisions on site plan drawings of the project.

Councilmember Filla confirmed with Mr. Taylor that the revised plan will provide increased green space.

Councilmember Gullede stated he will recuse from the vote due to the appearance of a conflict of interest as he has had previous discussions with the developer regarding this piece of property.

The ordinance passed with the following roll call vote of 6-0-1: Yea: Councilmembers Azeltine, Rasmussen, Filla, Rawlings, Peppes, and Gill. Nay: None. (Councilmember Gullede recusing and Councilmember Bussing absent).

- B. Resolution approving a Final Site Plan for Oberweis Ice Cream and Dairy, located south of 135th Street and east of Nall Avenue – ***CONTINUED TO THE MARCH 5, 2007 GOVERNING BODY MEETING***
- C. Ordinance No. 2216 approving a rezoning from AG (Agriculture) to RP-2 (Planned Cluster Detached Residential District), Preliminary Plat and Preliminary Site Plan for Timberstone, located on the southwest corner of 151st Street and Catalina [Roll Call Vote]

Harold Phelps of Phelps Engineering, 1270 N. Winchester, Olathe, Kansas, stated this is the last piece of property on this stretch of land. The proposal includes six lots on three acres with a similar product to what is seen in the Mission Reserve subdivision. He relayed the project received a unanimous approval from the Planning Commission.

A motion to pass the ordinance was made by Councilmember Gullede, seconded by Councilmember Azeltine.

Mr. Phelps confirmed for Councilmember Filla that the project will utilize matching materials and be similar in style to the Mission Reserve subdivision. He informed Councilmember Gill that the developer is Brett Childress with Timberstone Development, Inc.

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

- D. Resolution No. 2752 approving a Final Site Plan and Final Plat for Bi-State Office Building, located south of 141st Terrace and east of Overbrook Road within the Bi-State Business Park, Lots 18 and 19

Applicant Dr. Brad Vince, 14553 Sherwood Street, informed that the business park is in the process of being renamed Centennial Park in order to give the development a more appropriate atmosphere. He thanked members of the Planning Department for their help with this first building to be erected within the development. The project was accepted by the Planning Commission. He reminded that the building will sit in front of a detention area.

A motion to approve the project was made by Councilmember Azeltine; seconded by Councilmember Gullede.

Dr. Vince reported that the trash enclosure will be attached to this building. Referring to another building within the development of which a detached trash enclosure was an issue, he reported that significant time and energy was devoted to attach the feature and will be presented to the Governing Body as a separate project at a future meeting.

Mayor Dunn asked who is working on the design guidelines for this tract. Senior Planner Jeff Joseph stated the developer is working on this private set of guidelines, which has not been seen by Staff at this point. Dr. Vince stated the design guidelines are a work in progress given the property is within two municipalities. Although permitted within the current design guidelines, he reported that metal structures will not be allowed within the business park in order to reflect the Leawood atmosphere. The new design guidelines will be contingent upon construction of the first buildings and further understanding of the market in this area.

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

12. OLD BUSINESS – None.

13. NEW BUSINESS

- A. Ordinance No. 2217 amending Article 8 of the Code of the City of Leawood, Kansas 2000, by adding a new Section 1-830 through 1-834, establishing a new Public Safety Improvement Fund for the City of Leawood, Kansas [Roll Call Vote]

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

- B. Resolution No. 2744 amending Resolution No. 2624 authorizing the improvement of park property of the city by installation of creek stabilization enhancements at Ironhorse Golf Course; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to Charter Ordinance No. 33 and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [CIP # 80171]

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

Councilmember Azeltine noted that in July 2006, the project cost was amended from \$1,093,000 to \$1,850,000 with the latest estimate being \$2,260,000. He inquired as to the reason for the increasing costs. Finance Director Kathy Rogers reviewed that the July amendment was due to revised estimates provided by Continental Engineering, who later also suggested that another 30% be added to the figure. Bids for the project will be opened tomorrow.

Mr. Lambers informed the escalating figure is attributable to increased material costs and expansion of the project. He clarified for Mayor Dunn that the addition of golf cart paths to the project is being financed on a Pay-As-You-Go [PAYGO] basis rather than through General Obligation Bonds.

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

- C. Resolution No. 2745 amending Resolution No. 2623 determining it necessary and advisable and ordering the resurfacing and repair of certain residential streets or portions thereof within the City of Leawood, Kansas pursuant to K.S.A. 12-614 et seq. [CIP # 80206]

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0.

- D. Ordinance No. 2214 amending Ordinance No. 2053 finding as to the advisability of and authorizing the construction of storm water drainage improvements to the Dykes Branch between 83rd Street and Wenonga Road south to 86th Street and Overhill Road within the City of Leawood, Kansas; providing for the issuance of General Obligation Bonds of the City to provide funds to pay the costs thereof, and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; and authorizing and approving certain related matters and actions [CIP # 83106] [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Peppes; seconded by Councilmember Filla.

Councilmember Rasmussen asked why bonds are being issued given that \$400,000 is budgeted per year to fund SMAC projects on a PAYGO basis. Mayor Dunn recalled the amount to be \$300,000 per year. He also asked why the original quote of \$90,000 for easement acquisitions has reached an excess of \$200,000.

Ms. Rogers stated the original cost for the easements was presented to the Governing Body at \$200,000 with the final cost being \$325,000. The SMAC fund has always been budgeted for construction only as it was not anticipated that easements costs would be required for these types of projects.

Confirming with Ms. Rogers that the proposed bonds will be issued solely for easement costs, Councilmember Rasmussen urged fellow-councilmembers to prevent this situation from occurring in the future. Mayor Dunn noted that past records will reflect previous nay votes from Councilmember Rasmussen regarding this issue. He stated that the taxpayers of the City "have been had."

Mayor Dunn stressed the significant magnitude of the project with an overall project cost of \$7,100,000. From a financing standpoint, Councilmember Rasmussen stated he is left in the position of voting in favor of the ordinance as there is no other alternative.

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

- E. Schedule a Governing Body Work Session at 6:00 P.M. on Monday, March 5, 2007 to discuss improvements to Gezer Park, located at 13300 Mission Road

A motion to approve the scheduling of the Work Session was made by Councilmember Rawlings; seconded by Councilmember Gullede.

Councilmember Gill requested that discussion regarding the feasibility of a voluntary contribution program to help fund the park take place at either the Work Session or at some point in the future.

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

- F. Schedule a Revised Governing Body Work Session at 5:30 P.M. on Monday, March 12, 2007, to discuss 2008-2012 Capital Improvement Projects [C.I.P.] and Budget Model Assumptions and review and discuss Budget Presentations

Mayor Dunn noted the Work Session will take place on the second Monday in March, which is a non-City Council meeting date. Additionally, the March 19th Governing Body meeting has been canceled due to Spring Break.

A motion to approve the Work Session was made by Councilmember Azeltine; seconded by Councilmember Filla. The Work Session was approved following a unanimous vote of 7-0.

Mr. Lambers advised the Governing Body that Assistant City Attorney Shannon Marcano has resigned her position effective February 27, 2007, as she has obtained employment in the private sector.

14. OTHER BUSINESS – None.

ADJOURN

The Governing Body recessed into Executive Session at 8:25 P.M.

The Governing Body reconvened into regular session at 8:55 P.M.

A motion to adjourn was made by Councilmember Filla; seconded by Councilmember Rasmussen.

There being no further business, the meeting was adjourned at 8:55 P.M.

Debra Harper, CMC, City Clerk

Christy Wise
Recording Deputy City Clerk