

Minutes

DVD No. 211

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, April 20, 2009. Mayor Peggy Dunn presided.

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

Mayor/Councilmembers absent: Julie Cain

Staff present:

Scott Lambers, City Administrator
Chief John Meier, Police Department
Chief Ben Florance, Fire Department
Jack Reece, Info. Systems Specialist
Kathy Rogers, Finance Director
Lovina Freeman, HR Director
Deb Mansfield, City Clerk

Patty Bennett, City Attorney
Richard Coleman, Comm. Dev. Director
Mark Klein, Assistant Director Planning
Chris Claxton, P&R Director
Brian Anderson, Parks Superintendent
David Ley, City Engineer
Pam Gregory, Deputy City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following modifications on the Amended Agenda:

- * Item No. 7J – Continued to the May 4, 2009, Governing Body meeting
- * Addition of Item No. 10D - Staff Report from Parks & Recreation Director Chris Claxton regarding installation of recycling bins at parks facilities

A motion to approve the Amended Agenda was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Cain 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.**

Andrew Osman, 3312 W. 86th Street, stated he had a vested interest in property located at 103rd and State Line Road in the Planned Business Park District [BP]. The property has been vacant for a significant amount of time and the layout and description allows very limited use.

Mr. Osman wanted to express his intension of presenting a possible amendment to the BP zoning that would allow different types of applicant's occupancy.

Mayor Dunn stated this issue has been referred to staff and will return before City Council on a future Agenda.

Councilmember Rasmussen asked Mr. Lambers to inform Mr. Osman when this item would be on the Agenda for discussion.

John Petersen, Polsinelli Law Firm, stated they had previously submitted an application seeking re-zoning and a revised preliminary plan for a pharmacy with a drive-thru to be located on the northeast corner of 117th and Roe. This met with resistance from the Planning Commission and Governing Body. His client decided to withdraw that application and has re-submitted a plan consistent with the current approved zoning. That application was filed on December 24, 2008. With their objection, this matter was continued on January 27, 2009, and again on February 24, 2009, from the Planning Commission agenda. On March 24, 2009, they appeared at a public hearing before the Planning Commission with support of their proposal from the Planning staff. Mr. Petersen stated they received unanimous recommendation for approval from the Planning Commission.

All of the items addressed by the Planning Commission at the March 24th public hearing were placed on tonight's agenda; however, he was informed by City Attorney Patty Bennett on Friday afternoon that their item would not be on the agenda. He referred the Council to article 5 of City Ordinance 16-5-2.2 and quoted, "Following the Planning Commissions review and after any applicable 14-day protest period, the Planning Commissions recommendation and summary shall be submitted to the Governing Body for action. The Governing Body may continue consideration until a date certain, or may take the matter under advisement for final decision upon a date certain." He asked Council why their matter wasn't on this evening's agenda.

City Administrator Scott Lambers replied that the ordinance states it "shall" go before the Governing Body; however, doesn't state when or give a time frame to which it is required to do so. There is an item on tonight's agenda that will initiate the condemnation process for this property, which has been designated as public use property in the City's comprehensive plan. Once they initiate that action, this application will become moot.

Ms. Bennett stated she was willing to speak with Mr. Petersen tomorrow regarding this and indicated she had left him a message on Friday.

Mr. Petersen understood this wasn't placed on the Council agenda by sole decision and discretion of the City Administrator because it was his intent to condemn their property.

Mayor Dunn stated the City Administrator doesn't make the determination to condemn property and told Mr. Peterson he could stay for Council discussion of Item No. 6D regarding this.

Mr. Lambers stated the City Council directed staff at a previous meeting to take necessary action to initiate condemnation proceedings. This is subsequent to that action.

Councilmember Gill stated that approval of the Agenda was an act of the entire Governing Body, not a unilateral action by the City Administrator.

4. PROCLAMATIONS National Crime Victims' Rights Week, April 26-May 2, 2009

Mayor Dunn declared April 26 – May 2, 2009, as Crime Victims' Rights Week in the City of Leawood and urged citizens in the City to use the week to reaffirm commitment to see that crime victims receive respect, understanding, and help this week and throughout the year.

National Volunteer Week, April 19-25, 2009

Mayor Dunn read the proclamation into the record in recognition of the hundreds of volunteers within the community.

5. PRESENTATIONS/RECOGNITIONS Winners of Recycling Essay Contest [Green Initiative Citizens Task Force]

Mayor Dunn presented the following teachers and winners of the recycling essay contest with certificates and gift bags donated by Sprint and the City of Leawood:

Teachers

Stephanie Deathrage, St. Michaels
Pam Reeb, Nativity
Kimberly Klein, Cure of Ars

Students

Olivia Austin
Sydney Popp
Brittany Thomas
John Thesing
Mallory Radtke
Brian Philipps
Anne Schneller
Sarah Augustine

Mayor Dunn recognized the school with the strongest group of essays and presented Kimberly Klein, Cure of Ars, with a certificate in recognition of her contribution in raising awareness of the importance of recycling. A tree will be donated to the school and will be planted by the Parks and Recreation Department.

Brian Philipps, Mallory Radtke and Olivia Austin received special recognition for their "star essays."

Mayor Dunn recognized St. Michael's Principal, Mike Cullinan and thanked parents of the students for their encouragement and involvement. The Mayor also noted appreciation to Paula Cornwell, Green Initiative Task Force Committee, for her assistance.

6. SPECIAL BUSINESS

A. Presentation of 2008 Annual Audit

Finance Director Kathy Rogers stated Council had appointed an audit selection task force last year and they began requesting proposals from audit services for 2008, 2009 and 2010. The committee recommended and Council approved, Rubin Brown, LLP.

Audit Manager Chester Moyer and Partner Chip Harris gave a presentation of the 2008 Audit Report. They issued an unqualified or "clean" opinion of the City's financial statements. They are required to obtain an understanding of the City's internal control environment as it relates to financial reporting. Nothing came to their attention that would have mandated any type of formal written communication to Council with respect to any issues that needed to be reported; therefore, the City would not be receiving a formal written management letter. There were no new accounting policies adopted in the current year, and the current existing accounting policies were not changed from the prior year. There were no transactions entered into during the year for which there was a lack of authoritative guidance or consensus. No significant transactions have occurred or been recognized in the period that's different from when the transactions actually occurred. The disclosures contained within the financial statements are neutral, consistent and clear. There were no disagreements with management regarding any application of accounting principles and they received a very good level of cooperation.

Mr. Harris and Mr. Moyer expressed their appreciation to the Finance Department for an exemplary job of being prepared for them. There was one audit adjustment posted that increased the government wide net asset figure by approximately \$65,000. They also accumulated certain uncorrected misstatements on the government wide statement of net assets. That would have decreased the net assets by approximately \$147,000. Management has deemed these amounts to be immaterial and they agreed with that assertion.

In conclusion of the audit, they requested and received a management representation letter. This presentation will be memorialized in a document that will be provided to the City and will have a copy of the letter attached.

Mayor Dunn was delighted there were no reportable deficiencies. Mr. Harris clarified that the management representation letter was a basic element of audit evidence they obtain at any audit and is issued to them by City Management. Generally, accepted auditing standards doesn't require that they submit a letter that states there are no reportable deficiencies. If the City had obtained a level of federal funding that would have mandated a single audit, they would have issued that letter.

Councilmember Gill asked if the items listed in the prior years management letters had been addressed. Mr. Harris stated there were no prior material weaknesses and no issues for this year as well.

Mr. Harris clarified that unless a formal written management letter is required by the auditing standards, it was their firm policy not to issue one. The management letter they currently have was revised and was effective for financial year-ends ending after December 15, 2006.

He thought the letter that the City received last year was not required by the standards. He indicated that if Council preferred, they would provide additional correspondence regarding their findings.

Councilmember Azeltine noted they weren't requiring this information as part of the report to be approved this evening.

- B. **Resolution No. 3185** accepting the 2008 Comprehensive Annual Financial Report [Audit] for the City of Leawood, Kansas

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

Mayor Dunn thanked Ms. Rogers, Account Manager Dawn Long, and Senior Accountant Theresa Lodde for their exemplary preparedness, as well.

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

- C. **Ordinance No. 2388** amending Chapter 1, Article 8, of the Code of the City of Leawood, 2000, by adding new Sections 1-839 through 1-842, Establishing a new Leawood One Nineteen Transportation Development District [TDD] Tax Debt Service Fund for the City of Leawood, Kansas [Roll Call Vote]

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

Mr. Lambers clarified for Councilmember Azeltine that financing involved sales tax and special assessments. The resolution is only to establish the fund for placement of revenue collected.

Mayor Dunn indicated there was a separate study done on sales tax and that information was given in a prior Council packet.

The motion carried following a unanimous roll call vote of 7-0. Yea: Councilmembers Rasmussen, Gill, Peppes, Rawlings, Bussing, Azeltine, and Filla. Nay: None. (Councilmember Cain absent).

- D. **Resolution No. 3186** declaring it necessary to appropriate private property in accordance with K.S.A. § 26-501 for the use of the City of Leawood for the construction of a Municipal Activity Center to be located on the northeast corner of 117th Street and Roe Avenue [Town Center Business Park - Lots 4, 5, and 6]

Ms. Bennett indicated this was the first step to proceed in condemnation. After the resolution is approved, there will be an ordinance with land description and ownership interest. The matter will then be filed with the Johnson County District Court.

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

Councilmember Azeltine confirmed with staff that this property was zoned as Neighborhood Retail [SD-NCR] and was recently changed on the comprehensive plan to public use.

Greg Musil, Polsinelli Law Firm, stated he represented MD Management. The resolution as written, states it is for property located on the northeast corner of 117th and Roe and wasn't sure what property would be covered by this resolution. The property isn't identified with an address, plat number, or legal description. He asked for clarification to what the resolution authorized staff to do.

Ms. Bennett stated the resolution would direct staff to return with a survey/legal description to the Council.

Mayor Dunn indicated the property in question is directly to the east of the Johnson County Library on the northeast corner along 117th Street.

Mr. Musil confirmed with Ms. Bennett that this property was the subject of the revised preliminary plan application that was approved by the Planning Commission on March 24, 2009, that Mr. Petersen referenced. Ms. Bennett noted the survey would give them the definite boundary information needed for the condemnation.

Ms. Bennett stated the statutes require that an ordinance return before Council and noted she could speak with Mr. Musil regarding references to statutes tomorrow.

Mr. Musil noted the resolution referenced a Municipal Activity Center as why the land was necessary. He asked for clarification of the center and when it would be constructed; size, purpose, cost, and funding.

Mayor Dunn stated they don't have this information and noted it was not currently in the Capital Improvement Program [CIP]. There is intention to construct a Municipal Activity Center.

Mr. Musil asked if any members of the Governing Body were aware that this application had been in the preliminary plan stage since December, 2008, and was approved unanimously by the Planning Commission on March 24, 2009. Mayor Dunn thought they were all aware of this.

Councilmember Peppes took offense to Mr. Musil's comments and felt he was being cross-examined.

Mayor Dunn concurred and felt this should be further discussed with the City Attorney.

Mr. Musil stated they felt as landowners, the Governing Body should consider these questions in advance of authorizing a condemnation.

Councilmember Gill asked if this was the first time Mr. Musil had heard of the condemnation and if he had discussions with his client regarding this. Mr. Musil indicated there had been discussions along with two re-zoning applications and noted one was allowed to go through the zoning process for months.

The motion to approve the resolution carried following a vote of 6-1. Nay: Councilmember Rasmussen stated he has not been in favor of an activity center for some time, and felt there were sufficient facilities in the City of Leawood and adjoining cities to provide all necessary fitness activities for the citizens. (Councilmember Cain 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. 2009-13, and 2009-14
- B. Accept Minutes of the April 6, 2009 Governing Body meeting
- C. Accept Minutes of the April 6, 2009 Governing Body Work Session
- D. Accept Minutes of the March 10, 2009 Parks & Recreation Advisory Board meeting
- E. Accept Minutes of the December 12, 2008 Stormwater Management Committee meeting
- F. Approve 7th and Final Pay Request in the amount of \$5,300.00 to J.M. Fahey Construction Company, pertaining to the 2008 Arterial Mill & Overlay Project
- G. Approve issuance of Temporary Alcohol Permit to conduct The Taste of Leawood Fundraising Event on Saturday, June 13, 2009, in accordance with Code § 3-216
- H. Approve issuance of Temporary Alcohol Permit to conduct Town Center Plaza Charity Fashion Event on Saturday, May 16, 2009, in accordance with Code § 3-216
- I. Accept bids in the amount of \$201,221.00 for the purchase of various capital equipment from K.C. Bobcat, Sellers Equipment, and American Equipment
- *** J. **Approve change in trail material in the amount of \$42,192.00 to Mega Industries pertaining to the Gezer Park Project located at 133rd and Mission Road [#76006] – CONTINUED TO THE MAY 4, 2009 GOVERNING BODY MEETING**
- K. **Resolution No. 3187** approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Pepsi Americas pertaining to the vending and resale of soft drink products- **CONTINUED FROM THE APRIL 6, 2009 GOVERNING BODY MEETING**
- L. **Resolution No. 3188** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$19,716.33 between the City and American Sentry Electronic Systems, Inc., pertaining to security cameras at IRONHORSE Golf Course, located at 15400 Mission Road

- M. **Resolution No. 3189** approving and authorizing the Mayor to execute a Construction Agreement between the City and O'Donnell & Sons Construction Company in the amount of \$834,356.55, pertaining to the 2009 Residential Mill & Overlay Program
- N. **Resolution No. 3190** approving and authorizing the Mayor to execute a Professional Service Agreement between the City and Olsson Associates in the amount of \$15,000.00, pertaining to traffic related plan reviews
- O. **Resolution No. 3191** approving and authorizing the Mayor to execute a Professional Service Agreement between the City and Peridian Group, Inc., in the amount of \$18,440.00, for services connected to the American Recovery and Reinvestment Act of 2009 [103rd Street Mill and Overlay Survey: Mission Road to State Line Road]
- P. **Resolution No. 3192** approving and authorizing the Mayor to renew a Maintenance Agreement between the City and Intergraph Public Safety, Inc., in the amount of 23,688.00, pertaining to the Intergraph Software System for the Police Department
- Q. **Resolution No. 3193** approving and authorizing the Mayor to execute a Cooperative Agreement by and between the Board of County Commissioners of Johnson County, the City of Leawood and other surrounding area cities, pertaining to the 2009 Byrne Justice Assistance Grant [JAG] Formula Program
- R. **Resolution No. 3194** approving and authorizing the Mayor to execute an Amendment to that certain Amended Lease Agreement dated May 5, 2008, between the City and Orion Management Systems, Inc., pertaining to the serving of alcoholic beverages at Ironhorse Golf Club, located at 15400 Mission Road
- S. **Resolution No. 3195** accepting and adopting the Johnson County Multi-Hazard Mitigation Plan as the official plan for the City of Leawood, Kansas
- T. **Resolution No. 3196** granting a Permanent Utility Easement to the City of Leawood, Kansas, located on the northwest corner of Town Center Drive and Roe Avenue, pertaining to expansion of the Johnson County Library
- U. **Resolution No. 3197** approving a Final Site Plan for Mission Farms Building B - Exclusive MD Tenant Finish, located at the northeast corner of Mission Road and I-435 Highway (PC Case # 12-09) – *from the March 24, 2009 Planning Commission meeting*
- V. **Resolution No. 3198** approving a revised Final Site Plan for The Estates of Old Leawood, located at 8901 Sagamore (PC Case # 13-09) – *from the March 24, 2009 Planning Commission meeting*
- W. Police Department Monthly Report
- X. Fire Department Monthly Report
- Y. Municipal Court Monthly Report

Councilmember Filla requested to pull Items Nos. 7D and 7V for discussion.

A motion to approve the remaining Consent Agenda was made by Councilmember Rasmussen; seconded by Councilmember Gill.

Mayor Dunn commented on Item No. 7F pertaining to the 2008 Arterial Mill & Overlay Project. She congratulated J.M. Fahey Construction Company on their perfect performance review and noted there had never been a review returned with all perfect scores.

The motion to approve the remaining Consent Agenda carried following a unanimous vote of 7-0. (Councilmember Cain absent).

- D. Accept Minutes of the March 10, 2009 Parks & Recreation Advisory Board meeting

Councilmember Filla commented on the referral to Parks & Recreation to discuss comments from a citizen regarding play equipment at Brook Beatty Park in Old Leawood. One of the main reasons it was not considered as a site was due to lack of parking. She asked that they consider leniency in the future to a small park and asked that they not have a parking requirement.

- V. **Resolution No. 3198** approving a revised Final Site Plan for The Estates of Old Leawood, located at 8901 Sagamore (PC Case # 13-09) – from the March 24, 2009 Planning Commission meeting

Ms. Filla noted one of the stipulations for Old Leawood Estates is that there would be a playground in the lower area, constructed by the developer with citizen input. She asked where this was in the planning process. Less than half a mile away is Leawood Estates and she thought this may satisfy the citizen's request for consideration.

Mayor Dunn asked if this was part of a stipulation for approval.

Mr. Lambers indicated the amenities were tied to the fifth lot being improved and was a condition for selection of playground equipment and to solicit neighbors for their input. He felt if they installed the equipment without a parking lot, they would have difficulty with the Americans with Disabilities Act [ADA] and thought they would need an access and at least one or two handicapped parking spaces. Space is very limited at this park.

Councilmember Filla confirmed with Mr. Lambers that the City doesn't allow curb/street parking.

Ms. Filla thought they may not want two playgrounds so close together. Mr. Lambers felt proximity of the playgrounds wouldn't be an issue and if one is constructed at the Estates of Old Leawood it shouldn't preclude equipment at Brook Beatty Park. He felt they needed to adhere to the requirements.

A motion to approve Item No. 7D was made by Councilmember Filla; seconded by Councilmember Gill.

Mayor Dunn stated there had been discussion for a future site at 96th and Lee if the green space becomes available and indicated parking was already there.

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

Ms. Filla asked when construction would begin for the park at the Estates of Old Leawood.

Mr. Lambers indicated selection of the park would occur between the first and fifth home. There have not been any current home sales to date; however the streets and street lights are in and the area appears ready. Most of the underground work is completed. In speaking with Mr. Whitaker, they have a contract with KCP&L to underground the power lines. The bridge has been installed and there should be substantial improvement over the next 45-60 days. Mr. Lambers was hopeful that the park would begin construction this year.

Ms. Filla indicated people that live in the neighborhood have asked that this area be considered for more innovative plans, in terms of a water shed programs. She asked if the Stormwater Committee could work with staff and the developer to see if there was any advice they could receive from water shed groups. They want to protect the creek bed and water shed.

Councilmember Rawlings felt it was unfair to ask Mr. Whitaker to make a commitment to something he was unaware of and noted he had never attended a Stormwater Committee meeting.

Mayor Dunn concurred with Councilmember Rawlings and noted there were people on the committee and staff with professional expertise and felt this shouldn't be tied to an approval.

Ms. Filla concurred and asked that this be considered by the Stormwater Committee for recommendations.

A motion to approve Item No. 7V was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Cain absent).

8. MAYOR'S REPORT

- A. The Kansas City Business Journal gives out awards on an annual basis. Park Place received a Capstone Award for its mixed use development and One Nineteen also received a Capstone Award for retail development. Mayor Dunn congratulated Park Place Developers, Jeff Alpert and Melanie Mann, and One Nineteen Developer, RED, for this well deserved recognition.
- B. Mayor Dunn congratulated Leawood resident Joyce Hayhow, publisher of the Kansas City Business Journal, who was honored at the Go Red For Women Luncheon as the "2009 Woman of Distinction," hosted by the American Heart Association.
- C. Attended a ribbon cutting ceremony with Councilmembers Filla, Rasmussen and Azeltine at Park Place for SFP [Specialty Fertilizer Products]. They began their corporation 10 years ago in the Belton area and have located their world headquarters in the Aubrey building in Leawood. Mayor Dunn offered her congratulations and wished them much success.

- D. Attended a ribbon cutting ceremony with Councilmember Azeltine for JP Wine Bar at One Nineteen. Mayor Dunn offered her congratulations and wished them much success as well.
- E. Attended a D.A.R.E. [Drug Abuse Resistance Education] Graduation for students at St. Michael's School with Major Troy Rettig and Officer Brett Leathers, who was in charge of the D.A.R.E. class.
- F. Attended a D.A.R.E. Graduation for students at the Church of the Nativity School with Police Chief John Meier and Officer Mark Chudik, who was in charge of the D.A.R.E. class.
- G. Mayor Dunn gave a presentation to Corporate Resource Alliance members updating them on activities in Leawood.
- H. Attended a retirement reception for Gardner Mayor Carol Lehman, who retired after 20 years of dedicated service to her community. It was very well attended, including: Congressman Dennis Moore, Johnson County Commission Chairwoman Annabeth Surbaugh, Johnson County Commissioners, Johnson County Mayors and Legislatures representing that area.
- I. Attended a dedication of the Blanco sculptures with Jorge Blanco and his wife at Leawood City Park. Councilmembers Rawlings and Azeltine, Leawood Arts Council Chair Mary Tearney, Art and Public Places Initiative Chair Dr. Ann Kenney, Parks & Recreation Director Chris Claxton and Cultural Arts Coordinator April Bishop were among those in attendance. Area students entered a sculpture naming contest and the winning names were: "Run Red Run" and "For the Goal."

9. COUNCILMEMBERS' REPORT – None.

10. STAFF REPORT

- A. Update from Shane Gardner on IRONHORSE Golf Course

Shane Gardner, Orion Management Solutions, stated last year there were 88 Triple Crown members and this year there are 67 with expectation to increase. People under contract with other private clubs have inquired about membership when their contracts expire in May.

There were 78 members in the Ironhorse Golf Association last year with 47 this year. He indicated they would have a few additional members with a total of approximately 50-52 toward the end of May.

They recommended lower pricing for leagues at the last Council meeting and reported they had 56 last year and will have approximately 70 this year. The largest growth will be in the women's leagues coming from private clubs. They have assisted area churches in establishing leagues. Ironhorse is the home course for the Executive Women's Golf Association with approximately 20-28 players. There will be a couple's league on Sundays and are anticipating 20 couples.

From a marketing standpoint, they have had radio spots for the last six weeks and will continue through April. There will be a radio remote to take place on April 30th, along with a demonstration day. There are direct mailings going to over 13,000 households in Leawood and Overland Park.

B. Update from Pete Spratlin on IRONHORSE Golf Course

Pete Spratlin, Superintendent Ironhorse Golf, stated the course was doing well. There have been several heavy rains; however, it has not flooded. The pre-emergent and fertilizers have been applied and taken effect. He indicated they have received nothing but compliments.

Councilmember Bussing confirmed with Mr. Spratlin that the greens were functioning as needed; however, they had experienced “winterburn” in several areas due to the fluctuation in temperatures in February and March.

Councilmember Azeltine expressed his appreciation to Mr. Spratlin for all of his hard work and noted the fairways and greens looked great.

Mayor Dunn also thanked Mr. Gardner, Mr. Spratlin and his staff for their work as well.

C. Report from Police Chief John Meier

Police Chief John Meier reported they have adapted a program titled “A Child is Missing.” A few weeks ago, a 10-year old child with autism walked away from home. They called an organization in Florida that pulls up a satellite image of an area and can make 1,000 calls per minute to let people know someone is missing. They received many calls from citizens stating they had seen the young boy walking and noted they had located him. There is no cost to the City and is funded by federal and state grants. They also received calls from people questioning if the program was legitimate and wanted to assure people that if they receive calls, it is a legitimate good program.

Mayor Dunn asked if there had been any press regarding this. Chief Meier indicated the Kansas City Star ran an article and KCTV Channel 5 did a news clip, as well.

Chief Meier noted they have a reverse 911 system where they have to manually put in the phone numbers. They don’t do this unless the members of the Homes Associations give them permission.

Councilmember Gill asked if there was a way the organization could call people back to inform them when they locate someone. Chief Meier stated they don’t make follow-up calls and they needed to establish their own way to inform citizens when missing people are located, such as, the City’s website or Twitter.

Councilmember Filla thought they could put an update in the newspaper that the person had been found.

Councilmember Azeltine asked for clarification of the reverse 911 system. Chief Meier indicated they can only make approximately 65 calls per minute with their system, versus 1,000 the Florida organization can do. They use the reverse 911 for calls such as an area getting burglarized frequently. They have contacted all of the homes associations within the last six months asking them for participation.

D. Report from Parks & Recreation Director Chris Claxton

Ms. Claxton stated they had been working with the Green Initiative Citizens Task Force Committee and currently, there are 33 recycling containers in parks facilities. They have special lids that should prevent large amounts of trash and have a recycling logo on the top. They haven't been used a lot yet due to rain and many games getting cancelled. This will be an education process for people to become aware they are there. They have issued e-mails to coaches regarding the containers and have signage posted at the concession stands.

Parks & Recreation Superintendent Brian Anderson spoke about the recycling dumpsters. Staff will go into the field and empty the trash and recycle containers separately. It appears they are being used correctly. These containers are located at the Lions shelter, Ironwoods Park, and the maintenance facility.

Ms. Claxton noted they also have them located at every hole on the golf course.

COMMITTEE RECOMMENDATIONS

11. PARKS AND RECREATION ADVISORY BOARD

[From the February 10, 2009 Parks & Recreation Advisory Board meeting]

- A. **Ordinance No. 2389** amending § 12-210A of the Code of the City of Leawood, 2000, pertaining to Commercial Use of Parks [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Peppes. The motion carried following a unanimous roll call vote of 7-0. Yea: Councilmembers Rasmussen, Peppes, Gill, Azeltine, Bussing, Filla, and Rawlings. Nay: None. (Councilmember Cain absent).

12. PLANNING COMMISSION

[From the March 10, 2009 Planning Commission meeting]

- A. **Ordinance No. 2390** approving a Preliminary Final Site Plan for Bi-State/Centennial Park – Maxwell Hotel and Salon (Kennel), located south of 143rd Street and east of Overbrook (PC # 09-09) – ***CONTINUED FROM THE APRIL 6, 2009 GOVERNING BODY MEETING*** [Roll Call Vote]

Community Development Director Richard Coleman commented that staff recommends removing Stipulation No. 16 from the memo and leave it as is, approved by the Planning Commission.

David Suttle, Suttle Mindlin Architects, gave a presentation and felt this project was upscale and exceeded the minimum requirements. He referred to the visual courtyard from 143rd Street with heavy landscaping and garden features. Their client wanted to project a hospitality and graciousness image to their clientele.

Mayor Dunn confirmed with Mr. Suttle that the dogs will be quartered on the south elevation of the property.

Mr. Suttle clarified for Councilmember Gill that there will not be veterinary care given at the facility.

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

Mayor Dunn confirmed with Councilmembers Rasmussen and Bussing that they were recommending approval with the change in Stipulation No. 10 on the memo from staff. She clarified this would be an override of the Planning Commissions recommendation; however, after listening to the DVD of the meeting, she thought it was an oversight on their part not to include it because it was discussed and seemed to answer their concern regarding the diminished width of the sidewalk.

The motion carried following a unanimous vote of 7-0. Yea: Councilmembers Rasmussen, Bussing, Peppes, Gill, Azeltine, Rawlings, and Filla. Nay: None. (Councilmember Cain absent).

13. OLD BUSINESS – None.

14. OTHER BUSINESS – None.

15. NEW BUSINESS

- A. **Ordinance No. 2391** amending Chapter 5, Article 5 of the of the Code of the City of Leawood, 2000, by repealing Section 5-524(c); Massage Establishment; Separation of Sexes [Roll Call Vote]

Ms. Bennett indicated this came before Council at the last meeting and they had asked staff to draft something for consideration.

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

Tom Dusterhoft, 4800 W. 135th Street, stated he was the owner of Massage Heights, located at 135th and Roe. They have franchises located across the country and all allow couples massage. This represents 6%-12% of their business and they keep a daily register of patrons.

The motion carried following a unanimous vote of 7-0. Yea: Councilmembers Bussing, Azeltine, Peppes, Filla, Rawlings, Gill, and Rasmussen. Nay: None. (Councilmember Cain absent).

- B. Schedule a Governing Body Work Session [**Tentative**] on Monday, May 4, 2009, at 6:00 P.M., to discuss Potential Legislative Budget Cuts

Mayor Dunn clarified with Mr. Lambers they wouldn't know if this meeting was definite versus tentative until they adjourn the veto session, which was unknown.

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