

Minutes

DVD No. 189

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 19, 2008. Mayor Peggy Dunn presided.

Councilmembers present: Gregory Peppes, Gary Bussing, Jim Rawlings, Lou Rasmussen Debra Filla, Julie Cain, James Azeltine, and Mike Gill

Mayor/Councilmembers absent: None.

Staff present:

Scott Lambers, City Administrator
Chief John Meier, Police Department
Captain Dale Finger, Police Department
Major Troy Rettig, Police Department
Chief Ben Florance, Fire Department
Joe Johnson, Public Works Director
Mark Andrasik, Info. Systems Director

Patty Bennett, City Attorney
Kathy Rogers, Finance Director
Chris Claxton, P&R Director
Lovina Freeman, HR Director
Deb Harper, City Clerk
Pam Gregory, Deputy City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted Item No. 14A was pulled.

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 8-0.

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.**

Alex Migliazzo, 9804 Wenonga, expressed concern that the sculpture located at Lee and Somerset could be a road hazard and cause an accident. He asked if it could be moved to a more appropriate location. Mayor Dunn stated someone would contact him in the near future to discuss his concerns.

4. PROCLAMATIONS

Bicycle Friendly Community

Mayor Dunn recognized that the City of Leawood was a bicycle friendly community.

**National Public Works Week, May 18-
May 24, 2008**

Mayor Dunn read and presented the proclamation to Public Works Director Joe Johnson.

State of Israel- 60th Anniversary

Mayor Dunn read the proclamation into the record.

5. PRESENTATIONS/RECOGNITIONS

**Presentation of Fire Department Color
Guard**

**Retirement of Fire Captain Jackman
Bieger; 29 years of service**

Fire Chief Ben Florence recognized and thanked Captain Jackman Bieger for his dedication and service to the Leawood Fire Department for 29 years. Mayor Dunn presented Captain Bieger with a plaque in honor of his commitment.

6. SPECIAL BUSINESS

- A. Resolution approving Final Site Plan located approximately at the southeast corner of 137th Street and Mission Road for multi-family housing [Applicant: Oddo Development] –*Continued from the May 12, 2008 Governing Body Meeting--- TO BE CONTINUED TO A DATE CERTAIN*

A motion to continue to a special June 9, 2008, Governing Body meeting at 7:00 P.M. was made by Councilmember Gill; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 8-0.

- B. **Resolution No. 3029** revising the establishing a fee, not specifically provided for in the Code of the City of Leawood, 2000, specifically for the IRONHORSE Golf Course, in accordance with Section 1-701 of the Code of the City of Leawood, 2000

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

Councilmember Peppes asked what the difference in the new document was compared to the old one. Parks and Recreation Director Chris Claxton stated that some of the golf course fees had been changed.

Councilmember Bussing confirmed with Ms. Claxton that the rates would stay the same as in 2006.

The motion carried following a unanimous vote of 8-0.

- C. Request for an amendment to Section 16-4-2.3 of to the Leawood Development Ordinance [LDO] pertaining to detached structures [Citizen: Jay Oltjen, 14163 Juniper]

Jay Oltjen, 14163 Juniper Street, stated he had been working with City staff to gain approval for a permit to construct an attached dock to the pond in front of his property. The current Leawood Development Ordinance [LDO] does not address docks. Mr. Oltjen asked Council to amend the ordinance to allow for detached ancillary structures and/or a dock in a front yard when the property is greater than three acres in size, and more than 250 ft. from any city street. City Administrator Scott Lambers stated the current ordinance prohibits this and was based on the assumption that most lots would be an acre or less. Mr. Lambers stated he would support amending the LDO and limit it to tracts that are three acres or greater. This request would need to be channeled through the planning process as an amendment to the LDO.

Councilmember Bussing confirmed with Mr. Oltjen that the pond was spring fed and the water stayed at a consistent level throughout the year. Mr. Bussing asked if the description of the ordinance would include how the City would describe the pergola and dock standards. Mr. Lambers stated some descriptions are provided in the LDO for garden structures and gazebos; however, no description for docks. The City would need to add this to provide some general basic minimum standards. Each application would be judged on its own individual merits.

Councilmember Gill made a motion to direct the City Administrator to initiate the LDO amendment process to incorporate the request of Mr. Oltjen; seconded by Councilmember Bussing.

Councilmember Filla stated she wanted the amended ordinance to include screening or landscaping. Mr. Lambers stated landscaping requirements would be part of the planning process.

Mr. Oltjen asked if the requirement of the setback in the front yard was 35 ft. Mr. Lambers stated as long as the tract of land was a minimum of three acres, the City would consider each individual application.

The motion carried following a unanimous vote of 8-0.

- D. **Resolution No. 3030** approving and authorizing the Mayor to execute an Escrow Agreement between the City and Southwest Trust Company, N.A., Escrow Agent, and Pawnee Place, LLC, Owner, pertaining to the Intersection Road Improvement SBD # 2767, Project # 80403, Tract No. 1, in the amount of \$123,000.00

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

- E. **Resolution No. 3031** approving and authorizing the Mayor to execute an Escrow Agreement between the City and Southwest Trust Company, N.A., Escrow Agent, and Pawnee Place, LLC, Owner, pertaining to the Intersection Road Improvement SBD # 2454, Project # 197, Parcel B-1, in the amount of \$632,878.00

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

Councilmember Azeltine asked the difference between the two projects other than the magnitude, in terms of the type of work being done. Mr. Lambers stated the projects vary depending upon whether it's for stormwater or street improvements.

The motion carried following a unanimous vote of 8-0.

- F. **Resolution No. 3032** approving and authorizing the Mayor to execute an Escrow Agreement between the City and Southwest Trust Company, N.A., Escrow Agent, and Pawnee Place, LLC, Owner, pertaining to the Stormwater Improvement SBD # 2779, Project # 198, Parcel B-1, in the amount of \$449,712.00

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Gill. The motion carried following a unanimous vote of 8-0.

- G. **Resolution No. 3033** approving and authorizing the Mayor to execute an Escrow Agreement between the City and Bank of Blue Valley and the Perry M. Sharp Trust C Owner, pertaining to the Intersection Road Improvement SBD # 2767, Project # 80403 Tract No. 1, in the amount of \$41,000.00

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Gill. The motion carried following a unanimous vote of 8-0.

- H. **Resolution No. 3034** approving and authorizing the Mayor to execute an Escrow Agreement between the City and Bank of Blue Valley and the Perry M. Sharp Trust C Owner, pertaining to the Road Improvement SBD # 2454, Project # 197 Parcel B-2, in the amount of \$257,122.00

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

- I. **Resolution No. 3035** approving and authorizing the Mayor to execute an Escrow Agreement between the City and Bank of Blue Valley and the Perry M. Sharp Trust C Owner, pertaining to the Stormwater Improvement SBD # 2779, Project # 198 Storm, Parcel B-2, in the amount of \$90,288.00

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

- J. **Ordinance No. 2320** amending § 2-104, of the Code of the City of Leawood, Kansas, 2000, entitled Trapping, allowing for the limited and restricted use of snaring and trapping devices for the intended purposes of controlling the population of coyotes [Roll Call Vote] *–[CONTINUED FROM THE APRIL 21, 2008 GOVERNING BODY MEETING]*

Police Chief John Meier stated to his knowledge, there had been two other attacks since this issue was last addressed. This would bring the total of attacks to 11; with approximately 6 or 7 of these pets killed. Chief Meier stated they had contacted the State Wildlife and Parks Department and they agreed to have their wildlife biologist, who specializes in coyotes, have a question and answer session on Thursday May 22, 2008, at 7:00 P.M. at the Lodge for area residents. Mayor Dunn asked what the response from the Animal Control Department had been. Chief Meier stated they had responded to all calls.

Mayor Dunn asked what the changes were in the revised ordinance. Mr. Lambers stated the changes provide more detail to be submitted to the City as part of a permit application: The area, type of traps, and people involved in the trapping. The ordinance had also been amended to allow the City to engage in trapping on City-owned property and the City is subject to the same 30-day time frame given to the homes associations.

Councilmember Gill asked if the City had addressed the types of breeds and species. Mr. Lambers stated he used the dictionary definition to determine the species currently being targeted.

Councilmember Filla asked how the ordinance before Council compared to the suggestion made by the humane society to consider the policy by the City of Los Angeles. Mr. Lambers stated the proposed ordinance was contrary to their request. They would like the City to engage in live trapping for a reasonable period of time to determine if it would be successful. He stated research had shown this to be of limited success, and given the attacks the City has encountered, it would not be prudent. Also, they do not want the animals to be destroyed. Mr. Lambers stated his position would be, once the coyotes were caught, they needed to be killed. They indicated the City should target the coyotes that are causing the issues; however, snaring and trapping does not allow for that to occur.

Janet McLaughlin, 4500 W. 125th Street, was concerned with educating the citizens and wanted more information on the situation made available through the news media. Ms. McLaughlin stated that a few weeks earlier a neighbor found a coyote on their deck, and was concerned of children eventually becoming attacked.

Richard Lyons, 5304 W. 153rd Street, was concerned why the coyotes needed to be killed and not relocated. He noted there was plenty of wooded land they could be relocated to. Mr. Lyons referred to the coyote reference guide the City made available for area residents and noted that in Cook County, Chicago, there were over 3,000 cases of dog attacks during the year the study was done; however, no coyote attacks. He stated the problem would be ongoing, and wanted to know how it could be handled humanely for the long-term.

Mayor Dunn asked to have the coyote reference guide posted to the City's webpage for further education.

Councilmember Gill asked if the method the City was planning is considered humane, and asked if relocation would be a very effective method. Mr. Gill stated the reference guide indicated that relocating them would not be effective, as they tend to not survive. Another point discussed was that they were being driven from their habitat. He noted the population of coyotes continues to expand.

Kevin Latinis, 4181 W. 131st Place, spoke on behalf of neighbors in Wilshire Place, Waterford, and parents of Mission Trail Elementary School. He stated one week earlier, a coyote came within only a few feet of their one-year old child. He felt the number of pets that had been reported missing was underestimated. Mr. Latinis noted appreciation to the efforts of Leawood for pursuing the issue; however, felt when the coyotes begin to affect children, the action of the City would be too late. Research had indicated that coyotes hunt at night or in the early morning; however, they have been out in broad daylight, running through the neighborhoods. He addressed three main points of interest:

1. Greater public awareness.
2. Action from the City of Leawood.
3. Involvement of the local schools.

Mr. Latinis stated although it is a concern to lose a pet, the affects this could have on children are significantly higher.

Don Smith, 5209 W. 116th Street, deferred to speak.

Shirley Rose, 5244 W. 115th Terrace, stated her dog was currently missing and asked Council to help resolve the issue. Due to her age this was a real problem for her because she could not always go out with her dog.

Patricia Wolf, 3305 W. 132nd Street, stated her dog, Chloe, was attacked on February 26, 2008, in her fenced backyard by a coyote. She stated the coyote had her dog by the neck, and if she hadn't gone outside after her, she would be dead. She noted Chloe was doing well, after spending three days at the veterinary hospital. Ms. Wolf stated there was a serious problem with coyotes in Leawood and that action needed to be taken. She noted animal control officers had been very supportive of her concerns. Ms. Wolf noted there were three children attacked within five days in California.

G. Reid Teaney, 12721 Wenonga Lane, stated on March 9, 2008, he let his dog, George, outside never to return again. He stated the Animal Control Department was very responsive. Mr. Teaney asked animal control to help get people involved to trap the coyotes. He noted he had participated in a news broadcast regarding the impact the animals have had on resident's pets in Leawood. Mr. Teaney stated it was a huge problem for the City, and urged Council to act before a child gets hurt.

Mary Prewitt, Humane Society of The United States, stated she had been working with staff on the proposal before Council. This information was based upon current research regarding coyotes. She noted it was crucial to follow a plan that was based on science and likely to work. Science currently shows the coyotes are here to stay and are increasingly living in urban areas. Ms. Prewitt recommended everyone read the study by Ohio State University Professor Dr. Stanley Gurt, and stated it provides a wealth of knowledge regarding coyotes. Policies that deal with coyotes, based upon trapping and removal, do not work. Key reasons would include: Coyotes are territorial, and if removed, others would move in. If the population of coyotes in a suitable habitat drops, they will increase the size of their litter in order to re-populate that habitat. The only successful way of handling them would be by addressing their habitat. Ms. Prewitt stated education plays a key role in this.

Ms. Prewitt stated trapping should be considered a last resort. If coyotes that inhabit the area were not posing problems, there was no reason to remove them. Some of the coyotes in Leawood were, obviously, aggressive. Coyotes are not successfully re-located and noted when you try to re-locate them, they try to return home. Ms. Prewitt stated that the Humane Society had not proposed that euthanasia could never be a solution; however, asked that euthanasia be justified by an animal that has shown aggression, is sick, or injured. She asked the City to address the habitat issues.

Ms. Prewitt noted she had spoken with the Leawood Animal Control Department, and stated they were informative and very professional. In reference to the proposal before Council, it doesn't specify which traps may be used once live traps may prove insufficient. It does; however, eliminate the most dangerous types of traps.

Mayor Dunn recognized and noted Martha and Al Elton left the meeting.

Councilmember Azeltine asked what Ms. Prewitt meant by addressing the habitat. She stated the key items that attract coyotes to a particular area are food, water, and suitable dens. These den sites could be culverts, brush, and covered areas. She noted pets should not be fed or watered outdoors. Leaving trash out could attract the coyotes, as well. Mr. Azeltine asked how to find and track a particular coyote. Ms. Prewitt stated that by identifying their territory, markings, or possibly a limp, you could identify where their den is located and hide a live cage in their path. Mr. Azeltine asked if Ms. Prewitt knew of any cases where live cage trapping had been successful in capturing coyotes. She stated there was a conviction in Indiana for coyote penning; dogs are set on coyotes that have been live cage trapped. Mr. Azeltine asked how long she thought the City should try the live cage trapping before considering a different method. Ms. Prewitt stated it should be left to the experts to decide; however, she understood the need to act when there has been an eminent threat to public safety. She stated although there have been attacks on humans over the years; there was only one fatality reported in 1981. It's far more likely for a child to get hurt by a neighbor's dog, than a coyote.

Councilmember Rawlings confirmed with Ms. Prewitt that coyotes could not be successfully relocated because they tend to return to their territory, and asked what she recommended the City do with the live animal, once it is caught. She stated that when an aggressive coyote has been captured, there would be no choice but to euthanize it.

Councilmember Peppes confirmed with Mr. Lambers that the only homes associations that would consider the trapping of coyotes would be ones that have had eminent problems. He stated that with 11 attacks there were obviously coyotes that needed to be captured. Dr. Peppes asked if the proposed ordinance would allow the areas with the "*problem coyotes*" permission to trap them. Mr. Lambers stated it would allow any homes association and the City to engage in trapping pursuant to the requirement of the ordinance. He noted the attacks have all been south of I-435; however, a few possible sightings north of I-435. Mr. Lambers stated if Council were to pass the ordinance, the City, along with any interested homes association, would direct him to initiate the trapping and make a concentrated effort to eliminate the ones causing the issues. The City could then re-evaluate the situation and decide whether to continue the process. Dr. Peppes confirmed with Mr. Lambers that the City would be in control, so when things have calmed down, the City would not continue to issue permits.

Councilmember Cain expressed that it would be helpful if residents knew they could go to the City's web page, or animal control to get information on how they should handle the coyote sightings. Mr. Lambers stated getting information through the City's web page would allow residents to inform the City if they have a missing pet, or if there has been an attack.

Councilmember Bussing asked if Item No. 7 of the proposed ordinance could be more specific to the type of trapping in reference. Mr. Lambers stated he did not want to limit it to a certain manufacturer or specific type of trap. It would be up to the homes association's licensed trapper to demonstrate that the trapping device was intended to be non-lethal. Mr. Bussing confirmed with Mr. Lambers that if a homes association wanted to trap a coyote, they would hire a trapper and would be required to obtain a permit from the City. The City could then review the specifics. Mr. Bussing understood the hesitancy to name a specific manufacturer; however, asked that some additional language be added to the ordinance to narrow the many different types of snare traps available. Mr. Lambers stated as more requests come in, he could determine what was available. The manufacturer and the trapper would have the obligation to demonstrate that the trap was intended to hold the animal until it could be euthanized.

Councilmember Bussing asked if the City could give animal control officers information on coyotes they could keep in their trucks to distribute to homeowners, as the need arises. Mr. Lambers stated the City could provide a packet of information to make available to homes associations that request permission to snare.

Mr. Bussing asked if every six hours would be a reasonable amount of time for the traps to be checked. Mr. Lambers confirmed the state requirement is every 24 hours, and felt that every 6 hours was too frequent. Mr. Bussing expressed that 24 hours could be too long of time and requested a time frame in between the two.

Mayor Dunn asked if the proposed ordinance addressed the possibility of den removal. Mr. Lambers stated it currently provides only for the snaring and trapping. He would have to address the trapper for the process involved to remove the dens. Mayor Dunn asked how a comprehensive plan could be accomplished.

Mr. Lambers stated through education, eradication, and a *live-and-let-live* philosophy, which the City has reached a point this would not be acceptable. The City is proposing to educate the citizens. They should be aware of feeding their pets outside; however, residents should be entitled to let their pets into their backyards. Mayor Dunn expressed hope that a comprehensive plan could include education through the City Managers/Administrators monthly meetings with other local communities of Johnson County.

Councilmember Rasmussen asked if the City's intention was to dispose of the coyotes, why there was concern of using live cage traps. Mr. Lambers stated if a pet was to become trapped by the Connibear type trap, it would be killed. These types of traps are prohibited. The theory is, if a domestic animal got caught in a snare, they would initially struggle; however, they would eventually relax and wait until they could be released. When a wild animal is caught, they sometimes continue to struggle until they eventually suffocate themselves. The goal for the City is to ensure that a domestic pet is not injured or killed in the snaring process.

Councilmember Azeltine asked if there was an ordinance regarding how soon trash could be set out for pick up. Mayor Dunn stated 6:00 P.M. the night before. Mr. Lambers stated the containers are not regulated; however, the time frame was limited.

Mr. Azeltine stated he would support the ordinance; however, if this was a public safety issue, he felt the City should handle it and not relegate it to the homes associations. Mr. Azeltine asked if the cage type live traps had been investigated for effectiveness, compared to a snare trap. Mr. Lambers stated research had shown they were limited as to their effectiveness. The City may want to consider using both in order to test their effectiveness. Mr. Azeltine asked if once the ordinance was in effect, would it be the Administrator's discretion of how long the attempts were tried. Mr. Lambers stated live cage trapping was permitted, and in order to provide a baseline of data, the City could set out the other traps, as well. Mr. Azeltine noted Item No. 6 of the proposed ordinance, and asked how easy it would be to renew the permit after the 30 day time period. Mr. Lambers stated it would be at his discretion, based upon the number of coyotes eliminated. Mr. Azeltine noted Item No. 9 (d), and asked if someone claimed a trap that was confiscated by the Police Department, what the penalty would be. Mr. Lambers stated they could be cited in violation of the ordinance, and it would be classified as a Class "C" misdemeanor.

Mr. Azeltine noted he had received e-mails regarding the incidents in California and understood the reference of how rare the killings of humans were by coyotes; however, this wasn't any consolation for a parent to see their child getting attacked by one. Although a human may not be killed, it doesn't make it any less serious of an issue. Mr. Azeltine stated most of the coyote incidents have occurred in Ward 4. In all of the cases it has been confirmed, or the City believes the attacks have happened on the pet owner's property; therefore, felt there was no other alternative, but to euthanize them.

Mayor Dunn noted Item No. 9 (c) of the ordinance was a new section that had been added.

Councilmember Filla confirmed with Mr. Lambers that the citizens proceed with live cage trapping; however, was restricted to small animals such as, rabbits, raccoons, possums, etc.

Police Chief John Meier stated they don't set the traps, they provide them for homeowner use, and then the City disposes of the animal. Chief Meier noted they currently did not have any live traps large enough for coyotes. They could get some; however, the Animal Control Department had indicated they would not be very successful.

Ms. Filla asked Ms. Prewitt to explain the role of animal control when she referred to the City of Los Angeles's comprehensive plan. Ms. Prewitt stated when a citizen reports a coyote sighting; an animal control officer could help them identify what could be attracting the coyotes and evaluate the situation. Ms. Filla noted her position was to include the participation of animal control in educating the citizens and the City begin by trying the live cage trapping, due to the risk of pets or children getting caught.

Ms. Filla asked what other area cities were doing in regards to coyotes. Mr. Lambers stated other cities have reported attacks on pets; however, he was unaware of any action that had been taken at the present time.

Mayor Dunn confirmed with Mr. Lambers that a professional trapper was hired by private property owners in central Johnson County and unincorporated areas over the last year, and he had successfully trapped approximately 50 coyotes.

Councilmember Gill made a motion to approve the resolution to trap coyotes with the following stipulations: Item No. 9 (e) be changed from 6 hours to 12-18 hours; use the City Administrator's judgment on a permit-by-permit basis taking into consideration comments on the forms of trapping, and to stay coordinated with experts in this field; seconded by Councilmember Peppes. Mayor Dunn confirmed with Councilmembers Gill and Peppes that their motion included changing the word "*breed*" to "*species*," wherever it was noted, and the possibility of den removal along with continued education.

Mr. Lambers stated the use of cage trapping is provided by the proposed ordinance, and during the application process the use of live caging should be utilized along with snares, when applicable.

Councilmember Cain noted she was still unsure how the citizens would be able to know the process to proceed. Mr. Lambers stated as part of the web page the City would identify the homes associations that have requested trapping, and if anyone wanted more detailed information on the application, it would be available to the public. This would show the trapping areas, the types of traps used, and the time frame it would occur.

Mr. Lambers stated he would provide ordinance information to area city managers at the next monthly meeting, should they would wish to follow suit on what the City of Leawood was doing concerning the coyotes. Mayor Dunn noted she would also get the information to the Johnson and Wyandotte Counties Council of Mayors.

Councilmember Bussing confirmed with Mr. Lambers that the City would be buying large traps for animal control officers for City property, and not for citizen's use. Mr. Lambers noted that if a resident was contracted with a private professional trapper, they would have access to a cage.

Councilmember Filla asked if the intent of the ordinance was to find the rogue coyotes, and not try to eradicate all coyotes in the City of Leawood over a period of time. Mr. Lambers stated the ordinance was intended to eliminate the current population, and then re-evaluate the situation.

The ordinance passed with the following unanimous roll call vote of 8-0. Yea: Councilmembers Rasmussen, Filla, Bussing Rawlings, Peppes, Cain, Gill, and Azeltine. Nay: None.

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. 1102C, and 1103A
- B. Accept Minutes of the May 5, 2008 Governing Body meeting
- C. Accept Minutes of the April 21, 2008 Governing Body meeting
- D. Accept Minutes of the March 14, 2008 Stormwater Management Committee meeting
- E. Accept Minutes of the March 25, 2008 Arts Council meeting
- F. Approve Mayoral Appointment for Audit Services Selection Task Force
- G. Approve Mayoral Appointment of Cindy Thesing to Green Initiative Task Force
- H. Approve expenditure of \$23,379.40 to Johnson County Election Office for the April 1, 2008 election
- I. Approve Change Order No. 5, in the amount of \$70,000.00 to Dennis Johnson Construction, pertaining to the Improvements at IRONHORSE Golf Club [Project # 76004]
- J. Approve purchase of 4,000 tons of road salt [\$43.57/ton] from Independent Salt Company
- K. Approve Massage Therapy Establishment License for David Hulshof/ SoHo 119th, located at 4419 W. 119th Street
- L. **Resolution No. 3028** calling for a public hearing to be heard on Monday, June 2, 2008 at 7:30 P.M., regarding amendments to the 2008 Fiscal Budget for the City of Leawood, Kansas
- M. **Resolution No. 3036** approving and authorizing the Mayor to execute an Extension to that certain Financial Services Agreement dated October 17, 2005, between the City and Commerce Bank, to provide certain banking service needs to the City for an additional two years for 2009 and 2010
- N. **Resolution No. 3037** establishing a fee, not specifically provided for in the Code of the City of Leawood, 2000, specifically for the Planning & Development Tenant Finish Plan, in accordance with Section 1-701 of the Code of the City of Leawood, 2000- *[continued from the May 5, 2008 Governing Body meeting]*
- O. **Resolution No. 3038** approving and authorizing the Mayor to execute an Addendum to that certain Engineering Consulting Agreement dated October 15, 2007, in the amount of \$15,000.00 between the City and Continental Consulting Engineers pertaining to the construction management for the Lake Renovation Project at Ironwoods Park, 14701 Mission Road [Project # 76002]

- P. **Resolution No. 3039** approving and authorizing the Mayor to execute an Engineering Agreement in the amount of \$32,000.00, between the City and Larkin Group pertaining to the restudy of the Dykes Branch Channel Improvement Project, [SMAC Project DB-04-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road [# 76009]
- Q. **Resolution No. 3040** approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$25,600.00 between the City and Olsson Associates pertaining to traffic signal design and signal modifications for intersections at 119th & Mission Road, 123rd & Mission Road, and 133rd & Mission Road
- R. **Resolution No. 3041** consenting to the enlargement of Consolidated Main Sewer District of Johnson County, Kansas, [JCUWD] by the Board of County Commissioners of Johnson County, Kansas [BOCC], pursuant to Johnson County Charter Resolution No. 29-92, for property located in the vicinity of 133rd & Mission Road [Karin One Thirty Three, LLC]
- S. **Resolution No. 3042** approving and authorizing the Mayor to execute Temporary Construction Easements granting to the City of Overland Park, for Tract 26 and Tract 27, pertaining to the Indian Creek Flood Control Project, located approximately at 106th Street between Roe Avenue to Mission Road
- T. Police Department Monthly Report
- U. Fire Department Monthly Report
- V. Municipal Court Monthly Report

Mayor Dunn noted Item No. 7Q had been revised. Councilmember Bussing requested to pull Item Nos. 7I and 7T.

On motion of Councilmember Peppes, seconded by Councilmember Azeltine, the remainder of the Consent Agenda was approved following a unanimous vote of 8-0.

- 7I. Approve Change Order No. 5, in the amount of \$70,000.00 to Dennis Johnson Construction, pertaining to the Improvements at IRONHORSE Golf Club [Project # 76004]

Councilmember Bussing confirmed with Mr. Lambers the fund sources of Greens reconstruction cash is Pay-As-You-Go [PAYG].

A motion to approve Item No. 7I was made by Councilmember Bussing; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 8-0

Mr. Lambers noted June 5, 2008 at 1:30 P.M., would be the V.I.P. opening date of the golf course.

- 7T. Police Department Monthly Report

Councilmember Bussing complimented Police Chief John Meier and his department for the great work they do.

A motion to approve Item No. 7T was made by Councilmember Bussing; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 8-0.

8. MAYOR'S REPORT

- A. Attended the Council of Mayors' meeting for Johnson and Wyandotte Counties, hosted by Gardner Mayor Carol Lehman. Guest speakers included Brent Stewart, President & CEO of The United Way of Greater Kansas City; and Pat Hurley, Executive Director of Economic Lifeline. Mr. Hurley gave a presentation on the transportation plan for 2010.
- B. Attended the Kansas City Symphony Production at Yardley Hall on Thursday evening, May 8, 2008; conducted by Damon Gupton. The event was sponsored by the Leawood Arts Council and Country Club Bank. Mayor Dunn was joined by nearly all Councilmembers and many of the City's staff, along with a sold-out crowd. She expressed her appreciation to Leawood Arts Council Chair Mary Tearney, and her hard working committee, and noted special thanks to Leawood Arts Council member Loretta Allebach, organizer of the event in honor of Leawood's 60th Anniversary. Mayor Dunn also expressed appreciation to Country Club Bank for being a major sponsor of the Symphony for the second time in only two years.
- C. Participated with Kansas City Councilwoman Cathy Jolly in the Go Red for Women Movement Press Conference, sponsored by the American Heart Association Midwest Affiliate. The conference was held at the Kansas City, Missouri Health Department.
- D. Attended, along with Sergeant Kevin Cauley, the Drug Abuse Resistance Education [D.A.R.E.] Graduation at the Brookwood Elementary School, hosted by Officer Randy Wiler.

9. COUNCILMEMBERS REPORT – None

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION - None

12. OLD BUSINESS – None

13. OTHER BUSINESS – None

14. NEW BUSINESS

- *A. Resolution amending and restating Resolution No. 2410, as heretofore amended, finding as to the advisability and authorizing the construction of improvements to Nall Avenue, 117th Street, Town Center Drive and Roe Avenue and construction of Storm Water Improvements within the City of Leawood, Kansas; and accepting a Second Amended Petition for establishment of an Improvement District pursuant to K.S.A. § 12-6a01 et seq. PARK PLACE DEVELOPMENT [CIP NO. 83196]- ***THIS ITEM HAS BEEN PULLED***
- B. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, July 7, 2008, to discuss Transportation Development District [TDD] financing for One Nineteen Development

Councilmember Rasmussen noted the length of term given was 22 years, when the policy states less than that. Mr. Lambers stated for the Transportation Development District [TDD], the Council had given 22 years as provided by state statute. Special Benefit District [SBD] is given 10 – 15 years. This could be something Council may want to discuss.

A motion to approve the work session for Monday, July 7, 2008, was made by Councilmember Gill; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

Councilmember Bussing confirmed with Mr. Lambers that Ironhorse Golf Course opens to the public on Saturday, June 7, 2008.

Mr. Lambers confirmed for Mayor Dunn that the budget information books should be ready the first week of June for the Governing Body and Finance Committee meetings scheduled on June 23rd and 24th, 2008 (June 25th, tentative).

ADJOURN

Mayor Dunn adjourned the meeting at 9:40 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk