

Minutes

DVD No. 207

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, February 2, 2009. Mayor Peggy Dunn presided.

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

Mayor/Councilmembers absent: Mike Gill

Staff present:

Scott Lambers, City Administrator
Chief John Meier, Police Department
Chief Ben Florance, Fire Department
Karl Weinfurter, Info. Systems Specialist
Patty Bennett, City Attorney
Deb Mansfield, City Clerk
Pam Gregory, Deputy City Clerk

Mark Klein, Asst. to the Planning Dir.
Kathy Rogers, Finance Director
Chris Claxton, P&R Director
Lovina Freeman, HR Director
Joe Johnson, Public Works Director
Richard Coleman, Comm. Dev. Director

1. PLEDGE OF ALLEGIANCE

Councilmember Filla arrived at 7:35 P.M.

2. APPROVAL OF AGENDA

Mayor Dunn noted the following modifications to the agenda:

- * Item No. 9 – Additional report from Councilmember Bussing
- * Move Item No. 9B – Councilmember Gill’s report to Item No. 10 – Staff Report, given by Public Works Director Joe Johnson

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0. (Councilmember 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.**

4. PROCLAMATIONS – None.

**5. PRESENTATIONS/RECOGNITIONS Certificate of Achievement for Excellence
in Financial Reporting**

Mayor Dunn presented Finance Director Kathy Rogers and Accountant Karry Rood with the award.

6. SPECIAL BUSINESS

A. Public Hearing to consider 2010-2014 Capital Improvement Program [C.I.P.]

As no one was present to speak, a motion to close the public hearing was made by Councilmember Rasmussen; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

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. 1119A, 1119B, 1120A, 1120B, 2009-1, 2009-2, and 2009-3
- B. Accept Minutes of the December 1, 2008 Governing Body meeting
- C. Accept Minutes of the December 15, 2008 Governing Body meeting
- D. Accept Minutes of the December 15, 2008 Special Call Governing Body meeting
- E. Accept Minutes of the January 5, 2009 Governing Body meeting
- F. Accept Minutes of the January 5, 2009 Special Call Governing Body meeting
- G. Accept Minutes of the December 10, 2008 Green Initiative Citizens Task Force Committee Meeting
- H. Accept Minutes of the November 11, 2008 Parks & Recreation Advisory Board meeting
- I. Accept Minutes of the November 24, 2008 Arts Council meeting
- J. Approve renewal of Cereal Malt Beverage [CMB] License for Hen House located at 11721 Roe Avenue
- K. Approve renewal of Cereal Malt Beverage [CMB] License for Dragon Dynasty located at 12248 State Line Road

- L. Approve payment in the amount of \$21,207.20 to League of Kansas Municipalities for 2009 membership
- M. Approve payment in the amount of \$91,000.00 to Leawood Chamber of Commerce for the 2009 operations budget
- N. Declaration of Surplus Property; Parks & Recreation Department items
- O. **Resolution No. 3156** accepting the 2009 IRONHORSE Golf Course Business Plan, as submitted by Orion Management Solutions
- P. **Resolution No. 3157** approving a Revised Final Plan for One Nineteen - Dean and Deluca, located at the southwest corner of 119th Street and Tomahawk Creek Parkway (PC Case # 98-08) [*From the January 13, 2009 Planning Commission meeting*]
- Q. **Resolution No. 3158** approving a final plan for One Nineteen - Mohi Yo, located on the southeast corner of 119th Street and Roe Avenue (PC Case # 96-08) [*From the January 13, 2009 Planning Commission meeting*]
- R. Police Department December Monthly Report & 2008 Annual Report
- S. Fire Department December Monthly Report & 2008 Annual Report
- T. Municipal Court Monthly Report

Mayor Dunn requested to pull Item No. 70 for discussion.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

- 70. **Resolution No. 3156** accepting the 2009 IRONHORSE Golf Course Business Plan, as submitted by Orion Management Solutions

Shane Gardner, Orion Management Solutions, stated at the last golf course committee meeting they had discussed their daily and membership rates for programs before other courses had set theirs. He indicated some of the courses had changed their rates and a recommendation was made for them to work with staff to adjust some of the programs.

Mr. Gardner stated they wanted to offer an incentive of a \$250 discount of a membership of \$3,000, which would decrease the amount to \$2,750 for the Triple Crown Club. Current 2008 members are receiving a price of \$2,800 and would get an additional \$100 discount. He indicated they would be sending information to former members and to people that have been visiting and asking questions regarding pricing and memberships.

Mayor Dunn referred to Page 4, under the last paragraph of the Business Plan that stated: "Up to 50% of weekend times from 6 A.M. to 12 P.M. will be held for non Triple Crown Club players."

Mr. Gardner confirmed with Mayor Dunn that this had been done last year as well. He indicated this was to allow playing time for the general public.

Mayor Dunn asked how they planned to promote the changes in pricing.

Mr. Gardner stated they would contact former players by e-mail, along with a direct mailing to be delivered the end of February to advertise their open house.

Parks and Recreation Director Chris Claxton stated the chart was a draft and they would be sending an updated statement of revenues and expenditures.

Mayor Dunn asked if Ms. Claxton could reference the changes.

Mr. Gardner indicated some of the expenses had been adjusted by department. They also reviewed revenue projections in certain categories based upon 2006 information and based upon a shorter 2008 season.

Ms. Claxton indicated the “green column” on the chart had been added.

Finance Director Kathy Rogers stated there were adjustments to member fees due to tonight’s rate proposal and revisions to operating expenses. Some of the wages were reallocated to better fit what the actual labor is used for. This will currently increase the operating cost recovery from 87% to 91% and is effective with the proposed changes.

Mayor Dunn asked what the rationale was for the change in the Pro/Golf Shop from \$224,000 to \$99,000.

Ms. Rogers stated there was \$110,000 in wages that had been reallocated.

City Administrator Scott Lambers stated the change in this plan from previous years is that they are now paying salaries for the Marshalls and Range Attendants. Pryor to this year, they were compensated through rounds of golf. The City was incurring these costs indirectly and he indicated it was his recommendation to add them to the payroll in order to track the costs.

Mr. Lambers noted Councilmember Bussing had requested that staff consider ways to encourage the “more casual” golfer to play at Ironhorse. Mr. Gardner and Mr. Lambers had discussed as part of the Business Plan that Council accept the following with details to be submitted as a supplement: A “Package Deal” to start mid-season and receive range balls, one round of practice holes, 9 holes of golf with a cart, a cold sandwich and beverage. The fee is estimated to be \$50.

Mayor Dunn asked if the amount in the Cart Lease was from some of the Pro/Golf Shop amounts. Ms. Rogers stated the Cart Lease netted against the General and Administrative [G&A] when the \$110,000 in wages was moved. The Cart Lease was moved into its own line. Theoretically, this would be in conjunction with the expense of the golf carts, so it was placed under there.

Mr. Lambers noted if the two expense line items were added against the revenue on the top of the chart, it would show how the City is doing in regard to cart activity. This should be close to zeroing out.

Ms. Rogers stated this chart was for operating; however, have added the capital in at the bottom including \$300,000 for parking lot improvements in order to be in compliance with NPDS.

A motion to approve the Ironhorse Golf Club 2009 Business Plan was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

Councilmember Bussing confirmed with Mr. Lambers that Council would receive a golf course update in the spring.

8. MAYOR'S REPORT

- A. Attended the Council of Mayors meeting, hosted by Fairway Mayor John St. Clair. They distributed information regarding the Johnson County Transit five-year strategic plan developed jointly by the Johnson County Transit staff and the Johnson County Transportation Council.
- B. Attended the Leawood Chamber of Commerce luncheon, sponsored by the Chamber's Legislative Affairs Committee. Discussion took place with Senators Vratil and Wysong and Representatives Colloton and Yoder, who spoke on the fact that the economy would be dominating their upcoming legislative session. The Mayor indicated that the City Council and staff would continue to monitor this closely throughout the legislative session for possible impacts to municipalities.
- C. Presented the 2008 State of the City Address at the Leawood Chamber of Commerce luncheon. Mayor Dunn thanked the Chamber Board of Directors and Chamber staff. Almost all Councilmembers were present, along with many of the City's staff.
- D. Attended a ribbon cutting ceremony for Bridgestone Firestone, hosted by the Leawood Chamber of Commerce. They are located at 136th and Washington Street. Mayor Dunn wished them much success.
- E. Attended, along with Councilmember Peppes, the 5th Annual Martin Luther King, Jr. Legacy and Scholarship Award Committee Banquet, hosted in conjunction with the Olathe, Kansas branch of the NAACP.
- F. Attended the Lunar New Year Celebration, "Year of the Ox," sponsored by the I-Lan Sister City Committee. The celebration took place at the Mandarinism Restaurant located in Parkway Plaza at 135th and Roe. Mayor Dunn noted appreciation to Chair Donna Kaelke and her committee, Council Liaisons Debra Filla and Jim Rawlings, and staff member Franki Shearer for all of their work on this event. It was attended by the Director General of the Taipei Economic and Cultural Office, Dale Jieh and his wife, along with Joseph Chang and his wife. There were approximately 80 people in attendance.

9. COUNCILMEMBERS REPORT

- A. Councilmember Filla

Councilmember Filla reported that she had received a call from the Brookwood Elementary School regarding concern of the recycling containers. Many schools collect newspapers as a profit and they have added a multi-recycling unit that includes cans and bottles with a third container for newspapers. They moved the unit from the back of the school to the front by the driveway. The City's ordinances require that all trash containers be enclosed. This creates concern, since they want to encourage everyone to recycle.

Ms. Filla requested that staff review the ordinances to see if there was another way to approach recycling.

Mr. Lambers stated trash enclosures are an issue that is continually brought before the Planning Commission and City Council as it relates to commercial developments. The City has been very steadfast in the position that trash enclosures, regardless of the type of trash, are to be architecturally attached to the structure and have doors that remain closed. The City has not supported detached trash enclosures unless there is a compelling reason to do so. The configuration of the site at schools may make it difficult for people to access these containers due to traffic circulation, children, etc. Businesses will compare what the City does for schools and will expect the same; therefore, the City should take caution if there is leniency given.

Mayor Dunn asked if Mr. Lambers was comfortable with staff reviewing this and returning before Council with a report.

Mr. Lambers stated he intended to provide Council with a report within 60 days and if they feel it has merit, give him a directive to prepare the amendment to the Leawood Development Ordinance [LDO].

Councilmember Azeltine suggested there be an exception limited to schools, churches, and any other nonprofit organizations.

Councilmember Rawlings asked if this was a drop-off bin for a fundraiser for people outside the immediate area and noted the families should all have the ability to recycle themselves.

Councilmember Filla stated they had discussed this and Brookwood School didn't want to have to pay for it if someone comes to pick it up. Ms. Filla stated she had spoken with Town and Country, the trash provider for the Leawood Estates area, and they informed her they would pick it up at no charge. She noted the school understood the City's concern and were willing to be flexible.

B. Councilmember Gill – MOVED TO ITEM NO. 10 - STAFF REPORT

1. Request to refer to the Public Works Committee regarding audio component to traffic signals at the intersection of 103rd and State Line Road to assist a visual impaired individual
2. Review request to install School Zone light on 133rd Street and modify the existing light on Mission Road for Mission Trails Elementary School

3. Speed limit along 133rd Street

C. Councilmember Bussing

Councilmember Bussing reported he became aware of a citation that had been issued to a homeowner located in Ward 3 regarding an unapproved structure in the front yard. The homeowner recently appeared before the Board of Zoning Appeals [BZA], which denied his appeal. Mr. Bussing stated he and Councilmember Gill were of the opinion that the LDO ordinance may be a little harsh with regard to structures being located in the front yard on this particular application and requested that staff review the LDO to see if it is consistent with their intent.

Mayor Dunn confirmed with Mr. Bussing that he was requesting a review of the LDO for an amendment or possibly a new LDO regarding this subject.

Mr. Lambers stated that in the past, the City has not allowed any garden structures in the front or side yards and are restricted to the backyard. The homeowner, without a permit, installed a garden structure in close proximity to his front door to create a trellis, which is prohibited.

Mr. Lambers stated they could review this and return to Council within 90 days with a report. As part of an approval process, there would need to be restrictions and conditions with direction given as to what extent this should be done administratively or through the Planning Commission and City Council for the permitting process.

Councilmember Rasmussen was concerned of this and noted the purpose of the BZA, by law, has permission to review the City's ordinances and if they have an unusual effect, the BZA has the right to grant that exception. He didn't understand changing the ordinance for one application and felt the BZA was supposed to handle these issues.

Mr. Rasmussen confirmed with Mr. Lambers that it would need to be an unusual or extreme effect for them to grant a variance to the City's ordinance.

Mr. Lambers stated Mr. Bussing was requesting that staff draft a proposal for Council consideration to change the ordinance to allow this to move forward.

Mayor Dunn confirmed for Mr. Rasmussen that this would be changed for all future cases.

Mayor Dunn requested that Mr. Lambers return with a report containing very broad terms in order to get further direction from Council.

Mr. Lambers noted they may want to research what other cities have permitted regarding this. He expressed concern as to what care would be given to this trellis during the winter months.

Mr. Bussing felt this was not a garden structure; however, by definition, felt the ordinance limits construction of almost anything in the front yard. His request was to be sure the ordinance allows for home improvements that are consistent with the overall building codes and not be restrictive to entities such as garden fences, gazebos, etc., in the front yard.

Mayor Dunn confirmed with Community Development Director Richard Coleman that the garden structure was encroaching in the front yard setback.

Councilmember Filla asked if the BZA did not have the authority to override this.

Mr. Lambers clarified that their decision was to deny the appeal and the City's ordinance is strict in prohibiting it. The request to allow it to remain did not meet the statutory guidelines they have to meet. The intent was to allow the applicant to move forward to confirm this and currently, their only other option is to proceed to District Court to challenge the decision of the BZA. In the interim, if Council agrees to proceed, the City will suspend any action against the property owner until staff can return to Council with a report for consideration within 90 days.

10. STAFF REPORT

Public Works Director Joe Johnson noted the three items listed under 9B were referred to the Public Works Committee for review:

1. A citizen had requested the use of audio devices at the traffic signal located at 103rd and State Line Road. He uses this intersection frequently and is sight impaired.
2. A property owner that lives in Waterford has requested they consider the installation of school zone lighting and signs at 133rd Street and Mission Road for Mission Trails Elementary School. They are also requesting modifications to the existing school zone located on Mission Road by moving the flashing lights to the south side of 133rd Street.
3. A request to review the 35 mph speed on 133rd Street and whether the City could adjust it to 30 mph.

Mayor Dunn asked if the speed limit on 133rd Street was only around the school or for the entire street.

Mr. Johnson stated 133rd Street is posted at 35 mph and would be reduced to 20 mph within the school zone. The request is to have the committee review the possible reduction of speed on 133rd Street from State Line Road almost to Nall to 30 mph.

Mr. Lambers noted the request did not include this; however, 137th Street serves the same function as a frontage road as 135th Street and if Council wants to consider a change in the speed, it should be consistent for both streets.

Councilmember Cain noted the traffic flows out of Mission Trail onto 133rd Street and indicated there is no school signage along it. She felt it was logical to be installed.

Councilmember Peppes made a motion that these three requests be referred to the Public Works Committee for review; seconded by Councilmember Rasmussen.

Mayor Dunn confirmed with Mr. Johnson that the Public Works Committee would be meeting on February 17, 2009, and that the individuals had been notified of the meeting. Mr. Johnson thought they could return before Council on March 2, 2009.

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

Mr. Lambers reported that the Governor had submitted a proposal to the legislature to reduce spending at the state level in order to bring it into balance. As part of this, she is proposing to take money from local units of government, including the City of Leawood. The implications to the City are in excess of \$500,000 for 2009 and \$1.2 Million for 2010. There have been repeated references to remove alcohol money from local units of government as state aide being taken away. This is an incorrect description of the monies; these are local taxes imposed on local drinking establishments (alcohol tax) and are used to fund general fund purposes, special parks and recreation purposes and alcohol fund programs. This includes the City's D.A.R.E. program. This is not a revenue sharing program by the state; however, is money that the state began using previously and is currently taking all of it. The City's sales and property tax that flows through the state with the same collection procedures could be subject to the same capturing if that rationale is allowed to be extrapolated.

Mr. Lambers indicated he communicated this to Senator Wysong and he and Senator Vratil clearly understood the implications, which is why they voted against the Bill that came from the Senate. They recognized this was not state aide and once the state takes it, it would be gone permanently.

Mr. Lambers wanted Council to be aware that this is not an annual appropriation from the state; however, is a tax that is collected the same as sales and property taxes.

Mayor Dunn noted this Wednesday, February 4th, the Johnson and Wyandotte County Council of Mayors will be meeting regarding this topic. There may be a resolution passed by that body and the Mayor indicated she would be representing what she believed Council would want.

Councilmember Rasmussen asked if this Governing Body or the State Legislature was the moving body on the imposition of the tax on alcohol.

Mr. Lambers indicated the tax is set by the state and was initiated as part of the "liquor by the drink" issue the state had faced. There was concern that because of the increase consumption of alcohol, there would be a direct impact on local jurisdictions for police efforts for DUI interdiction. They felt the tax should be used for this and thought by providing cities with parks and recreation money, it would provide an alternative for people that consume alcohol. The remaining portion was to be used for alcohol related treatment programs.

Mr. Lambers indicated the City could absorb the cost to the general fund and could go without the special park monies if needed; however, the alcohol programs have no other resources of financing. Without this money, these programs would no longer be available. Mr. Lambers knew the D.A.R.E. program was important to the Governing Body and noted the City would continue to fund it. If this money is taken, the City will lose the revenue; however, can maintain 1/3 of the expenses through D.A.R.E. and the alcohol programs. The tax rate is taxed on alcohol purchased in restaurants and bars that finance this source of revenue.

Mr. Rasmussen confirmed with Mr. Lambers that the City has no jurisdiction over the amount of the tax or the taxing authority and that if the allocation of funds was no longer available, the revenue stream for these programs would disappear.

Councilmember Azeltine asked how much revenue he was referring to.

Mr. Lambers stated it was approximately \$1 Million for alcohol tax and another \$100,000 - \$200,000 of highway money they are taking as well. There is also \$60,000 - \$70,000 worth of tax exemption that was issued for machinery and equipment.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

From the January 13, 2009 Planning Commission meeting

- A. Resolution approving a Revised Final Plan for Mission Farms Trash Enclosure, located approximately at 105th Street and Mission Road (PC Case # 85-08)

Mr. Lambers recommended this matter be continued due to the applicant not being present. The Planning Commission had a split decision vote of 5-3. He felt it would be beneficial to hear the applicants arguments for allowing the trash enclosure to be placed where they are proposing, as well as the staffs' position.

Mr. Lambers confirmed that the applicant was aware this was on tonight's agenda.

Councilmember Rasmussen felt that Council should move forward and approve the resolution.

Mayor Dunn stated the recommendation was to have a presentation by the applicant and noted she had some questions for them.

Councilmember Azeltine made a motion to continue this item to the February 16, 2009, Governing Body meeting; seconded by Councilmember Peppes.

Mr. Lambers indicated if the applicant was unavailable on February 16th, then Council could continue this to a date he becomes available.

Mr. Lambers clarified for Councilmember Peppes that the applicant currently has an enclosure for utility boxes and would like to put the trash enclosures next to the residences.

Mr. Rasmussen took exception to Mr. Lambers' description that the trash enclosures were directly next to residences and felt this was incorrect. He thought the developer did an excellent job of trying to totally enclose the trash with a compactor. Unfortunately, the odor of the garbage permeated up through the ducts into the mixed-use development above. He was assured that dampers, valves, etc., would not help. The developer is suggesting that it be placed next to an existing facility; however, is located across the street with a berm behind it and they are also screening it. Mr. Rasmussen stated the developer has good reasons for putting it there and felt this deserved to be approved.

Mayor Dunn noted pages 3 and 4 (C-1 and C-2) gave an aerial view of the proposed and existing location.

Mr. Lambers noted when a request for a detached facility comes forward; the staff first determines whether or not the site should work. He agreed that the internal compaction system failed and he issued administrative permission to put temporary dumpsters outside so that it wouldn't hamper the applicant's marketing of the condos. There was never any indication that this would be the permanent site. Staff feels the trash enclosure needs to be against the highway as opposed to the residences.

The motion to continue this to the February 16, 2009, Governing Body meeting carried following a unanimous vote of 7-0. (Councilmember Gill absent).

- B. **Resolution No. 3159** approving a Revised Final Plan for Market Square Center, located at the northeast corner of 135th Street and Mission Road (PC Case # 02-09)

Paul Waid, Copaken White Blitt, stated they had received staff and Planning Commission approval for the screening of transformers in and around the Market Square Center. He indicated they had three transformers that were placed to accommodate their building. One sectionalizer was placed by KCP&L to accommodate potential development across the street. Staff had indicated they needed to make changes to the screening around these and had their architect draw specific details. He indicated they would be planting Juniper trees and grasses and noted they couldn't plant anything that would diminish access by KCP&L or they would remove it.

Mayor Dunn noted the Planning Commission had changed Stipulation No. 2 from a maximum of 42" on center to 60"; however, they left a maximum of one foot of clearance between plant materials. She asked him to explain how this would stay at one foot.

Mr. Waid noted Stipulation No. 5 left this process open and wanted to close this issue as well. He indicated he would like to plant them 36" or 40" inches apart, rather than 60" and then have to move them. To answer this question specifically, he thought it was in reference to how full the trees were and how close they were planted together.

Chris Sogus, DLR Group, indicated the species of Juniper trees they were selecting should be very full within a year. The reason they are spaced a little further apart is based upon the idea that they are healthier.

Councilmember Rasmussen confirmed with Community Development Director Richard Coleman that the stipulation was specific enough so the interns could later check to see whether or not the stipulation had been adhered to.

Mr. Lambers indicated he had advised Mr. Waid that if the plantings were installed and the growth did not occur as anticipated and staff made a recommendation that additional plantings were required, he could return directly before Council and not go through the planning process if he felt the additional plantings were unreasonable. The intention is not to wait several years to reach a level of appropriate screening, so the separation they are requesting with this stipulation is not unreasonable. He noted staff would not be unreasonable by trying to achieve the goal of having significant screening take place within a year or two of growth.

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

12. OLD BUSINESS – None.

13. OTHER BUSINESS – None.

14. NEW BUSINESS

- A. **Resolution No. 3160** declaring it necessary to appropriate private property for the use of the City of Leawood, Kansas for the Roe Avenue Improvement Project between 140th and 143rd Street [CIP # 80189]

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

- B. Schedule a Governing Body Work Session meeting at 6:00 P.M. on Monday, March 2, 2009 to discuss 2010-2014 Capital Improvement Projects [C.I.P.] and Budget Model Assumptions, and 2010 Budget Presentations

A motion to approve the work session was made by Councilmember Rawlings; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

- C. Schedule a Governing Body Work Session meeting at 6:00 P.M. on Monday, April 6, 2009 to discuss Ordinance amending § 16-2-5.3 (R-1, Planned Single Family Low Density Residential District) of the Leawood Development Ordinance [LDO], pertaining to Building Height; and § 16-2-5.4 (RP-1, Planned Single Family Residential District) of the Leawood Development Ordinance [LDO], pertaining to Building Height

A motion to approve the work session was made by Councilmember Filla; seconded by Councilmember Peppes.

Councilmember Filla requested that staff notify any participating homes associations of the work session.

Mayor Dunn noted they would be notified that their attendance would be on a listening mode only and that the work session would be for Council debate and discussion.

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

- D. Schedule a Governing Body Executive Session on Monday, February 2, 2009, immediately following the regular Governing Body meeting to discuss matters related to the acquisition of real property

A motion to recess into Executive Session for a period of 15 minutes was made by Councilmember Azeltine; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

The Governing Body recessed into Executive Session at 8:55 P.M.

The Governing Body reconvened into regular session at 9:15 P.M.

A motion to adjourn the meeting was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

There being no further business, the meeting was adjourned at 9:15 P.M.

ADJOURN

Debra Mansfield, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk