

**Minutes**

DVD No. 165

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, May 21, 2007. Mayor Peggy Dunn presided.

**Councilmembers present:** Gary Bussing, Gregory Peppes, Jim Rawlings, Lou Rasmussen, James Azeltine, Mike Gill, and Scott Gullledge.

**Mayor/Councilmembers absent:** Debra Filla.

**Staff present:**

Scott Lambers, City Administrator  
Chief John Meier, Police Department  
Chief Ben Florance, Fire Department  
Joe Johnson, Public Works Director  
Deb Harper, City Clerk  
Karl Weinfurter, IS Specialist

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

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn stated the agenda will also include a report from Councilmember Rasmussen as Item No. 9A. She also noted an amended agenda with the withdrawal of Item No. 12A.

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Peppes. The motion carried 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**

**Emergency Medical Services Week, May  
20-26, 2007**

Mayor Dunn read and presented the Emergency Medical Services Week Proclamation to Fire Chief Ben Florance.

Chief Florance provided a brief update on disaster relief efforts in Greensburg, Kansas. Deputy Fire Chief Randy Hill, Battalion Chief Louis Dunham, and Firefighter A.J. Venable have all participated in providing assistance to the town that suffered complete devastation from an F-5 tornado. Although there have been immense material and equipment donations, more monetary contributions are needed.

Mayor Dunn asked Chief Florance to relay appreciation to those who are aiding our fellow Kansans.

Chief Florance informed Councilmember Bussing that water service has been restored to Greensburg, although it is sporadic. At this time, generators are being used for electricity throughout most of the town.

**Nat'l Public Works Week, May 20-26,  
2007**

Mayor Dunn read and presented the National Public Works Week Proclamation to Director of Public Works Joe Johnson.

**5. PRESENTATIONS/RECOGNITIONS    Joe Johnson, Top Ten National Public Works Leaders of the Year by the American Public Works Association**

Mayor Dunn stated that Mr. Johnson is receiving the most coveted, prestigious award sponsored by the American Public Works Association. He was selected this year as one of the top ten public works leaders throughout the country.

Mr. Johnson began his employment with the City of Leawood in January 1996 and became Director of Public Works in August 1996. He manages 53 employees and an operating budget of \$15.2-million within nine divisions. One of the programs implemented by Mr. Johnson through the Fleet Maintenance Division is a vehicle replacement policy and vehicle replacement list for all City vehicles. Additionally, his commitment to the education and training of employees and coworkers has been inspiring and given them motivation to continue the professionalism he has set in place.

Mayor Dunn presented Mr. Johnson with a plaque reading, "The Top Ten APWA Public Works Leader of the Year for noteworthy achievement in the field of public works and adherence to the highest standard of professional conduct. Joe C. Johnson, P.E., Director of Public Works, City of Leawood, Kansas, has been selected as one of the Top Ten Public Works Leaders of the Year, awarded by the American Public Works Association, May 2007."

Mayor Dunn congratulated Mr. Johnson and stated it has been her pleasure to work with him for a number of years. She expressed admiration for his professionalism in what he does for the community and citizenry and noted that the letters of accolades based on his receipt of the award were very impressive.

Mr. Johnson received a standing ovation.

Mr. Johnson stated he did not receive this award on his own as the dedication and hard work of the Public Work Department Staff afforded him the opportunity to be considered for the honor. He thanked his employees and stated the award recognizes them as well. Mr. Johnson introduced members of the Public Works Department present in the audience as Julie Stasi, Administration Services Manager; Dominick Stasi, Superintendent; David Ley, City Engineer; and Mary Lumley, Contract Administrator. He thanked Mayor Dunn, the City Council, and Mr. Lambers for their dedication and commitment to public works. Mr. Johnson also thanked all Department Heads for their collaboration and assistance on the success of projects. He then thanked his family and introduced his wife, Beth, and father-in-law, Dennis Carlstedt.

Mayor Dunn noted that a reception to honor Mr. Johnson will be held on May 29<sup>th</sup>.

## 6. SPECIAL BUSINESS

- A. Resolution No. 2825 accepting the 2007 Orion Management Solutions, Inc., Marketing Plan for IRONHORSE Golf Course

*Staff Comment: The City Administrator is recommending the Council reject the Marketing Plan, as submitted because of the proposed increase in marketing expenses that is contrary to the City's contract with Orion and due to the question of the qualifications of the individual proposed to do the marketing.*

Mr. Lambers reviewed concerns expressed in the Staff Comment. The current contract with the City anticipates a cost of \$45,000 for marketing to be done by Shane Gardner, a principal of Orion Management Solutions, Inc. There are no other concerns related to the balance of the proposed Marketing Plan.

Shane Gardner, Managing Officer of Orion, confirmed for Mayor Dunn that the proposed increases are a result of recommendations obtained from the Governing Body during a Work Session held in January. He also explained that he has decreased his involvement with marking the golf course on a daily basis as he has made a commitment to another golf course for the rest of the year; however, he will be administering the marketing effort. The submitted plan outlines timeframes, staff, and costs. The Orion employees listed to perform marketing efforts have worked at IRONHORSE in the past. They are well known to past customers and will be making the daily phone calls. He reiterated that he does not have time to personally perform these duties, although he will organize tasks and oversee the staff members.

Mayor Dunn and Mr. Gardner discussed the differing employee compensation charges between the original and revised Marketing Plan. The original plan lists \$15,000 for customer contact, which was scheduled to be performed the last three months of 2007, while the new plan estimates a charge of \$36,000 for services beginning in May. Given the current date, it will not be possible to begin the described duties until the second or third week in June.

Mayor Dunn requested definition of the statement on page 10 of the revised plan, "Orion's plan offers to provide its employees to the City for the implementation of the marketing activity without compensation to the company as a goodwill gesture." Mr. Gardner explained that the City will pay the employees their regular salary from Orion, but additional charges for services provided by the company will be waived.

A motion to approve the Marketing Plan for IRONHORSE Golf Course was made by Councilmember Rasmussen; seconded by Councilmember Azeltine.

Mayor Dunn clarified that the motion is to approve the total proposed cost of \$71,000 for work beginning in May even though the month is almost over. Mr. Gardner stated the charges for May will be prorated from an employee standpoint.

Councilmember Azeltine stated his concerns do not relate to costs but to the fact that a Work Session was held in January and the plan is being presented at this late date. As 2007 is almost halfway over, it is urgent to begin marketing efforts with the golf season in full swing. If the plan were presented earlier, it would have been easier to digest; however, there is no time to quibble over \$20,000-\$25,000 as it is imperative to get started.

Referring to the cover memo in the agenda packets stating, "Approval of the plan would also approve payment to two other Orion staff members (Christine Salyer and Bill Nelson). Upon approval, this along with the dollar amount will subsequently require an amendment to the current agreement," Mr. Lambers informed Councilmember Azeltine that the amendments can be made effective this evening with revisions reflected in the contract by tomorrow.

If the motion is not approved, Mayor Dunn inquired if the original Marketing Plan at a cost of \$45,000 and more involvement from Mr. Gardner is still an option. Mr. Gardner stated he could arrange the marketing but could not carry it out on a day-to-day basis.

Councilmember Gill asked how much time Mr. Gardner could commit to personally market IRONHOSE. Mr. Gardner stated he could easily devote 10 hours per week to contacting key customers and would not be averse to including this in the contract.

Mr. Gardner confirmed for Councilmember Azeltine that Christine Salyer and Bill Nelson have both been employed at the golf course for 5-6 years and have established rapport with clients. Mr. Gardner will follow-up on duties delegated to these employees and personally contact the more significant members.

Councilmember Bussing stated his comments to the original plan related to developing a better understanding of how to measure the effectiveness and value of dollars spent on the proposed marketing efforts. He continues to have a fairly high level of discomfort with this issue as the concept was not particularly addressed at the Work Session or subsequently within the revised Marketing Plan. As it is May, he asked how to assess the value of marketing today as opposed to July or October. He also questioned the rationale of not modifying the plan to the changing timeframe that has elapsed since original inception. It is his near inclination to abandon the idea of a Marketing Plan altogether.

Councilmember Bussing furthered that he is concerned with the lack of specificity regarding what the City will receive for the expenditure, which has risen from \$45,000 to \$71,000, as well as with the timing. He speculated whether it would be better to concentrate resources and focus on marketing efforts later in the year. For these reasons, he is not in favor of the proposed plan.

Councilmember Rawlings discerned that the additional expense requested for the two additional staff members translates to a salary of approximately \$15.00 per hour each for three months. He asked if the value of the two full-time employees during this timeframe will bring the golf course back to the desired level. In addition to contacting customers, Mr. Gardner stated the plan of holding summer events will take organizational efforts by the employees. They will also circulate in the general public at events such as Leawood Rotary meetings and Leawood Chamber of Commerce meetings. The value will be to ensure that customers will return to IRONHORSE rather than permanently joining another course. There will be three new golf courses opening within 15-minutes of IRONHORSE over the next 12 months, which is of great concern. Existing courses are also trying to lure IRONHORSE members to join their establishments.

Mr. Gardner verified for Councilmember Rawlings that the original Marketing Plan absorbed costs for the special summer events.

Mayor Dunn noted there is a \$21,000 increase in employee costs between the original and revised plans. She requested explanation of how recommendations from the Work Session justified the \$26,000 total increase in costs. Mr. Gardner stated comments obtained at the Work Session were to the effect that marketing IRONHORSE should be a continuous 18-month effort. Feedback also included emphasis on maintaining core customers as a priority over recruiting new members. The cost difference is due to having the employees begin in May and work through December as opposed to the original plan of utilizing only the months of October through December.

Councilmember Azeltine stressed the importance of a smooth reopening. He also restated concern with the length of time that has elapsed between the Work Session in January and presentation of the revised plan. He has been contacted by many golfers who are frustrated with the lack of communication. As time is of the essence, it is worth an additional investment of \$26,000 to begin the marketing efforts. He suggested a friendly amendment to the motion of making the Marketing Plan effective immediately.

Mayor Dunn pointed out that of the many suggestions discussed at the January Work Session, it was never contemplated or agreed upon that a revised plan would include additional costs.

Councilmember Azeltine expressed concern that there has not been enough contact between the consultants and City Staff in the interim.

Councilmember Rasmussen accepted Councilmember Azeltine's friendly amendment to make the Marketing Plan effective immediately.

Councilmember Rasmussen also offered an amendment to the motion to prorate the amount of direct payment to the two full-time employees for time that has elapsed since May 1, 2007. As the second to the motion, Councilmember Azeltine stated agreement to the amendment.

City Clerk Deb Harper clarified that the committed 10 hours per week by Mr. Gardner will be an amendment to the contract with Orion, which will be brought forth for approval at a later date. The language "effective immediately" and the prorating of costs in the motion are also applicable to the contract.

Councilmember Peppes confirmed with Mr. Lambers that a Marketing Plan for 2008 will be prepared in the Fall and presented towards the end of the year. He also verified with Mr. Gardner that the two additional employees will be available to assume duties for IRONHORSE.

Councilmember Rasmussen noted that the Budget Sessions in June will include operational costs for IRONHORSE, which will encompass the 2008 Marketing Plan.

Mr. Gardner informed Councilmember Gill that the additional two staff members are full-time equivalents at 40 hours per week.

The motion was approved following a vote of 6-1 (Nay: Councilmember Bussing).

- B. Consideration of proposal from the City of Prairie Village pertaining to the use of land located at Somerset and Lee Boulevard in Prairie Village and Leawood, Kansas, for the installation and maintenance of the Public Art Piece known as 'Porch Lights'

A motion to approve the proposal was made by Councilmember Rasmussen; seconded by Councilmember Peppes. 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. 1078A and 1078B
- B. Accept Minutes of the May 7, 2007 Governing Body meeting
- C. Accept Minutes of the March 27, 2007 Arts Council meeting
- D. Accept Minutes of the March 13, 2007 Historic Commission meeting
- E. Accept Minutes of the February 28, 2007 Leawood Foundation meeting
- F. Accept Minutes of the April 10, 2007 Parks and Recreation Advisory Board
- G. Mayoral Appointment of Dick Shaw to Planning Commission for 3-year term Expires: 2010]
- H. Certification of Cost in the amount of \$835,000 pertaining to the burying of power lines along 135<sup>th</sup> Street, Villaggio TDD, [CIP # 80452]

- I. Approve Final Pay Request in the amount of \$13,195.12 to Bucher Willis & Ratliff [BWR] Corporation, pertaining to the Roe Avenue Improvement Project [between 124th Street and 135th Street] [CIP # 110]
- J. Resolution No. 2808, ordering a public hearing to be held on June 4, 2007, at 7:30 P.M. or as soon thereafter as may be heard on proposed assessments for the 135<sup>th</sup> Street and Briar Improvement Project, and directing the City Clerk to publish notice thereof and provide written notice to owners of property of such assessments [CIP # 193] [135<sup>th</sup> & Briar]
- K. Resolution No. 2809 approving and authorizing the Mayor to execute a Service Agreement in the amount of \$10,000 between the City and CBIZ to provide actuarial services for the City's Employee Benefit Program as it relates to GASB-45 –*[Continued from the April 16, 2007 Governing Body meeting]*
- L. Resolution No. 2810 approving and authorizing the Mayor to execute a Letter of Engagement Agreement for an amount not to exceed \$30,800, between the City and Cochran, Head & Company, P.C., pertaining to the 2007 audit
- M. Resolution No. 2811 approving and authorizing the Mayor to execute Supplemental Agreement No. 1, to that certain Engineering Service Agreement dated April 18, 2005, in the amount of \$25,000 between the City and Continental Consulting Engineers pertaining to the IRONHORSE Golf Club NC-04-001 Stormwater Project [CIP # 73001]
- N. Resolution No. 2812 approving and authorizing the Mayor to execute Supplemental Agreement No. 2, to that certain Engineering Service Agreement dated April 18, 2005, in the amount of \$50,000 between the City and Continental Consulting Engineers pertaining to the Leawood IRONHORSE Golf Club Floodplain Repair Project [80171]
- O. Resolution No. 2813 approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$25,725.00 between the City and Olsson & Associates, pertaining to design of traffic signalization at 128<sup>th</sup> & State Line Road [CIP #80400]
- P. Resolution No. 2814 approving and authorizing the Mayor to execute a Rental Agreement between the City of Leawood, Kansas and the City of Greensburg, Kansas, pertaining to the usage of fire apparatus equipment
- Q. Resolution No. 2815 accepting Permanent Storm Sewer Easement from George Arthur Andreopoulos and Mary Ann Apple, Co-Trustee; 8432 Cherokee, pertaining to the 2007 Storm Drainage Project, Phase I *[Last easement for project]*
- R. Resolution No. 2816 accepting a Permanent Sidewalk Easement from Park Place Developers, LLC, pertaining to the Park Place Benefit District [CIP # 196; CIP # 80196]
- S. Resolution No. 2817 approving and authorizing the Mayor to execute a Public Crossing Agreement between the City and Union Pacific Railroad, pertaining to the railroad crossing located at 148<sup>th</sup> Street and Kenneth Road
- T. Resolution No. 2818 approving a \$122,820.00 grant request from the National Fire Protection Association [NFPA] to assist with funding of fire equipment and bunker gear

- U. Resolution No. 2819 ordering a Public Hearing to be heard on June 18, 2007, for a Permanent Easement Vacation located at 14604 Juniper, Highlands Creek 4<sup>th</sup> Plat, Lot 74
- V. Resolution No. 2820 approving a final plat for Mission Farms 5th Plat, located at the southeast corner of 105th Street and Mission Road *[from the May 8, 2007 Planning Commission meeting]*
- W. Resolution No. 2821 approving a final site plan for Bi-State Centennial Park Monument Signs, located at the northeast corner of 143rd Street and Kenneth Road *[from the May 8, 2007 Planning Commission meeting]*
- X. Resolution No. 2822 approving a revised Final Site Plan for Park Place Sign Criteria, located at the northeast corner of 117th Street and Nall Ave *[from the May 8, 2007 Planning Commission meeting]*
- Y. Fire Department Report
- Z. Municipal Court Report
- AA. Police Department Report

Councilmember Rasmussen requested to pull Item Nos. 7K and 7O for discussion.

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

- 7K. Resolution No. 2809 approving and authorizing the Mayor to execute a Service Agreement in the amount of \$10,000 between the City and CBIZ to provide actuarial services for the City's Employee Benefit Program as it relates to GASB-45 *-[Continued from the April 16, 2007 Governing Body meeting]*

Councilmember Rasmussen stated he would like to begin City Council participation to GASB-45 by modifying the resolution.

A motion to approve the resolution with the additional language of, "and instructing the actuarial and Staff to make every effort to minimize liability to the City" was made by Councilmember Rasmussen; seconded by Councilmember Gill.

Councilmember Rasmussen announced that he will be writing a personal letter to the senators and representatives in Topeka regarding the imposed costs associated with the mandate.

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

Councilmember Rasmussen suggested that Mayor Dunn consider options regarding involving the City Council in the GASB-45 process.

70. Resolution No. 2813 approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$25,725.00 between the City and Olsson & Associates, pertaining to design of traffic signalization at 128<sup>th</sup> & State Line Road [CIP #80400]

Councilmember Rasmussen stated he intends to vote against this item as he does not feel that another traffic signal is needed on State Line Road at this time.

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

Councilmember Azeltine commented that he would like for public works issues such as this to pass through the Public Works Committee as a formality.

Mr. Johnson reviewed that this project was identified several years ago when Staff was asked to perform warrant analyses for traffic signals. The design fee was discussed during last year's Budget Sessions for the 2007 Budget and the project is part of the Capital Improvement Program [C.I.P.]. He verified for Councilmember Azeltine that the signalization was not presented to the Public Works Committee.

Councilmember Azeltine expressed confidence in Mr. Johnson's competence, yet he feels that these issues should be vetted as the City Council is accountable.

Mayor Dunn noted that the project was identified and placed in the C.I.P. when the widening of State Line Road occurred, which took place years ago.

Councilmember Bussing added that the issue was brought before the affected Leawood South Homes Association with numerous discussions taking place. As the project has been warranted by the State and a determination has been made by Mr. Johnson, he does not feel that a recommendation from the Public Works Committee would be of any added value in this case. The project is a good example of how the process is supposed to work in that issues are identified in respective Councilmembers' wards, brought to the City Council for discussion and deliberation, and decided upon by a majority rule.

Mr. Johnson informed Councilmember Peppes that the traffic signal will be funded 100% by the City of Leawood with no participation from Kansas City, Missouri.

To Councilmember Bussing's comment, Councilmember Azeltine stated the issue does not pertain to competence. The value of involving the Public Works Committee will be furthering communication with the public by increasing the City Council's knowledge of issues.

Mayor Dunn pointed out that longer serving Councilmembers may be of assistance in providing historical data and answering questions on certain issues for those who have been in office for shorter terms. She also reminded that agendas for the Public Works Committee and Stormwater Management Committee are not set at will by committee members or the Public Works Director, thus referrals for issues must pass through the Governing Body.

Councilmember Azeltine restated he would like to see a change in the system in order to achieve a better understanding of issues for the City Council.

Councilmember Gill confirmed with Mayor Dunn that the Public Works Committee was involved in the widening of State Line Road. There was a request to install conduit under the street for purposes of adding a traffic signal at a later date.

Although he does not disagree with Councilmember Azeltine, Councilmember Gill noted that the traffic signal has been a topic of discussion since the widening occurred. Mr. Johnson stated the intersection was removed from the C.I.P. in 1996-1997 as it did not meet warrants; however, was placed back in the document at a later date when justification for a signal occurred.

Councilmember Gill stated he would like to see better coordination of the signals on State Line Road. Mr. Johnson informed that Operation Greenlight does not include this location. Mayor Dunn commented that this southern area of State Line Road would be a good section for the effort to involve in the future.

The resolution was approved following a vote of 6-1 (Nay: Councilmember Rasmussen).

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

- A. Mayor Dunn noted that Councilmembers have received the Johnson County Leadership Summit brochure from County Chair Annabeth Surbaugh, which is a summation of the first Leadership Summit that took place on March 31, 2006. The second summit is scheduled for September 28, 2007, at the Marriott in Overland Park. Mayor Dunn encouraged attendance for the all day event.
- B. Mayor Dunn expressed appreciation to Councilmembers Rawlings and Azeltine for representing the City of Leawood in her absence at the Leawood Chamber of Commerce Breakfast. New chamber members were recognized for the tremendous value they provide to the quality of life in the community.
- C. Participated on a Panel of Mayors for the Society for Marketing Professional Services in Kansas City with Mayor Mike Boehm of Lenexa, KS; Mayor David Bower of Raytown, MO; Mayor Laura McConwell of Mission, KS; Mayor Ron Shaffer of Prairie Village, KS; and Mayor Les Smith of Gladstone, MO. Mayor Dunn included in her opening remarks the news that Director of Public Works Joe Johnson was named one of the top ten in the country, which was immediately met with applause and envy from the other cities present. There was interest in the formal Interact Meeting process, which is unique to the City of Leawood, and the new current notice procedure that is on the City's webpage was noted as truly extraordinary.
- D. Attended two DARE Graduation Ceremonies. The first was at Brookwood Elementary with Police Chief John Meier. The second was at Curé of Ars with Sergeant Kevin Cauley standing in for Chief Meier. Officer Randy Wiler did a superb job as DARE Officer at both of the schools.

- E. Participated in opening and closing festivities for the Duramed FUTURES Tour along with Councilmember Bussing. The tour is a developmental circuit for the Ladies Professional Golf Association [LPGA]. Held at the Leawood South Country Club, the tournament was sponsored by Mercedes-Benz of Kansas City and Zurich and benefited the National Kidney Foundation of Kansas and Western Missouri. Mayor Dunn congratulated winner Liz Janangelo. One of the players was quoted in the Sports Daily section of *The Kansas City Star* as stating the golf course at Leawood South Country Club can be ranked with an LPGA course and described it as a “U.S. Open-type course with undulating greens and thick rough.” She noted that Councilmember Bussing and his wife, Kathy, were hosts for two of the players in the tournament and thanked them for their generosity and hospitality. All of the players in the tournament were accommodated by members of the club.
- F. Attended the dedication for “Prairie Lessons,” by sculptor Dennis Smith at Ironwoods Park. Mayor Dunn extended gratitude to the Leawood Foundation, led by Chair Alice Hawk; the Historic Commission, led by Chair Janine Joslin; the Leawood Arts Council, led by Chair Mary Tearney; and the Arts in Public Places Initiative, led by Chair Ann Kenney for their leadership, collaboration, and wonderful fundraising. She also thanked Cultural Arts Coordinator April Bishop for her instrumental role in the endeavor. The project has garnered the largest amount of private fundraising dollars ever raised in the community at \$90,000 thus far. Councilmembers Rasmussen and Azeltine also participated in the celebration along with City Administrator Scott Lambers, Parks & Recreation Director Chris Claxton, members of the Parks & Recreation Staff, and several members of the volunteer community. The sculpture is a great addition to public art in Leawood.

## 9. COUNCILMEMBERS’ REPORT

- A. Report from Councilmember Rasmussen – Councilmember Rasmussen reviewed that at the May 7<sup>th</sup> Governing Body meeting, the City Council directed the Public Works Committee to discuss the issue of upgrading overhead facilities on 143<sup>rd</sup> Street. The committee met and reviewed the necessity for the increase through available information including the Franchise Agreement with KCP&L, the Leawood Development Ordinance [LDO], the rules and regulations of the Kansas Corporation Committee, and a positive recommendation from Staff.

The question is whether to require undergrounding of the facilities on the north side of 143<sup>rd</sup> Street now, per the LDO, or in the future. As the road will not be constructed until approximately 2012 and the south side of the street has a significant amount of rock, the decision as to whether or not the taxpayers want to pay the cost of undergrounding the overhead facilities is a subject for a future City Council to determine.

A motion to accept the Public Works Committee recommendation to permit KCP&L to upgrade the electrical service lines on 143<sup>rd</sup> Street from Kenneth Road to Mission Road with no intention of precluding undergrounding of facilities in the future was made by Councilmember Rasmussen; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 7-0.

#### **10. STAFF REPORT**

- A. Report from City Administrator Scott Lambers – Mr. Lambers reported holding a 2½-hour meeting with the presidents of Homeowners Associations [HOAs] of central and south Leawood. Items of discussion included the 135<sup>th</sup> Street Corridor from 69 Highway to State Line Road, particularly the proposed MXD zoning requests west of Mission Road; Gezer Park; and proposed apartment complexes. Specific questions were also answered for residents.

There was concern expressed over the course of development within the City. Mr. Lambers informed the residents that decisions from 10-15 years ago are now in the implementation stages. While citizens still have a role in the development process, it is necessary to acknowledge that the type of development planned for the corridor, particularly from 133<sup>rd</sup> to 137<sup>th</sup> Streets, has been predominantly commercial and retail.

Councilmember Gullede informed another topic of discussion included buffering of reverse frontage roads between commercial and residential developments (133<sup>rd</sup> and 137<sup>th</sup> Streets). He stated that Mr. Lambers did a very good job in his presentation and in supplying answers to questions from residents. The meeting served as a good starting point for communication on specific issues.

### ***COMMITTEE RECOMMENDATIONS***

#### **11. PARKS AND RECREATION ADVISORY BOARD**

*[From the February 13, 2007 Parks & Recreation Advisory Board meeting]*

- A. Accept recommendation for Tree Donation Policy

A motion to accept the recommendation was made by Councilmember Gill; seconded by Councilmember Gullede.

Parks & Recreation Director Chris Claxton verified for Mayor Dunn that other donation policies will be coming forward in the future. The tree donations were segregated as they are much different than other types of standard donations in the parks and recreation field. A policy for donations other than trees and plans for a gift catalogue will be presented towards the end of the year. Ms. Claxton recognized Brian Anderson, Superintendent of Parks, for the effort put forth on the proposal.

Councilmember Bussing also acknowledged Mr. Anderson for the great job he does in maintaining City trees.

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

- B. Resolution No. 2823 approving and accepting a Tree Donation Policy for the City of Leawood, Kansas

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

### ***COMMITTEE RECOMMENDATIONS***

#### **12. ARTS COUNCIL**

*[From the February 27, 2007 Arts Council meeting]*

- A. Resolution accepting the Art in Public Places Initiative [APPI] Guidelines - **WITHDRAWN**

### ***COMMITTEE RECOMMENDATIONS***

#### **13. PLANNING COMMISSION**

*[From the February 13, 2007 Planning Commission meeting]*

- A. Ordinance amending Section 16-2-10 of the Leawood Development Ordinance [LDO], pertaining to Architecture/Construction Standards [Roll Call Vote]- **[CONTINUED FROM THE APRIL 16<sup>TH</sup> AND MAY 7, 2007 GOVERNING BODY MEETINGS]**

City Attorney Patty Bennett reviewed that when the issue was last discussed by the Governing Body, Staff was directed to present the Planning Commission with objective standards on massing and building detail for residential homes. She recommended that Council consider placing a moratorium on existing ordinances pertaining to massing and scale of residential homes so they are not enforced until such objective standards are presented for review in the Fall.

As the issue must go through the Planning Commission and involve public hearings, Mr. Lambers anticipated that the issue will be ready for presentation by the second meeting in November.

Ms. Bennett identified the existing sections of the LDO regarding this subject as §16-2-10.1 and §16-2-10.2. The suggested motion will maintain status quo pending determination and recommendation from the Planning Commission.

A motion to place a moratorium on §16-2-10.1 and §16-2-10.2 of the LDO until the City Council has the opportunity to review amended language to the ordinance was made by Councilmember Bussing; seconded by Councilmember Gullledge.

Councilmember Rasmussen confirmed with Ms. Bennett that the specific sections refer to building mass, scale, and shading devices.

Mayor Dunn informed Councilmember Peppes that the proposed moratorium will be effective immediately until the probable enactment of another ordinance dealing with height and massing in November.

Councilmember Azeltine verified with Mr. Lambers that the date of the second meeting in November will provide sufficient time to complete an amendment. The plan is to have any new rules in effect by January 1, 2008, to begin the new construction season. It was noted that a date certain was not provided in the motion.

As the motion-maker and second, Councilmembers Bussing and Gulledge both agreed to include the date of November 19, 2007, in the motion by which the ordinance amendments will be presented to the Governing Body.

Ms. Bennett clarified that the motion pertains only to single-family residences.

Councilmember Azeltine noted that the minutes of the February 13, 2007, Planning Commission meeting reflect Mr. Lambers stating that the Building Permit Task Force will be dissolved. He inquired as to a date certain for the dissolution. Mr. Lambers replied that the task force will hold a final meeting on June 12<sup>th</sup>. Thereafter, dissolution must take place either by mayoral or City Council action.

Mayor Dunn asked if the moratorium would require an ordinance or resolution. Ms. Bennett stated only a motion is needed at this point.

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

A motion to continue the ordinance amendment to November 19, 2007, was made by Councilmember Azeltine; seconded by Councilmember Gill. The motion was approved following a unanimous vote of 7-0.

**14. OLD BUSINESS – None.**

**15. NEW BUSINESS**

- A. Resolution No. 2824 amending Resolution No. 1683, as amended by Resolution No. 2521 authorizing the improvements of a certain section of State Line Road, a Main Trafficway at the intersection of 92<sup>nd</sup> Street, located within the City of Leawood, Kansas [CIP # 157]

A motion to approve the resolution was made by Councilmember Bussing; seconded by Councilmember Gulledge. The motion was approved following a vote of 6-1 (Nay: Councilmember Rasmussen).

- B. Approve Final Payment in the amount of \$222,295.08 to the City of Kansas City, Missouri pertaining to the 92<sup>nd</sup> Street and State Line Road Traffic Signal and Geometric Improvement Project [CIP # 157]

A motion to approve Item No. 15B was made by Councilmember Bussing; seconded by Councilmember Gulledge. The motion carried following a vote of 6-1 (Nay: Councilmember Rasmussen).

- C. Ordinance No. 2230 amending Chapter 11, Article 1 of the Code of the City of Leawood, 2000, by amending Section 11-103, entitled "Criminal Use of Weapons" [Roll Call Vote]

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

Ms. Bennett stated the ordinance amendment is in response to the Kansas Legislature's actions regarding the carrying of concealed firearms. Item Nos. 15C and 15D will provide compliance with the state statute. Section 11-103 of the Code of the City of Leawood has been revised slightly for compliance purposes while Section 11-212 clearly defines areas in which a person with a conceal/carry permit is not authorized to possess a weapon. The new state statute will now allow firearms to be carried in open park areas, which was previously prohibited by the City. Prohibition is allowed within City-owned buildings. The statute also provides protection for certain state and professional sporting events; however, does not allow the City to ban concealed weapons at local sporting events.

Councilmember Gill stated he is pleased and proud of the work performed by Ms. Bennett and Chief Meier on this important piece of public safety legislation. He stated this is one of the most important decisions made by the Governing Body in quite some time. He also voiced regret in the speed, tone, and tenor that the State Legislature took with this matter.

Mayor Dunn concurred with Councilmember Gill's remarks.

Of note is the interesting fact that school and state sponsored sporting events may have prohibition while a City program with 4,000 youth involved cannot. Councilmember Gill further disagreed with the legislation.

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

- D. Ordinance No. 2231 amending Chapter XI, Article 2 the Code of the City of Leawood, 2000, by amending Section 11-212, entitled "Carrying of Firearms Prohibited" [Roll Call Vote]

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

- E. Ordinance No. 2232 amending Chapter 1, Article 6 of the Code of the City of Leawood, 2000, entitled "Leawood Arts Council" and repealing existing Article 6 [Roll Call Vote]

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

Mary Tearney, Chair of the Leawood Arts Council, informed Mayor Dunn that the proposed 3-year term for chair is agreeable. She stated the longer term is necessary due to the complicated and extensive art program in Leawood. A vice-chair will be put in place following passage of the ordinance and will be expected to train as chair of the committee. The 3-year term is also warranted as there are plans to further expand the art program.

Mayor Dunn expressed appreciation to Ms. Tearney for all of the energy she puts forth as Chair of the Leawood Arts Council. Ms. Tearney stated the same is done by all members of the Arts Council, which makes the committee a wonderful model for the entire region.

Councilmember Bussing also thanked Ms. Tearney and Dr. Ann Kenney for their collaboration and patience in rewriting the ordinance with his assistance. Ms. Tearney noted that Councilmember Rasmussen also worked on the amendment at the committee level.

Ms. Tearney shared that she met Councilmember Bussing's mother-in-law at the dedication for "Prairie Lessons," and learned that she had once been a one-room schoolteacher. As a former one-room schoolteacher herself, Ms. Tearney found it fitting that there were two individuals of this occupation at the dedication ceremony.

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

- F. Ordinance No. 2233 amending Chapter 12, Article 6, of the Code of the City of Leawood, 2000 entitled "Public Art Impact Fee" and repealing existing Article 6 [Roll Call Vote]

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

- G. Schedule a Governing Body Work Session at 6:00 P.M. on Monday, June 4, 2007, to discuss Transportation Development District [TDD] financing for Park Place Improvement District [CIP # 80196]

A motion to approve the scheduling of the Work Session was made by Councilmember Gill; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 7-0.

- H. Schedule a Governing Body Work Session at 6:30 P.M. on Monday, June 18, 2007, to discuss the Revised 'Draft' Capital Improvement Projects [C.I.P.] 2008-2012

A motion to approve Item No. 15H was made by Councilmember Peppes; seconded by Councilmember Gill.

Mr. Lambers stated the Work Session is a result of modifications made to the C.I.P. as it relates to projects and costs. The meeting will also provide a review of the document prior to the Budget Sessions, which will take place the following week.

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

**16. OTHER BUSINESS – None.**

**ADJOURN**

The Governing Body meeting adjourned at 9:05 P.M.

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Debra Harper, CMC, City Clerk

Christy Wise  
Recording Deputy City Clerk