

Minutes

DVD No. 195

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, August 4, 2008. Mayor Peggy Dunn presided.

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

Mayor/Councilmembers absent: None

Staff present:

Scott Lambers, City Administrator
Chief John Meier, Police Department
Chief Ben Florance, Fire Department
Jack Reece, Info. Systems Specialist
Mark Klein, Asst. to the Planning Director
Deb Mansfield, City Clerk
Pam Gregory, Deputy City Clerk

Patty Bennett, City Attorney
Joe Johnson, Public Works Director
Lovina Freeman, HR Director
Richard Coleman, Comm. Dev. Director
Kathy Rogers, Finance Director
Jeff Joseph, Senior Planner

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following modifications to the Agenda:

- * Councilmember Filla will be giving a Councilmembers Report under Item No. 9.
- * Parks and Recreation Director Chris Claxton will be giving a Staff Report under Item No. 10.
- * Mayor Dunn pulled Item No. 12A to continue to the August 18, 2008, Governing Body meeting.
- * Mayor Dunn exchanged the order for Item Nos. 14C and 14D, in order to discuss 14D first.
- * Mayor Dunn noted revised Item No. 14D placed upon the dais.

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. 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.**

Patti Kettler, 9429 Lee Boulevard, expressed concern of the City's fiscal expenditures and asked for consideration from the City for financial constraint. She noted concern that the economy may not sustain future discretionary spending, such as expansion of public libraries, and new parks.

4. PROCLAMATIONS – None

5. PRESENTATIONS/RECOGNITIONS – Introduction of Richard Coleman, Community Development Director

City Administrator Scott Lambers introduced Richard Coleman, the new Community Development Director. Mr. Lambers stated Mr. Coleman comes to the City of Leawood with a significant diverse background and is a welcome addition to staff. Mr. Coleman thanked staff and Council for their confidence in him and stated he would do everything in his ability to uphold the high standards the City of Leawood is known for.

6. SPECIAL BUSINESS

A. PUBLIC HEARING

Consider the 2009 Fiscal Budget for the City of Leawood

*See above - "Citizen Comments."

Finance Director Kathy Rogers stated in preparing the budget each year, staff has direction from the Governing Body. The first direction is to always use caution and prudence in spending City funds. The budget before Council has been prepared this way. The goal of the Council has been to maintain a level mill levy each year in order to avoid fluctuations with taxpayers. The City anticipates growth and has been fortunate enough to have increases in assessed valuation in order to maintain services at the level the Governing Body has set. Ms. Rogers stated they would continue to move in this direction and continue using caution and diligence in spending the City's revenues.

Due to no one else being present to speak, a motion was made by Councilmember Gill to close the public hearing; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 8-0.

Mayor Dunn noted there were many nights spent preparing the budget; in budget meetings and work sessions, prior to the budget proceedings. Mayor Dunn thanked everyone for their participation and noted special recognition to Ms. Rogers, Mr. Lambers, and all of the department heads.

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 No. 1108B
- B. Accept Minutes of the July 21, 2008 Governing Body meeting
- C. Accept Minutes of the July 7, 2008 Governing Body Work Session meeting
- D. Accept Minutes of the June 23, 2008 Joint Governing Body/Budget & Finance Committee Work Session meeting
- E. Accept Minutes of the June 26, 2008 IRONHORSE Advisory Board meeting
- F. Accept Minutes of the May 27, 2008 Arts Council meeting
- G. Re-certification of Special Assessment Project Cost in the amount of \$2,057,326.00 for Ironhorse Easements Improvement Project [CIP # 80172]
- H. Approve Change Order No. 1 in the decreased amount of \$10,000.00 to McCorkendale Construction Company, pertaining to the 2008 Storm Sewer Improvements at 8308 Meadow Lane and 9733 Overbrook Road
- I. Approve Change Order No. 5 in the amount of \$27,850.00 to Miller Paving & Construction Company pertaining to Nall Avenue Improvement Project [117 Street and Town Center Drive Improvement-Park Place Phase III] [# 83196]
- J. **Resolution No. 3089** approving and authorizing the Mayor to execute a Community Service Agreement between the City and Blue Valley Unified School District No., 229, pertaining to the assignment of School Resource Officers [SRO]
- K. **Resolution No. 3090** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$230,177.80 between the City and Teague Electric Construction, Inc., pertaining to the 128th & State Line Road Traffic Signalization Improvement Project [#80400]
- L. **Resolution No. 3088** calling for a public hearing to be held on September 15, 2008, to consider the vacation of an easement located at 4813 W. 143 Terrace, Highlands Creek, 3rd Plat, Lot 49A
- M. **Resolution No. 3091** approving a Sign Plan for Pinnacle Corporate Center; located approximately at 115th Street and Tomahawk Creek Parkway [*From the July 22, 2008 Planning Commission meeting*]
- N. Declaration of surplus property; TV Trailer; Unit 496

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

8. MAYOR'S REPORT

- A. Mayor Dunn met with two participants in the Rotary International Youth Exchange Program. They are here with Rotary District #6040 and are staying with a Leawood resident. One of the participants is from France and the other from Germany. They came to tour the City of Leawood and to learn how Leawood City government operates.
- B. Attended the "Britto Tours America" reception, sponsored by Developers Diversified Realty, located at Town Center Plaza with Councilmembers Bussing and Rasmussen, and members of the Leawood Arts Council. Mayor Dunn noted this was their second stop on a cross-country tour of an exhibit of monumental sculptures of quality art. The museum will be here until August 10, 2008.
- C. Attended a preview dinner for NoRTH Restaurant, located in the One Nineteen Development, along with Councilmembers, Rasmussen, Rawlings, Bussing, and Azeltine. The dinner also served as a fundraiser for the Medical Mission's Foundation. Mayor Dunn wished them much success.
- D. Attended a grand opening celebration and ribbon cutting ceremony for Sullivan's Steakhouse, located in the One Nineteen Development, along with Councilmembers Peppes, Rawlings, Bussing, Gill, and Azeltine. The dinner also served as a fundraiser for Children's Mercy Hospital's Hands and Hearts Organization. Mayor Dunn wished them much success.
- E. Attended the Champion for Education Luncheon with Councilmember Azeltine, presented by the Community Foundation of Johnson County, sponsored by The Private Bank. Governor Kathleen Sebelius was a guest speaker and focused on her commitment to strong educational opportunities for youth, from pre-kindergarten to graduate work.
- G. Mayor Dunn met with the new Vice President of Group Operations, Dan Wright, for Time Warner Cable and welcomed him to the community.
- H. Attended a ribbon cutting ceremony along with President Kevin Jeffries of the Leawood Chamber for Commerce Bank, located at 135th Street and Lamar. Participating in the event were the Leawood and Overland Park Chambers of Commerce along with Overland Park Mayor Carl Gerlach. This served as a fundraiser for the Overland Park Arts and Education Foundation and the Blue Valley Education Foundation.
- I. Mayor Dunn congratulated Chief Ben Florance and Deputy Chief Randy Hill for the Leawood Fire Department being officially recognized as having gained 100% compliance with the "National Seatbelt Pledge."
- J. Reminder that the first Sunday Jazz Concert will be held on August 17, 2008, at 6:00 P.M., featuring "The Wild Women of Kansas City." This will be located in the amphitheatre area at Ironwoods Park and sponsored by Town & Country Bank.
- K. Reminder that August 5, 2008, is Election Day.

9. COUNCILMEMBERS REPORT

Councilmember Filla noted the Green Initiative Citizen Task Force Committee had been meeting frequently in order to accomplish many goals over the next year. Their vision statement “Greening with Distinction” and mission statement “To Lead, Motivate, and Collaborate with Leawood Citizens” is to increase recycling, encourage energy conservation, and promote green mobility options in the City of Leawood. Ms. Filla stated they will have a homes association meeting to initiate City-wide interest in increasing recycling options. Mayor Dunn will be speaking on this, as well as Johnson County’s Waste Management, on October 9, 2008, at Ironwoods Park. In conjunction with this initiative for recycling, they asked for support in establishing a well thought out program for an essay contest that will be held at area schools. The deadline for the essay will be March 1, 2009, with awards given on Earth Day, or thereabout. They are working with the Leawood Foundation and the Chamber of Commerce to locate sponsors for prize money.

A motion to support the essay contest with the schools was made by Councilmember Gill; seconded by Councilmember Azeltine.

Mayor Dunn noted appreciation to Councilmember Filla for her participation as Chairman and Councilmember Azeltine as Vice-Chairman, of the Green Initiative Citizen Task Force Committee.

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

10. STAFF REPORT

Parks and Recreation Director Chris Claxton stated all of the trees recently planted at Tomahawk Creek Park had sustained significant damage due to the recent flooding. There is a meeting scheduled with the developer in regard to possibly re-planting some of the trees. Mayor Dunn noted debris and many trees down blocking creek ways and asked if this was something the City could clean up. She noted the rip-rap the City had placed along the creek a couple of years ago had washed down stream and would need to be replaced. Ms. Claxton stated there have been several significant floods and there is a lot of accumulated debris that would need to be removed. Mayor Dunn confirmed with Mr. Johnson they could remove some of the smaller debris themselves and the remainder would need to be contracted out.

COMMITTEE RECOMMENDATIONS

11. STORMWATER MANAGEMENT COMMITTEE

[From the May 27, 2008 Planning Commission meeting]

- A. Ordinance approving a Preliminary Site Plan and Final Site Plan for Park Place - Building G, located on the northeast corner of 117th Street and Nall Avenue [Roll Call Vote] – *Continued from the June 16, 2008 and July 21, 2008 Governing Body meetings*

Jeff Alpert, Park Place Developers, gave a presentation of building “G” and its location, north of California Pizza Kitchen.

This is a 2-story building and will extend to the east; the first level retail, the second level office space. The office space will not be occupied, due to not yet having the amenities and features necessary to make it usable. This will remain vacant until the larger portion of building "G" is completed. The building is being designed in similar style to the other buildings in Park Place. Mr. Alpert stated staff had recommended denial of the application, because they felt the stucco exceeded the limit. There is 37% stucco on the building. By comparison, the Aubrey and Becker buildings are 32% stucco. Building "F" is 42%. As they build the remainder of the building, they will be introducing a variety of other materials; however, they haven't been defined in detail because they are just beginning the design of this section.

Mayor Dunn confirmed with Mr. Alpert that on the first floor they wanted to keep more natural materials; masonry, etc., and that the higher percentage of stucco was on the second floor. Mr. Alpert stated this is being done to keep the consistency with park place. The highest quality materials should be located in the first 20 feet of the building from the ground up, since this is where it is most visible. Mayor Dunn noted the importance of definition and undulation where the stucco is, so there is not just a flat wall. Mr. Alpert stated there is a lot of detail and is anything, but flat.

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

Councilmember Bussing stated the project continued to be amazing and noted how beautiful the project is. He congratulated Mr. Alpert and partner, Melanie Mann for their vision. Mr. Bussing asked if he could give some detail to the phasing of the development. Mr. Alpert stated building "G" is the final building as part of Phase I. They hoped to be under construction of this building within the next 60 to 90 days, pending approval. Phase II is currently in preliminary design. There are a number of tenants, both retail and office, which have expressed an interest in the project that could not be accommodated in Phase I. Mr. Bussing asked when garage "B" would be available. Mr. Alpert stated this needed to be built as part of the onset of Phase II construction, and noted the surface parking was temporary. Due to the market, they have been unable to start on the residential component. They continue to monitor this on a weekly basis and currently have a building designed and approved by Council and will be ready when the market picks up.

Mayor Dunn stated the confidence from the Governing Body is due in part of what they have seen and she, also, noted congratulations to Mr. Alpert. Mayor Dunn noted page 5 under staff comments: "The applicant has indicated this departure is intentional and is the design concept they wish to follow for the remainder of the development." She asked if they planned to do something different with the remainder of Phase I. Mr. Alpert stated he had no recollection of having made this comment. They have never considered the design of building "G" a departure of what they had done previously. They have a consistent style, yet try to make each building unique with its own character. Mayor Dunn noted that as a Governing Body, they have declared stucco to be used as an accent feature.

Mr. Lambers stated when this project was approved; the stucco was to be an accent material between 20% - 22% of any side of a structure. Since Council had approved the Capital Federal Building, located at the Village of Seville, they have expanded this to allow 25% average of all four sides, with no more than 28%. Staff's concern was this project is between 30% - 40%, which doesn't dictate Council's position. Council and staff have made deviations and exceptions for Park Place, due to the project itself. If this continues to grow in percentage and it becomes the majority of material, the City would have a difficult position stipulating to other developers they could only use between 20% - 25%. Mr. Lambers stated the City needed to be consistent for developers in order to implement Council's directive and still try to accommodate the desires of Park Place.

Mayor Dunn noted one of the differentiating factors on this project was that there is a second level, and they are using primarily masonry, tile, etc., on the first floor. Mr. Alpert noted they maintain a very high degree of sensitivity to the concerns of both the Governing Body and staff.

The motion to approve the Preliminary and Final Site Plan for Park Place, Building G, passed following a unanimous roll call vote of 8-0. Yea: Councilmember Peppes, Rasmussen, Gill, Filla, Rawlings, Bussing, Azeltine, and Cain. Nay: None.

[From the July 8, 2008 Planning Commission Meeting]

- B. Ordinance approving a Preliminary Site Plan, Final Plat and Final Site Plan for Leawood Public Library addition, located on the northwest corner of 117th Street and Roe Avenue (PC Case 35-08)

Rick Wise, Clark Enersen Partners, gave a presentation of the Leawood Public Library addition.

The project was initially presented and received approval from the Planning Commission; however, there were some design changes that were necessary due to budget issues. The exterior of the building changed slightly; therefore, Council recommended they return to the Planning Commission for their review and approval. The addition of approximately 8,000 square feet will be located on the east side of the existing library and the plan is to renovate the library in its entirety. The location of the trash enclosures were part of the initial discussion and this has been resolved. They have installed pavers from the parking lot to the front entrance to help direct pedestrian flow and have also placed a bench between the two front columns to help slow down traffic upon exiting the library. The original plan showed the mechanical equipment enclosure on the ground, located on the east side of the building within the drive-up area.

The site plan has changed to have the trash enclosure moved just to the west side of the building by the book drop-off, and is still screened from public view. The mechanical equipment has been placed upon the roof, due to budget restraints. There is a considerable cost increase for this equipment to be located on the ground, and an approximate cost savings of \$280,000 by placing it upon the roof with the elimination of the screened in wall area. As they considered re-design, they looked at the components they wanted to incorporate as part of the architecture of the addition. Mr. Wise noted the gable is much different on the City Hall building and has much more traditional architecture when compared to the library; however, they wanted to be respectful of the architecture that exists on City Hall.

He noted the predominate banding on the existing architecture of the library and wanted to include this on the addition. They wanted to incorporate both the clear story element above the children's area with the screening requirement for the mechanical equipment. They felt having singular horizontal elements incorporated both of these and tied in better with the existing architecture.

They did explore the alternative of having a gable component in association with the screening element for the mechanical equipment; however, they didn't feel this was the best alternative. Mr. Wise stated the majority of the building would have a flat roof with a raised element above the children's area.

Mayor Dunn asked how this plan compared to what was originally approved by the Planning Commission. Mr. Wise noted the only difference was the screening component between the new gable roof on the addition and the existing gable roof. There will be a small wall on the north and south sides to screen the mechanical equipment.

Joe Waters, Director of Facilities for Johnson County Government, stated there was also a significant difference with the equipment placed on the ground.

Mayor Dunn confirmed with Mr. Wise that the mechanical equipment would be located outside the roofline and asked why it couldn't be under it. Mr. Wise stated it is 8 feet tall, 8 feet wide, and approximately 25 feet long. There is not enough building height within the ceiling area and the structure.

Councilmember Peppes referred to the last meeting and stated Council had made it clear by unanimous vote that the flat roof was not an acceptable design. Dr. Peppes noted there were buildings located around the area with gable roofs that could overlap their mechanical equipment, whether they are 8 feet or higher. Mr. Wise stated they have budget issues that are limiting their ability. Dr. Peppes stated that because they couldn't afford it, doesn't mean they can change the "rules." Council had made it clear that the flat roof did not coincide with the buildings in the vicinity. Dr. Peppes stated he could not support this plan.

Mr. Waters stated they appreciated what Dr. Peppes was saying and hoped by bringing the flat clear story roof forward, it was not taken to be disrespectful. As architects, they believed this was a better solution. Councilmember Peppes asked why this plan wasn't brought before Council in the beginning, which were two gable roofs. Mr. Waters stated this plan was not an absolute if Council felt it was not a better architectural solution. Dr. Peppes stated Council gave them direction at the last meeting to go before the Planning Commission again to consider incorporating the gable roof design. Mr. Waters stated there was no additional cost involved when comparing one roof to the other. Dr. Peppes took offense noting they could construct either roof with no difference in cost and that they still returned with the idea of the flat roof when Council had stated they didn't like it.

Mayor Dunn stated she couldn't tell by the elevation on the screen what the mechanical equipment "box" looked like outside of the roofline. Mr. Waters distributed copies of the design to Council.

Mayor Dunn confirmed with Mr. Waters that the equipment was placed outside of the gable roof due to the size of the gable, and stated it could be moved under the roofline if it was higher. Mr. Waters stated the roofline would need to be much larger to encompass the size of the equipment and still be able to get as much light into the children's area. Mayor Dunn confirmed with Mr. Waters that there has always been a clear story component to allow for natural light over the center of the building.

Councilmember Peppes felt if they made the gable taller and wider it would bring in more light because of the added windows and it would match the existing gable.

Mr. Waters stated the Planning Commission asked why the original two gables were different sizes when this was originally submitted. He felt it was of value to have the gables not be identical. They wanted the children's area to seem smaller, and also felt if the gables were the same size, it may confuse people where the front entrance was located. Mayor Dunn felt it didn't need to be the same size as the first gable.

Councilmember Gill stated by having a larger gable that was the same or similar size, it would let in more light, house all of the components, and the cost would be neutral. Mr. Waters stated the cost would be higher. Mr. Gill asked what the difference in cost would be. Mr. Waters stated they would need to check with the contractor on this; however, it would be considerably more expensive.

Councilmember Filla confirmed with Mr. Waters that the top of the flat roof was white. She noted from reading the commissions report that if the gable was enlarged, the HVAC unit would not be very energy efficient due to the heightened ceiling inside the library. Ms. Filla confirmed with Mr. Waters that by expanding the gable, it would no longer align with the perimeter of the building. Ms. Filla stated she originally felt it needed to be more in similarity; however, having the added green space, the mechanicals on the roof, making the building more energy efficient, and meeting the developer's budget would be a good "trade-off." Ms. Filla stated she didn't have an issue with the emphasis of the continued banding they were repeating through the building and on the roofline.

Councilmember Rasmussen asked if the size of the unit changed from moving it to the roof. Mr. Waters stated it was a different system and is much larger. Mr. Rasmussen confirmed with Mr. Waters that it consumes the same amount of energy as the one that was located on the ground. He also asked if the gables located on the west edge of the original building were recessed as compared to the ones on the east side. Mr. Waters stated they both protrude out. Mayor Dunn confirmed with Mr. Waters that the windows on the east side would be eliminated with the addition.

Mr. Rasmussen confirmed with Mr. Waters that the gables were not lined up in the front, and that the gable on the east side is held back 49 feet from the south elevation. Mr. Rasmussen asked if they could extend the gables out and place them there. Mr. Waters stated the mechanical equipment was large enough that it wouldn't fit in the length they had available. Mr. Rasmussen was referring to installing the equipment in the back section and extending the gables further to the south. Mr. Waters stated they don't have sufficient space for this.

The new mechanical equipment will be for both the existing building and the addition. Although the existing equipment on the roof is out of sight, it is old and needed to be replaced. To get the proper efficiency, they couldn't find any equipment that would fit into this same location.

Councilmember Cain noted when the mechanical equipment was placed on the ground by the book drop-off it was not near the 8 x 8 x 40 size, and asked if it was intended to maintain both the existing building and the addition. Mr. Waters stated the system used previously consisted of smaller heat pump units that existed within the building and had a large fluid cooler on the outside. When comparing costs, this was substantially more expensive than installing a packaged unit placed upon the roof. Ms. Cain confirmed with Mr. Waters that the \$280,000 savings incorporated the change in the HVAC unit, some screen wall area that was removed, and other components.

Mayor Dunn asked when the applicant began working on the design before Council, since the Planning Commission had not reviewed it. Mr. Waters stated they had considered several alternatives since they first met with Council before coming up with this design. Mr. Wise noted they considered the equipment on the roof only since the last Council meeting. Mayor Dunn confirmed with Mr. Waters they had not shown this design to the Planning Commission; however, they did discuss it.

Mayor Dunn noted after hearing from Council this evening, the applicant may need a continuance for two weeks to consider other possibilities for the mechanical equipment and roof. Mayor Dunn stated she liked the traditional classic style, and noted she may view it differently if it wasn't next to City Hall. By not remanding this to the Planning Commission it takes it out of their purview, so this would be assuming Council will like what is brought back. Mr. Waters stated they have considered many options; however, they would do their best to present a new design. Mayor Dunn stated they wanted something to totally cover the equipment that could still be architecturally pleasing, classic, and styling.

Councilmember Gill stated he was sensitive to the cost savings, and understood money to be an issue. Mr. Gill stated he liked the original plan, realizing the mechanical equipment would not be sufficient on the ground. He noted everyone liked the consistency look of the two gables and asked them to return with a similar design that would incorporate the equipment "box" under the gable system.

Councilmember Azeltine concurred with Mr. Gill's comments and stated the mechanical "box" couldn't be visible from the street.

Councilmember Peppes stated the roof was the last issue that needed to be resolved, and noted they were doing a good job. Dr. Peppes stated he would support a design that was similar to the original.

Mayor Dunn confirmed with the applicant that two weeks would be a sufficient amount of time to review the design.

A motion to continue this to the August 18, 2008, Governing Body meeting was made by Councilmember Peppes; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 8-0.

12. OLD BUSINESS

- A. Resolution approving and authorizing the Mayor to execute an addendum to that certain Architectural Design Agreement dated September 4, 2007, for an amount not to exceed \$84,000, between the City and Ball Construction Services LLC [Dennis Reynolds] pertaining to the design of Gezer Park, located at 133rd and Mission Road [# 76006] – **CONTINUED TO THE AUGUST 18, 2008, GOVERNING BODY MEETING**

13. OTHER BUSINESS – None.

14. NEW BUSINESS

- A. Ordinance attesting to an increase in taxes levied for the budget year 2009 for the City of Leawood, Johnson County, Kansas [Roll Call Vote]

Mayor Dunn stated property tax revenues projected in the 2009 budget exceeded those in the 2008 budget as a result of increase in the assessed valuation between the two years; however, the mill levy will remain the same in 2009 as it was in 2008.

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Gill. The motion carried following a roll call vote of 6-1. Yea: Councilmembers Bussing, Gill, Peppes, Rasmussen, Rawlings, and Cain. Nay: Councilmember Azeltine. [Councilmember Filla was not seated for the vote.]

Councilmember Azeltine felt the language in the ordinance didn't explain it in enough detail and therefore, voted to deny it.

Ms. Rogers noted the state recommends certain languages be used; however, it could be modified to some degree.

- B. **Resolution No. 3086** authorizing the sale by the City of Leawood, Kansas of General Obligation Bonds and General Obligation Temporary Notes of the City to provide funds to finance the costs of certain public improvements within said City; approving the form of notice of bond sale and Preliminary Official Statement to be used in connection therewith; and authorizing and directing the City Finance Director to advertise such sale in the manner prescribed by law.

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

Councilmember Filla rejoined the meeting.

Councilmember Gill confirmed with Ms. Rogers that most of these projects were approved and underway, and this was finalizing them.

Ms. Rogers noted they had copies of the final preliminary official statements to give to Council. Friday was the cut-off date for any pre-payment of specials and noted they were fortunate to have some pre-payments made. Ms. Rogers noted it was reduced/lower than what was in the packet by the pre-payments.

David Arteberry, George K. Baum & Company, noted the statement that was distributed would not be printed and distributed until the latter part of the month. The sale is scheduled for September 8, 2008. He noted if Council had any comments, to let staff know so they could be incorporated before it is printed.

Councilmember Bussing asked if issue rates were still falling. Mr. Arteberry stated treasury bonds are; however, municipal bonds haven't benefited from the rate drop. He stated the City has some projects being amortized over 15 and 20 years. Given a higher rate and a longer issue, the City could expect an interest rate at approximately 3.75%, based on today's levels. This could change since they aren't selling for another month.

Ms. Rogers clarified that the sale date would be September 8, 2008, to coincide with the change in the Council agenda from September 2, 2008.

The motion to approve the resolution carried following a unanimous vote of 8-0.

- D. Schedule a Special Call Governing Body meeting on Monday, September 8, 2008 at 7:00 P.M. [**There will be NO regular Governing Body meeting on Tuesday, September 2, 2008**]

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

Mayor Dunn noted the special start time of 7:00 P.M.

- C. **Resolution No. 3087** accepting Petition for creation of a Transportation Development District for the One-Nineteen Development located on the southeast corner of 119th Street and Roe Avenue, pursuant to K.S.A. §12-17, 149 et seq., calling and providing for the giving of notice of a Public Hearing on the advisability of creating a Transportation Development District in the City of Leawood, Kansas and making certain transportation project improvements therein; and providing the form of notice of said hearing [CIP # 80456]

Councilmember Gill confirmed with City Attorney Patty Bennett that Council was accepting that the petition has been filed, and then set the public hearing for September 8, 2008. Mr. Gill suggested that the resolution read: "accepting for filing the petition for" as opposed to accepting the petition itself.

Mayor Dunn confirmed with Ms. Bennett that with this action, it would set the public hearing for September 8, 2008.

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

ADJOURN

Mayor Dunn adjourned the meeting at 9:05 P.M.

Debra Mansfield, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk