

Minutes

DVD No. 182

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 18, 2008. Dr. Gregory Peppes led the meeting as Presiding Officer.

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

Mayor/Councilmembers absent: Mayor Peggy Dunn, Lou Rasmussen, and Gary Bussing.

Staff present:

Scott Lambers, City Administrator
Chief John Meier, Police Department
Lovina Freeman, HR Director
Joe Johnson, Public Works Director
Jeff Joseph, Senior Planner
Pam Gregory, Deputy City Clerk

Patty Bennett, City Attorney
Chief Ben Florance, Fire Department
Chris Claxton, P&R Director
Mark Klein, Asst. to the Planning Director
Deb Harper, City Clerk
Jack Reece, IS Specialist

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Dr. Peppes noted that revisions to Item No. 7Q have been placed upon the dais. A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion carried following a unanimous vote of 6-0.

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**

4. PROCLAMATIONS – None.

5. PRESENTATIONS/RECOGNITIONS – Dr. Peppes introduced and welcomed Pam Gregory, new Deputy City Clerk.

6. SPECIAL BUSINESS

- A. Resolution No. 2944 expressing condolences to the City of Kirkwood, Missouri, on the tragic murder of two members of the City Council, two Police Officers, the Public Works Director, and the serious wounding of the Mayor

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

A moment of silence was held for the victims of the Kirkwood tragedy.

The resolution was approved following a unanimous vote of 6-0.

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. 1095C, 1095D, and 1097A
B. Accept minutes of the February 4, 2008 Governing Body meeting
C. Accept minutes of the January 7, 2008 Governing Body Work Session meeting –
CONTINUED TO THE MARCH 3, 2008 GOVERNING BODY MEETING
D. Accept minutes of the November 29, 2007 IRONHORSE Advisory Board meeting
E. Accept minutes of the January 8, 2008 Park and Recreation Advisory Board meeting
F. Accept minutes of the January 11, 2008 Stormwater Management Committee meeting
G. Approve Mayoral Appointment of Councilmember Lou Rasmussen as Council Liaison to Amphitheater Expansion Steering Committee
H. Approve 2008 Governing Body Goals and Objectives
I. Approve Change Order No. 2 in the amount of \$43,728.65 to Miller Paving & Construction, LLC, pertaining to the Nall Avenue Improvement Project [117th Street and Town Center Drive] [CIP # 196], Phase 3
J. Approve Change Order No. 3, in the amount of \$5,100.00 to Miller Paving & Construction, LLC, pertaining to the Nall Avenue Improvement Project [117th Street and Town Center Drive] [CIP # 196], Phase 3
K. Resolution No. 2945 approving the operation of Ironhorse Golf Course set forth in the proposed 2008 IRONHORSE Golf Course Business Plan, as submitted by Orion Management Solutions, Inc.
L. Resolution No. 2946 approving a grant in the amount of \$111,660, from the National Fire Protection Association [NFPA] to assist with funding of bunker gear and other fire equipment
M. Resolution No. 2947 approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the Board of County Commissioners of Johnson County, Kansas [BOCC] pertaining to the 123rd Street Improvement Project between State Line and Mission Road

- N. Resolution No. 2948 approving and authorizing the Mayor to execute an Inter-local Agreement in the amount of \$285,000.00, between the City and the City of Kansas City, Missouri, pertaining to the resurfacing of State Line Road between Somerset and 70th Street to 135th Street
- O. Resolution No. 2949 approving and authorizing the Mayor to execute an Inter-local Agreement in the amount of \$1,500,000.00, between the City and the Kansas Department of Transportation [KDOT], pertaining to the 143rd Street Improvement Project between Nall and Windsor
- P. Resolution No. 2950 approving and authorizing the Mayor to execute a Service Agreement between the City and Kansas City Golf Association pertaining to the 2008-2009 Junior Amateur Tournament at Ironhorse Golf Club, 15400 Mission Road
- Q. Resolution No. 2951 approving and authorizing the Mayor to execute a Professional Architectural Agreement for an amount not to exceed \$95,000.00, between the City and Kevin Cowan Architects, pertaining to the Amphitheater Area Master Plan at Ironwoods Park
- R. Resolution No. 2952 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$2,500.00, between the City and John Northington, pertaining to temporary art in the lobby at City Hall, 4800 Town Center Drive
- S. Resolution No. 2953 approving and authorizing the Mayor to execute a Professional Architectural Agreement in the amount of \$22,200.00, between the City and Ankeny Kell Architects, Inc., pertaining to a feasibility study for a potential future Community Center for the City of Leawood
- T. Resolution No. 2954 authorizing the Mayor to execute Amendment No. 2 to that certain User Agreement between the City of Leawood and the City of Overland Park, dated November 18, 2002, pertaining to the software license and integration of the Intergraph Public Safety, Inc., computer software program for the Leawood Police Department
- U. Resolution No. 2955 to approve a Final Site Plan for a tenant finish for One Nineteen - North Restaurant, located on the southeast corner of 119th Street and Roe Avenue, within the One Nineteen Development [*from the January 29, 2008 Planning Commission meeting*]
- V. Resolution to approve a Final Site Plan for a tenant finish for One Nineteen - Elizabeth Salon, located on the southeast corner of 119th Street and Roe Avenue, within the One Nineteen development [*from the January 29, 2008 Planning Commission meeting*]- **APPLICANT HAS REQUESTED A REMAND BACK TO THE PLANNING COMMISSION**
- W. Resolution No. 2956 to approve a Final Site Plan for a tenant finish for Park Place Residences - Sales Office, located on the northeast corner of 117th Street and Nall Avenue, within the Park Place Development[*from the January 29, 2008 Planning Commission meeting*]
- X. Resolution No. 2957 to approve a Final Site Plan for a tenant finish for One Nineteen - Solstice Sunglass Boutique, located on the southeast corner of 119th Street and Roe Avenue, within the One Nineteen Development [*from the January 29, 2008 Planning Commission meeting*]

- Y. Resolution No. 2958 to approve a Final Site Plan for a tenant finish for Park Place - Paciugo, located on the northeast corner of 117th Street and Nall Avenue, within the Park Place Development [*from the January 29, 2008 Planning Commission meeting*]
- Z. Resolution No. 2959 to approve a Final Plat for I-Lan Park, located approximately at 127th Street and Nall Avenue [*from the January 29, 2008 Planning Commission meeting*]
- AA. Resolution No. 2960 to approve a Final Plat for Manors at Mission Farms, located on the southeast corner of 105th Street and Mission Road [*from the January 29, 2008 Planning Commission meeting*]
- BB. Resolution No. 2961 approving a Final Site Plan for a tenant finish for Park Place - The Rice Gallery, located on the northeast corner of 117th Street and Nall Avenue, within the Park Place Development
- CC. Resolution No. 2962 approving a Final Site Plan for a tenant finish for One Nineteen - Natural Body Spa, located on the southeast corner of 119th Street and Roe Avenue, within the One Nineteen Development
- DD. Police Department January 2008 Monthly Report
- EE. Fire Department January 2008 Monthly Report
- FF. Municipal Court January 2008 Monthly Report

Councilmember Filla requested to pull Item No. 7I for discussion and Councilmember Azeltine requested to pull Item No. 7Q.

On motion of Councilmember Gulledge, seconded by Councilmember Azeltine, the remainder of the Consent Agenda was approved following a unanimous vote of 6-0.

- 7I. Approve Change Order No. 2 in the amount of \$43,728.65 to Miller Paving & Construction, LLC, pertaining to the Nall Avenue Improvement Project [117th Street and Town Center Drive] [CIP # 196], Phase 3

Regarding the project at the site of the old Leawood Country Club, Councilmember Filla stated she has been informed by neighbors that Miller Paving has been issued a new permit and are now hauling materials to the site. As it was her understanding that a hold had been placed on building permits in this area, she requested an update on the project.

Public Works Director Joe Johnson informed that a land disturbance permit was issued in anticipation of approval for the construction plans. The permit will allow construction of a wall and some of the storm sewer infrastructure. He stated that the construction plans for the streets and remaining storm sewers for this development will be approved in the near future.

Councilmember Filla asked if a certification was obtained for the landfill that has been hauled to the site to date. Mr. Johnson stated all of the soil that was brought in will be removed and used for construction of the wall. Part of the existing landfill will also be used for the wall while the unsuitable material will be hauled away. Testing will occur to ensure that the soil is compacted appropriately at the sites where the homes and roads are to be built.

In order to provide the surrounding residents a better understanding of what is occurring in the area, Councilmember Filla asked if consideration has been given to holding a neighborhood meeting. Mr. Johnson responded that this has not been discussed with the developer, who is the applicant for the permit with Miller Paving being under contract with them. She stated that explaining the construction process to the residents would alleviate many of their concerns and requested that such a meeting be contemplated.

A motion to approve Item No. 7I was made by Councilmember Filla; seconded by Councilmember Gullledge. The motion carried following a unanimous vote of 6-0.

- 7Q. Resolution No. 2951 approving and authorizing the Mayor to execute a Professional Architectural Agreement for an amount not to exceed \$95,000.00, between the City and Kevin Cowan Architects, pertaining to the Amphitheater Area Master Plan at Ironwoods Park

Councilmember Azeltine requested explanation for the revisions that were made to this agenda item. Parks & Recreation Director Chris Claxton stated that two primary items were changed since the time of packet distribution with the first being a reduction in insurance from \$2 million to \$1 million. The second alteration is the insertion of cost amounts for the services outlined on pages 6 and 7.

A motion to approve the resolution was made by Councilmember Azeltine; seconded by Councilmember Rawlings. The motion was approved following a unanimous vote of 6-0.

8. **MAYOR'S REPORT** – In Mayor Dunn's absence, Dr. Peppes took the opportunity to commend Johnson County Sun Publications on the new *Leawood Sun* newspaper, which has recently published a series of articles featuring members of the City Council. He extended appreciation to reporter Philip Batson for a job well done.

9. **COUNCILMEMBERS' REPORT** – None.

10. **STAFF REPORT** – None.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the January 29, 2008 Planning Commission meeting]

- A. Ordinance No. 2306 approving a Special Use Permit [SUP] for an AT&T VRAD cabinet, located at 3901 W. 132nd Street [Roll Call Vote]

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

Councilmember Gill inquired as to the closest cross-street to the cabinet. Chris Carroll with AT&T stated the original location for the cabinet was proposed at the southwest corner of 135th Street and Mission Road. However, at Staff's recommendation, the existing Surface Area Interface [SAI] cabinet at this location will be moved to 3901 W. 132nd Street, which is the northeast corner of the Mission Trails Elementary School. The cabinet will actually reside on property owned by the school within a utility easement. Mr. Carroll stated that he does not anticipate any security issues associated with the cabinet being in close proximity of the school as there are already several placed near other campuses within the City.

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

- B. Ordinance No. 2307 approving a Special Use Permit [SUP] for an AT&T VRAD cabinet, located at 14611 Nall Avenue [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gulledge; seconded by Councilmember Filla. The ordinance passed with the following unanimous roll call vote of 6-0: Yea: Councilmembers Peppes, Filla, Gulledge, Rawlings, Azeltine, and Gill. Nay: None. (Councilmembers Rasmussen and Bussing absent.)

12. OLD BUSINESS – None.

13. OTHER BUSINESS – None.

14. NEW BUSINESS

- A. Schedule a Governing Body Work Session to be held on Monday, April 21, 2008 at 6:30 P.M. to discuss re-authorization of the levying of a one-eighth of one percent [.125%] City Retailers' Sales Tax to be used to fund the City's Accelerated Residential and Thoroughfare Street Improvement Program and storm water improvements when not otherwise funded

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

Councilmember Azeltine noted that a motion regarding this issue was made at a recent Stormwater Management Committee meeting. He questioned whether there would be enough deliberation to warrant a Work Session. He suggested discussing the committee's recommendation during the regular Governing Body meeting.

City Administrator Scott Lambers informed that the topic of discussion concerns the fact that there will be competing sales tax issues on the November ballot. The matter has never been discussed by the Stormwater Management Committee. Mr. Lambers stated that a decision regarding the option of placing the question on the August election ballot would need to be made by May. He furthered that it is not typical to hold a discussion of this type during a formal Governing Body meeting.

The motion was approved following a unanimous vote of 6-0.

- B. Schedule a Governing Body Work Session to be held on March 10, 2008 at 6:00 P.M. to discuss Transportation Development District [TDD] financing for One Nineteen Development

A motion to approve Item No. 14B was made by Councilmember Rawlings; seconded by Councilmember Gill.

Councilmember Azeltine noted that a Work Session regarding this topic was originally scheduled for April 21st. Mr. Lambers advised that it is the developer's intent to self-purchase the bonds, thus they requested that the date of the Work Session be moved forward for expeditious consideration. The Work Session was not scheduled prior to a regular Governing Body meeting as a decision will need to be made that evening with at least two hours of discussion anticipated.

The motion carried following a unanimous vote of 6-0.

Mr. Lambers additionally informed that a special Planning Commission meeting will be held tomorrow night to consider the Oddo planning application. Depending upon whether a recommendation is made, a Special Call Governing Body meeting may be scheduled on March 10th with this being the only item on the agenda. If this occurs, the Work Session may be adjusted with an earlier start time. The Governing Body will receive confirmation of the meetings on Wednesday morning.

ADJOURN

Dr. Peppes adjourned the meeting at 7:51 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk