

**Minutes**

DVD No. 185

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, April 7, 2008. Mayor Peggy Dunn presided.

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

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

**Staff present:**

Scott Lambers, City Administrator  
Chief John Meier, Police Department  
Chief Ben Florance, Fire Department  
Lovina Freeman, HR Director  
Joe Johnson, Public Works Director  
Mark Klein, Asst. to the Planning Director  
Deb Harper, City Clerk  
Pam Gregory, Deputy City Clerk

Patty Bennett, City Attorney  
Jeff Joseph, Senior Planner  
Kathy Rogers, Finance Director  
Chris Claxton, P&R Director  
Scott Smith, Internet/WAN Specialist  
Dale Finger, Police Captain  
Pete Spratlin, Ironhorse Golf Superintendent  
Wade Thompson, Neighborhood Svcs.

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted appreciation to all attending the Governing Body meeting at an earlier time due to the Kansas University Basketball Game later this evening.

Mayor Dunn noted the *pink amended agenda* placed upon the dais. Item No. 6C has been continued to a date certain of May 12, 2008 at 7:00 P.M. and Item No. 6E has been continued to April 21, 2008. Also noted, Item No. 9A has been included on the Councilmember's Report. Councilmember Rasmussen will be reporting on the Ironhorse Advisory Board meeting. In addition, Item No. 10A, Staff Report; City Administrator Scott Lambers and Police Chief, John Meier, will be giving a report regarding the coyote issue.

Councilmember Scott Gullledge joined the meeting at 5:40 P.M.

A motion to approve the agenda was made by Councilmember Peppes; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Gill absent).

**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.**

Rod Crawford, 15054 Cedar Street, noted thanks to Council for their model of responsiveness to have the meeting at an earlier time to allow everyone to get home in time for the KU game. Mr. Crawford stated he wanted to speak as a board member on behalf of the Parks and Recreation Advisory Board and give his support on the citizen's survey.

Mayor Dunn thanked Mr. Crawford for his service on the Parks and Recreation Advisory Board.

**4. PROCLAMATIONS – None. Nat'l Crime Victims' Rights Week, April 13-19, 2008**

Mayor Dunn read the proclamation into the record.

**Public Safety Telecommunicators' Week, April 13-19, 2008**

Mayor Dunn asked John Meier, Police Chief, Ben Florence, Fire Chief, and Dale Finger, Police Captain, to come forward to accept the proclamation. Mayor Dunn read the proclamation into the record. Mayor Dunn thanked them for their hard work and noted congratulations and appreciation to their departments.

**Lord of Life Church; 20<sup>th</sup> Anniversary [1988-2008]**

Pastor Tom Krause, Lord of Life's founding and current Pastor came forward to accept the proclamation. Mayor Dunn read the proclamation into the record and noted congratulations to Mr. Krause and wished him many more years of success. Mr. Krause stated they are happy to be a part of the Leawood community.

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

**6. SPECIAL BUSINESS**

Mayor Dunn noted the new materials for Item Nos. 6A and 6B placed upon the dais.

- A. Ordinance No. 2309 authorizing the issuance and delivery of \$6,560,000 principal amount of General Obligation Refunding Bonds, Series 2008-A, of the City of Leawood, Kansas for the purpose of providing funds to refund certain outstanding General Obligation Bonds of the City; prescribing the form and details of said bonds; making provision for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due; and making certain covenants with respect thereto [Roll Call Vote]

A motion to approve the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Mayor Dunn noted appreciation and congratulations to Kathy Rogers, Finance Director, along with her department and Scott Lambers, City Administrator, for the recent upgrade to the AAA bond rating. Mayor Dunn thanked Roger Edgar and David Arteberry, George K. Baum & Company; and Bill Hess, Bond Counsel, with the Bryan Cave Law Firm. Mr. Arteberry noted congratulations for the rating upgrade. He stated this rating acknowledges consistent governance in the City that has adhered to the policies that have been developed and has allowed the City to become financially and economically strong. He also stated the results of the offering for the sale of the bonds went very well. There was anticipation that the savings, as a result of the refinancing would be approximately \$180,000; however, the actual savings generated was approximately \$233,000. The three bond issues have an outstanding interest rate of 4.7%. The new bonds have an effective rate of 2.79%. This is a drop of approximately 1.9% in the interest rate.

Mayor Dunn stated it is always good to get this kind of news. She noted Mr. Edgar had previously mentioned to her this is the first time a City had received an upgrade when a city had not actually requested one.

Mr. Edgar stated there has not been a push for the upgrade, so this upgrade was based upon the positive things that are happening in Leawood. To go from AA to the AAA level involves a rigorous process. He noted the committee meets twice as often and they tend to not give an upgrade of this level unless the City is solidly in the AAA category.

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

- B. Resolution No. 2980 prescribing the form and details of and authorizing the delivery of \$6,560,000 principal amount of General Obligation Refunding Bonds, Series 2008, of the City of Leawood, Kansas, authorized by Ordinance No. 2309 of the City; providing certain covenants and agreements with respect thereto; and providing for execution of certain agreements in connection therewith.

A motion to approve the resolution was made by Councilmember Rawlings; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Gill absent).

- C. Resolution approving Final Site Plan located approximately at the southeast corner of 137<sup>th</sup> Street and Mission Road for multi-family housing [Applicant: Oddo Development]- *[Continued from the March 31, 2008 Governing Body meeting] - TO BE CONTINUED TO MAY 12, 2008 AT 7:00 P.M.*

A motion to continue to the May 12, 2008 Governing Body meeting was made by Councilmember Bussing; seconded by Councilmember Filla. The motion to continue carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Gill absent).

- D. Request to establish a Transportation Development District [TDD] and a Special Benefit District [SBD] along 135<sup>th</sup> Street between State Line Road and Fontana for the burying of power lines and a third lane, respectively.

A motion to approve the request was made by Councilmember Rasmussen; seconded by Councilmember Filla. Councilmember Bussing noted appreciation to Mr. Larry Winn for his work on this project.

Larry Winn, 6201 College Boulevard, stated the staff has been very helpful with the project. Mayor Dunn noted No. 7 on the second page of Mr. Winn's letter, stating a 15-year term for Special Benefit District [SBD] bonds. She stated the City's policy is actually 10 years, but realizes he is requesting a 15-year term for this project. Mr. Winn confirmed this request.

The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Gill absent).

- \*E. Resolution approving and authorizing the Mayor to execute a Lease Agreement between the City and Orion Management Systems, Inc., for the purpose of the sale of alcoholic beverages at Ironhorse Golf Club, located at 15400 Mission Road – *CONTINUED TO THE APRIL 21, 2008 GOVERNING BODY MEETING.*

This item has been continued to the April 21, 2008 Governing Body Meeting.

## 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. 1098B, 1099A, 1099B, 1100A, 1100B
- B. Accept Minutes of the March 3, 2008 Governing Body meeting
- C. Accept Minutes of the March 3, 2008 Governing Body Work Session meeting
- D. Accept Minutes of the February 8, 2008 Stormwater Management Committee meeting
- E. Accept Minutes of the February 4, 2008 Arts Council meeting
- F. Accept Minutes of the January 8, 2008 Parks and Recreation Advisory Board meeting
- G. Mayoral Appointments of Volunteers to Green Initiative Task Force
- H. Approve renewal of Cereal Malt Beverage [CMB] license for Hallbrook Country Club, located at 11200 Overbrook Road
- I. Approve issuance of Temporary Alcohol Permit to conduct The Taste of Leawood Fundraising Event on Saturday, June 21, 2008, in accordance with Code § 3-216
- J. Approve request for services for an amount not to exceed \$20,000 to American Micro Company, pertaining to the Legal Systems Scanning Project
- K. Approve Massage Therapy Establishment License for CiCi Coffee of Natural Body Spa and Shoppe located at 4431 W. 119<sup>th</sup> Street

- L. Approve Co-op Bid in the amount of \$860,579.75 for purchase of Police, Parks, and Public Works Vehicles
- M. Approve 6<sup>th</sup> and final payment in the amount of \$10,000 to Miller Paving pertaining to the 2007 Residential Street Reconstruction Project [#80206]
- N. Approve Final Pay request in the amount of \$1,000.00 to UHL Engineering, Inc., pertaining to the 2008 Mill & Overlay Program
- O. Approve Final Pay request in the amount of \$1,000.00 to UHL Engineering, Inc., pertaining to the Storm Drainage Improvement Project at 8311 Meadow Lane
- P. Approve purchase in the amount of \$23,940.00 from Extreme Turf and Landscape for the purchase and installation of an artificial tee line at the driving range at Ironhore Golf Course, 15400 Mission Road
- Q. Approve Change Order No. 3 in the amount of \$9,671.56, to Barge Turley, pertaining to the 2006 Storm Sewer Project non-SMAC Project at Cherokee Lane, North of 86<sup>th</sup> Street Project [# 72025]
- R. Resolution No. 2981 calling for a pre-budget public hearing to be held on Monday, April 21, 2008, for the 2009 fiscal budget
- S. Resolution No. 2982 appointing a Kansas Public Employee Retirement System [KPERS] Designated Agent
- T. Resolution No. 2983 appointing a Kansas Eastern Region Insurance Trust [KERIT] Trustee and KERIT Alternate Trustee
- U. Resolution No. 2984 appointing a Kansas Police and Fire Retirement System [KP&F] Designated Agent
- V. Resolution No. 2985 authorizing the acceptance of a Memorandum of Gift from the Leawood Foundation, of the Prairie Lessons Art Sculpture located near the Oxford Schoolhouse in Ironwoods Park, 14701 Mission Road
- W. Resolution No. 2986 accepting an easement from Avodah, LLC, pertaining to property located at 133<sup>rd</sup> and Roe Avenue, specifically Lot 2 [#80195] to enter upon, locate, construct and maintain amenity features, water feature facilities and a storm water collection system or authorize the same together with all rights of ingress and egress, over and through areas described in the Parkway Plaza Retail/Office Owners Association [Project # 83195]
- X. Resolution No. 2987 approving and authorizing the Mayor to execute a Service Agreement in the amount of \$16,635.00, between the City and Beautiful Outdoors Lawn and Landscape, Inc., pertaining to the construction of a permanent footbridge on Hole No. 11 at Ironhorse Golf Course, 15400 Mission Road
- Y. Fire Department February Monthly Report
- Z. Municipal Court February Monthly Report
- AA. Police Department February Monthly Report
- BB. Resolution No. 2988 approving a Final Site Plan for a tenant finish for Park Place - Craig Allen's, located at the northeast corner of 117th Street and Nall Avenue
- CC. Resolution No. 2989 approving a Final Site Plan for revised sign criteria for Village of Seville, located at the northeast corner of 133rd Street and State Line Road

- DD. Resolution No. 2990 approving a Final Site Plan for Parkway Plaza - Office/Retail Buildings 8, 9, 10 and 11 (Lots 3 and 4), located at the northwest corner of 135th Street and Roe Avenue.

Mayor Dunn questioned if there were any items anyone would like to pull.

A motion to approve the Consent Agenda was made by Councilmember Gullede; seconded by Councilmember Rasmussen. The motion was approved following a unanimous vote of 6-0. (Councilmembers Azeltine and Gill absent). Mayor Dunn asked any members of the Green Initiative Task Force to stand to be recognized.

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

- A. The March Council of Mayors' meeting was hosted by Overland Park Mayor Carl Gerlach and held at Overland Park's new Matt Ross Community Center. Mayor Dunn encouraged everyone to view the center, as it is very impressive. There was a presentation at this meeting regarding the Johnson County sales tax renewal that will be supporting public safety, if passed in August. Johnson County Commission Chairman Surbaugh mentioned she would appreciate some indication as to how each city will use their portion of the sales tax. City Administrator, Scott Lambers, stated the County Administrator has forwarded a resolution and is encouraging cities to endorse the sales tax election. This does not indicate how the cities will be spending the money. These revenues are subject to annual appropriation. The Governing Body may choose to spend these monies in any fashion they see appropriate, and within their authority. This will be discussed at the April 21, 2008 council meeting along with a resolution expressing support of the sales tax renewal.
- B. Attended a presentation by Bob Regnier, Chairman of the Greater Kansas City Chamber of Commerce at Lake Quivira, where the April Council of Mayors meeting was hosted by the Mayor of Lake Quivira, Larry Meeker. Mr. Regnier spoke on the topic of regionalism and government.
- C. Attended a ribbon cutting ceremony held by the Leawood Chamber of Commerce for the Rigerante Day Spa located at 143<sup>rd</sup> Street and Kenneth Road and wished them much success.
- D. Participated in the Greater Kansas City Economic Development Assembly, sponsored by Ingram's Magazine.
- E. Attended the grand opening of Trezo Vino Wine Bistro located at Park Place and was joined by Councilmembers Rawlings, Bussing and Gill. Mayor Dunn noted it was a fantastic experience.
- F. Attended the Leawood Arts Council studio arts tour at M & I Bank with Councilmember Bussing. Featured artists were William Hanlin, Rita Lohr, Steve Lohr and Jill Tichenor. Mayor Dunn thanked the Leawood Arts Council, along with appreciation to April Bishop and Mary Tierney for their involvement.
- G. Attended a dinner with the Consulate General of Israel, Barukh Binah, hosted by the Jewish Community Relations Bureau.
- H. Mayor Dunn had the honor of being the Master of Ceremonies at a luncheon for Senator Pat Roberts with the keynote address given by First Lady Laura Bush.

- I. Attended the Program Prelude to Sister Cities International Worldwide Conference, hosted by Benny and Edith Lee in their home. Mayor Dunn noted the conference is scheduled to take place in our region this summer. Also in attendance was Jim Rochel of the Leawood I-Lan Sister City Committee.
- J. Mayor Dunn and her husband attended the trail clean-up along Tomahawk Creek Parkway along with Councilmember Azeltine, his daughter, and 200 other volunteers. Mayor Dunn noted appreciation to Chris Claxton, Parks and Recreation Director, and her staff for organizing the clean-up and also thanked the 200 volunteers for their participation. She stated she was very pleased with how the trail looked when the job was completed and noted some photo coverage in the Kansas City Star, Leawood Neighborhood News.
- K. Attended St. Michael the Archangel D.A.R.E. {Drug Abuse Resistance Education} Graduation, hosted by officer Bret Leathers. She noted Mr. Leathers will be returning to the Patrol Division and will be greatly missed by his D.A.R.E. students.
- L. Reminder that the Leawood Woman's Club is having a reception in conjunction with Leawood's 60<sup>th</sup> Anniversary for former and current elected officials on April 17, 2008, from 5:00 – 7:00 P.M. held in the Oak Room of the Leawood City Hall.
- M. Congratulations to Leawood resident, Jim Badzin, for receiving the Mordechai Award given by the Congregation of Beth Israel for his tireless work with Israel and establishing the sister city relationship between Kansas City, Missouri, and Ramla, Israel.
- N. Mayor Dunn stated how nice the Leawood Parks and Recreation Program Guide looks; which included the addition of memorabilia of Leawood's 60<sup>th</sup> Anniversary.

Councilmember James Azeltine joined the meeting at 6:00 P.M.

## 9. COUNCILMEMBER'S REPORT

Councilmember Rasmussen stated the Ironhorse Advisory Board is recommending to the Council to announce that the practice facilities will be open May 1, 2008 at Ironhorse Golf. The official opening will be May 23, 2008. He noted Dick Fuller, Chairperson of the Board, and Pete Spratlin, Ironhorse Golf Superintendent are present to answer any questions.

Councilmember Rasmussen made the motion to approve the recommendation of the Ironhorse Advisory Board; seconded by Councilmember Azeltine.

Mayor Dunn thanked Mr. Fuller for his attendance and asked Mr. Spratlin to come forward to comment on the opening dates. Mr. Spratlin stated these dates were recommended at the committee meeting and he agreed they should have sufficient time within which to get things done. He noted winter had the schedule a little behind, but they should be able to catch up, weather permitting, this week.

Mayor Dunn noted Councilmember Gill would like to give a Councilmember report on his tour of the golf course when he returns at the next Council meeting. She stated he was very impressed.

Councilmember Bussing questioned if the club house opening date would be on May 1, 2008.

Dick Fuller, 10309 Sagamore, Chairman of the Ironhorse Advisory Board, noted Mr. Shane Gardner, Orion Management Solutions, could not be in attendance this evening, but at the last meeting there was lengthy discussion as to when the course would open. They asked both Pete Spratlin and Orion specific dates, due to questioning from the public. They all felt these were reasonable dates. He stated the clean-up efforts were anticipated to begin this week. He noted full functioning operation; food, etc., may not be operational at this time, but the club house should be functional to the point of marketing by Orion. He stated the club house is not a necessity in order for the range to be open.

Councilmember Bussing questioned if May 23, 2008 would be the grand opening date. Mr. Fuller stated the grand opening date has not yet been established. He noted it should be after this date.

Mayor Dunn noted the 60<sup>th</sup> Anniversary of Leawood should lend itself to some sort of festive grand opening.

Mr. Fuller noted Orion is attempting to allow for time to have the sponsors invited to this grand opening. Mayor Dunn noted thanks to Councilmember Rasmussen and to all persons involved working so diligently on the project.

The motion carried with a unanimous vote of 7-0. (Councilmember Gill absent).

## **10. STAFF REPORT**

Mayor Dunn noted Mr. Lambers having some introductory remarks on the coyote situation and asked Police Chief John Meier to give a report.

Mr. Lambers stated Leawood has become infamous for its coyote problem. Currently, the City has a total prohibition for any trapping or snaring in the city limits, which is typical for most cities. He will request the Council consider amending the ordinance at the next meeting under Special Business. Mr. Lambers stated he will be recommending certain types of snaring and trapping devices be allowed, subject to his and or City Council approval, in that the City authorize home associations to retain private contractors to utilize the approved snaring and trapping methods in order to rid the City of the coyote situation. Mr. Lambers stated he is not comfortable recommending the City engage in such activities on City owned land or private properties. He noted concern that someone's pet could be harmed in an attempt to eradicate the coyotes.

He also noted these coyotes do not fear humans due to becoming acclimated to our environment, whereas this is not the case, for example, when coyotes are used to being shot at on open land by hunters. He stated the City has been advised there are certain types of snares and traps that are not fatal and these traps would hold them in place until the trapper could retrieve them. The question of disposal has yet to be decided. Mr. Lambers stated he would be happy to answer any questions.

John Meier stated this is a situation that the City is well aware of, although, there has been no situation in the past where the coyotes have ever started killing animals. He stated this is a very large area to cover and noted 126<sup>th</sup> Street through 151<sup>st</sup> Street and from Chadwick to Rosewood. The State was contacted for suggestions. The State outlaws any type of poison, due to the way it would progress down the food chain. Other cities have been contacted. Leawood is not the only City with coyote sightings, although the City of Leawood is presently the only City where the killing of small animals has taken place to this magnitude. Lawrence has had a few animals killed by coyotes. He noted these are the only two cities they could find where killings had taken place. He stated the first incident occurred in October, 2007 and the last incident occurred March 10, 2008. There have been other sightings since this time. He stated they do not view humans as a threat to them, as they have in the past.

Councilmember Filla questioned the animal on the food chain that would control coyote population. Mr. Meier stated the mountain lion. Mr. Lambers stated there has been one unconfirmed report of a mountain lion in Leawood. He noted if farmers need to get rid of coyotes, they bring in Russian wolf hounds to run them down. Mayor Dunn noted appreciation to Mr. Meier for his attention to this issue.

Mayor Dunn recognized and congratulated newly elected, Ward 4 Councilwoman, Julie Cain.

Councilmember Bussing noted to Mr. Lambers that David Thompson, 12715 Sagamore Road, be notified of the upcoming council meeting agenda item concerning the coyotes, due to him stating concern at the council meeting held on March 31, 2008.

## ***COMMITTEE RECOMMENDATIONS***

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

***[From the March 11, 2008, Parks & Recreation Advisory Board meeting and February 26, 2008 Planning Commission meeting]***

- A. Approve installation of two [2] sculptures by Jorge Blanco inside Leawood City Park, 10601 Lee Boulevard

Mayor Dunn noted the revised memo placed upon the dais that details the cost of the item.

A motion to approve the installation of the sculptures was made by Councilmember Rasmussen; seconded by Councilmember Peppes.

Chris Claxton, Parks and Recreation Director, confirmed with the Mayor that the cost includes installation. Ms. Claxton stated the formal agreement will be brought to Council on April 21, 2008.

Mayor Dunn questioned the possibility of the sculptures fading. Ms. Claxton stated this was discussed with the artist and noted he was aware of this possibility and a different type of paint and a thicker coating has been applied. Ms. Claxton stated she has seen many of his pieces of artwork and doesn't anticipate this being a problem.

Mary Tearney, Chairman, Leawood Arts Council stated there is a clear coat put on all of the paint, similar to that used on vehicles to keep from fading.

Dr. Ann Kenney, Leawood Arts Council noted booklets the artist sent to distribute to the Council.

Councilmember Bussing questioned lighting on the art sculptures. Dr. Kenney stated the sculptures will be lit from the bottom.

The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent). Mayor Dunn thanked Mrs. Tearney, Dr. Kenney, Loretta Allebach, April Bishop, and the remainder of the Leawood Arts Council Committee for all their hard work.

Mrs. Tearney thanked Councilmember Scott Gullede for his service on the Council and all of his time and effort spent working for the City.

Mayor Dunn thanked Councilmembers Bussing and Rasmussen, for their work as liaisons for the Arts Council.

## **12. PLANNING COMMISSION**

### ***[From the February 26, 2008, Planning Commission meeting]***

- A. Ordinance No. 2310 approving a Special Use Permit for T-Mobile Wireless Antenna, located at 10515 Mission Road [Roll Call Vote]

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

Katrina Robertson, 8500 W. 110<sup>th</sup> Street in Overland Park, Kansas, stated this is a co-location on an existing tower at 10515 Mission Boulevard. Mayor Dunn noted she is delighted to see its slim line.

Councilmember Peppes questioned the possible need for updating any landscaping before the ordinance is passed. Mr. Lambers stated this facility has minimal landscaping around it. This applicant is leasing the tower; this responsibility would be the owner's. Mayor Dunn noted this should be allowed to be discussed with the applicant leasing the space. Mr. Lambers stated there are two special use permits; one is for the tower itself and the other is for the use of the tower by the individual entity.

It is the tower entity the City would have the requirements for landscaping. There will be a full-time City employee starting in May that will assume these responsibilities. Mayor Dunn noted until then, the City can check to see that the landscaping is sufficient.

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

- B. Ordinance No. 2311 approving a Preliminary Plat, Preliminary Site Plan, Final plat, and Final Site Plan for LeClaire Estates, located north of 103rd Street and east of Wenonga [Roll Call Vote]

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

Mayor Dunn noted stipulation No. 5 needed to be deleted, as it is a repeat of stipulation No. 4.

Councilmember Filla questioned the wording on stipulation No. 1.

Mayor Dunn noted this is the correct wording for residential properties.

Councilmember Rasmussen noted there are surface water problems in the north and east areas. He noted he has been assured these problems have been addressed.

Jason Meier, 10327 Lee Boulevard, stated the entire site drains directly to 103<sup>rd</sup> Street and there will be no drainage in the direction of the north or east.

Councilmember Azeltine questioned staff as to the minimum acreage required for development of single family residential land. Mr. Lambers stated this requirement is only for re-zoning. This land is being re-platted into two lots. Mr. Azeltine questioned the land never being developed. Mayor Dunn noted there is a house there currently that is in the process of being torn down. Mr. Lambers stated there is a 10-acre minimum for commercial land, and the City is in the process of reviewing this. He stated there is no square footage requirement per lot for residential land.

Mr. Meier stated the lots at LeClair Estates are priced at approximately \$500,000 each, and the homes planned are estimated to be valued at approximately \$2 - \$3 million. Mayor Dunn noted delight to see the turn-around provision Fire Marshall Gene Hunter required on the driveway due to the flow of traffic onto 103<sup>rd</sup> Street.

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

- C. Ordinance No. 2312 approving a Special Use Permit, Preliminary Site Plan and Final Site Plan for Parkway Plaza - Green Earth Cleaners, located at the northwest corner of 135th Street and Roe Avenue [Roll Call Vote]

Mayor Dunn noted she would like the Special Use Permit [SUP] being granted for 20 years be added under the staff comments section on page 7.

Jeff Hortstmeier with Bell/Knott Associates Architects, 12730 State Line Road, gave a presentation on the new dry cleaning company. Mr. Hortstmeier stated this is a 4,500 square foot building. The SUP is for a drop off and pick-up covered area. There is an internal locker room that can be accessed by clients either picking up or dropping off items after hours. Eighty percent of Green Earth's traffic will use this drop-off area.

Mr. Lambers noted this building has been shown with a drive-thru throughout the entire planning process.

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

Mr. Hortstmeier noted the location of the dry cleaning establishment on the east side of the Parkway Plaza Development. He demonstrated with blueprints, the different elevations and all materials approved for use by the Development Code. He stated there will be an on-sight seamstress, along with other amenities other dry cleaning companies do not offer.

Councilmember Azeltine questioned if there should be a public hearing involved with this.

Mr. Lambers stated the public hearing is only at the Planning Commission level. Mayor Dunn stated there could be a citizen comment, but is not a public hearing.

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

***[From the March 11, 2008 Planning Commission meeting]***

- D. Ordinance No. 2313 approving a Special Use Permit for AT&T SAI Cabinet, located at 11701 Nall Avenue [Roll Call Vote]

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

Mayor Dunn questioned the landscaping in Leawood in comparison to the landscaping in Mission Hills, as some of the shrubbery and trees seem to be fuller on 63<sup>rd</sup> Street by the City Hall building.

Chris Carroll, AT & T, 8900 Indian Creek Parkway, Overland Park, stated there were some provisions for some larger plants as to the landscaping in front of City Hall. This was in conjunction with the widening of 63<sup>rd</sup> Street and the KCP&L transformer box that was installed. Mayor Dunn questioned the life span of the shrubbery. Mr. Carroll stated if the shrubbery should expire, it will be replaced.

Councilmember Rasmussen noted this is the second time this corporation has come back for a SUP when the box has already been relocated. Mr. Rasmussen questioned penalties for this. Mr. Lambers stated this was for relocation of an existing box, as opposed to establishment of a new box.

Mr. Carroll stated this needed to be done, due to the road widening project.

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

**13. OLD BUSINESS** – None.

**14. NEW BUSINESS**

- A. Approve 'Draft' Citizen Survey in regards to the feasibility study of constructing a new indoor Community Center.

A motion to approve the survey study was made by Councilmember Peppes; seconded by Councilmember Azeltine.

Chris Claxton, Parks & Recreation Director, stated the department wanted to bring this before the Council before it was mailed out to address any comments or concerns. Mayor Dunn thanked Ms. Claxton for the questions on the survey regarding funding the center.

Councilmember Bussing noted surprise to see the question of being a Leawood resident on the survey. Mr. Lambers stated during the sales tax election, an informational pamphlet was mailed to voters. There were numerous non-Leawood residents that had received the pamphlet and responded to it.

Councilmember Azeltine questioned who guarantees the minimum number of 400 responses to the survey. Ms. Claxton stated the consultant guarantees the minimum by calling the residents if they don't receive a sufficient number of responses.

The motion carried following a vote of 6-1. Yea: Councilmembers Gullledge, Peppes, Bussing, Azeltine, Rawlings, and Filla. (Nay: Councilmember Rasmussen stated he has been against this project since the initiating stages). (Councilmember Gill absent).

Ms. Claxton recognized Karen Reimer, Parks and Recreation Department. Mayor Dunn thanked her for all of her hard work.

**ADJOURN**

Mayor Dunn adjourned the meeting at 6:50 P.M.

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Debra Harper, CMC, City Clerk

Pam Gregory  
Recording Deputy City Clerk