

Minutes

DVD No. 179

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, January 7, 2008. Mayor Peggy Dunn presided.

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

**Mayor/Councilmembers absent:** Mike Gill.

**Staff present:**

Scott Lambers, City Administrator  
Chief John Meier, Police Department  
Kathy Rogers, Finance Director  
Chris Claxton, P&R Director  
Jeff Joseph, Senior Planner  
Scott Smith, Internet/WAN Specialist

Patty Bennett, City Attorney  
Chief Ben Florance, Fire Department  
Joe Johnson, Public Works Director  
Mark Klein, Asst. to the Planning Director  
Deb Harper, City Clerk

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn informed that Item No. 7B will be continued to the January 22<sup>nd</sup> Governing Body meeting due to some technical corrections. Noting that Item No. 11A is quite consistent with the subject matter of Item No. 6A, Councilmember Bussing requested that the two items be consolidated. Mayor Dunn agreed to rearrange the order of the agenda by discussing Item No. 11A as Item No. 6B.

A motion to approve the agenda as amended was made by Councilmember Bussing; seconded by Councilmember Azeltine. 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** **Martin Luther King Day, January 21, 2008**

Mayor Dunn read the proclamation into the record. She noted that she and Councilmember Peppes will be attending a dinner celebration by the Olathe Chapter of the NAACP on January 21<sup>st</sup>, where she will also deliver the proclamation.

**5. PRESENTATIONS/RECOGNITIONS – None.**

**6. SPECIAL BUSINESS**

A. Discuss Role and Objectives of Amphitheater Expansion Steering Committee  
*[Continued from December 17, 2007 Governing Body meeting]*

Parks & Recreation Director Chris Claxton stated that Chair Bill Elwood has identified the mission of the committee and chronicled proposed tasks, including a review of the Todd Berling report of 2001, as seen in the packet information. She welcomed further comments or questions.

Mayor Dunn thanked the volunteer committee members for their service in this capacity and recognized those who were present as Chair Bill Elwood, Alice Hawk, Staff Liaison April Bishop, and Council-Liaison Lou Rasmussen.

Councilmember Bussing stated appreciation to Ms. Claxton and Mr. Elwood for supplying the additional information. He expressed complete satisfaction with the given responses to his original concerns and suggested that the document be used as a model for defining the role and scope of future committees and task forces. Councilmember Bussing commented that the challenge faced by the committee as well as by the architect will be to balance the creation of the facility with the given budget. It should be kept in mind that the production facility has extremely limited use and very few alternative uses. He furthered that he will look forward to updated reports from the subcommittee and the architect.

A motion to approve the role and objectives of the Amphitheater Expansion Steering Committee was made by Councilmember Bussing; seconded by Councilmember Rasmussen.

Mayor Dunn applauded Mr. Elwood's statement in the mission of, "The committee will also assist the City in raising funds to enhance the budget for development of the venue," as well as the proposed phasing of construction.

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

## **COMMITTEE RECOMMENDATIONS**

### **6. AMPHITHEATER STEERING COMMITTEE**

*[From December 20, 2007 Amphitheater Steering Committee meeting]*

- B. Accept recommendation of Kevin Cowan Architects, for an amount not to exceed \$95,000 for Master Plan of Amphitheater area at Ironwoods Park [FORMERLY 11.A.]

It was clarified by Councilmember Rasmussen that the recommendation is for employment of the Master Plan while the actual construction contract will be presented for approval in the future.

A motion to approve the recommendation was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion carried 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. 1092B, 1093A, and 1093B
- B. Accept minutes of the December 17, 2007 Governing Body meeting – *Continued to the January 22, 2008, Governing Body meeting*
- C. Accept minutes of the October 9, 2007 Parks and Recreation Advisory Board meeting
- D. Accept minutes of the November 1, 2007 IRONHORSE Advisory Board
- E. Accept minutes of the November 27, 2007 Amphitheater Steering Committee
- F. Accept minutes of the December 6, 2007 Amphitheater Interview Sub-Committee
- G. Resolution No. 2932 calling for a public hearing to be held on Monday, February 4, 2008 at 7:30 P.M., to consider the 2009-2013 Capital Improvement Program CIP for the City of Leawood, Kansas
- H. Approve purchase in the amount of \$35,944.20, from Corporate Express Business Interiors for the purchase of office furniture throughout City Hall offices, Conference Rooms, and Council Chambers
- I. Resolution No. 2933 approving and authorizing the Mayor to a Service Agreement between the City and Oschner Hare & Hare for services pertaining to planning and zoning
- J. Resolution No. 2934 approving and authorizing the Mayor to execute a Construction Agreement for an amount not to exceed \$550,000.00, between the City and Dennis Johnson Construction, Inc., pertaining to the Lake at Ironwoods, 14701 Mission Road

Councilmember Filla requested to pull Item No. 7C.

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

- 7C. Accept minutes of the October 9, 2007 Parks and Recreation Advisory Board meeting

Councilmember Filla expressed appreciation for the fact that Brian Anderson, Parks Superintendent, has received additional training on what other cities are doing in terms of street trees by attending a conference by the Society of Municipal Arborists. The trees are a big issue with the homes associations [HOAs] and have generated many inquiries from citizens. She suggested inviting the HOAs to a meeting in order to share the data gleaned at the conference as well as utilizing the City's website to post the information.

Ms. Claxton stated it is intended to post a link on the website. The specifics of a meeting will be further discussed with Mr. Anderson with Councilmember Filla's suggestion taken into account.

A motion to approve Item No. 7C was made by Councilmember Filla; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 7-0.

## 8. MAYOR'S REPORT

- A. Attended a DARE graduation ceremony at Corinth Elementary with Police Chief John Meier and Captain Dale Finger. She congratulated DARE Officer Randy Wiler on the excellent job that he does with the students.
- B. Attended the Council of Mayors meeting on January 2<sup>nd</sup> in Bonner Springs, which was hosted by Mayor Clausie Smith. A tour was given of the Moon Marble Company. Business topics of the evening included the Mid-America Regional Council report, the Total Transportation Policy Committee, the Johnson County Transportation Council, a Wyandotte County update, and the Johnson County Children's Coordinating Council.
- C. Mayor Dunn noted that ribbons and pins marking "60 Sensational Years of Leawood" have been placed upon the dais for each Councilmember. Commemorative banners have also been placed upon the street poles. She recognized the Leawood Arts Council and Chair Mary Tearney as well as Co-Chairs of the 60<sup>th</sup> Anniversary Steering Committee Alice and Mel Hawk for their efforts towards the celebration.
- D. Reminder for the Governing Body Work Session regarding the IRONHORSE Golf Course Business Plan on January 14<sup>th</sup> at 6:00 P.M.
- E. Reminder that the next regular Governing Body meeting will take place on Tuesday, January 22<sup>nd</sup> due to the Martin Luther King Holiday. There will be a Work Session held prior the meeting at 5:30 P.M. in order to discuss Governing Body Goals and Objectives. **[Both of these meetings have been subsequently cancelled and rescheduled]** It was pointed out that the meetings conflict with a Leawood Arts Council meeting to which Council-Liaisons Rasmussen and Bussing will not attend.

## 9. COUNCILMEMBERS' REPORT – None.

## 10. STAFF REPORT – None.

## **COMMITTEE RECOMMENDATIONS**

### **11. AMPHITHEATER STEERING COMMITTEE**

*[From December 20, 2007 Amphitheater Steering Committee meeting]*

- A. Accept recommendation of Kevin Cowan Architects, for an amount not to exceed \$95,000 for Master Plan of Amphitheater area at Ironwoods Park

See discussion under Item No. 6B.

### **12. PLANNING COMMISSION**

*[From the November 27, 2007 Planning Commission meeting]*

- A. Resolution No. 2935 approving a Final Site Plan for Capitol Federal Savings at Village of Seville, located at the northwest corner of 133<sup>rd</sup> Street and State Line Road, within the Village of Seville development – **CONTINUED FROM THE DECEMBER 17, 2007 GOVERNING BODY MEETING**

City Administrator Scott Lambers stated that a detailed listing of material percentages proposed for all four elevations of the building has been provided. It is Staff's opinion that the applicant has made substantial progress to comply with the spirit of the Leawood Development Ordinance [LDO] with regards to stucco being allowed as an accent material. Mr. Lambers recommended approval of the application.

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

Applicant Scott Bixler with WDM Architects, 105 N. Washington, Wichita, informed Mayor Dunn that the usage of real stone versus cultured stone is preferred by the client as well as from an architectural standpoint; however, the material will need to be approved by the developer. Mr. Lambers confirmed that the Governing Body may stipulate the utilization of real stone. Any issues with the developer can be resolved by Staff.

Mayor Dunn suggested a friendly amendment to the motion stipulating the usage of real stone versus cultured stone. As the motion-maker and second to the motion, Councilmembers Rasmussen and Gullede agreed to the friendly amendment.

Mr. Bixler verified for Councilmember Bussing that a separate application regarding the logo will be presented at a later date. There will be two options available for review.

It was noted that approval of the motion will be an override to the Planning Commission's recommendations.

The resolution with the additional stipulation was approved following a unanimous vote of 7-0.

13. **OLD BUSINESS – None.**
14. **OTHER BUSINESS – None.**
15. **NEW BUSINESS – None.**

**ADJOURN**

Mayor Dunn adjourned the meeting at 8:00 P.M.

---

Debra Harper, CMC, City Clerk

Christy Wise  
Recording Deputy City Clerk