

Minutes

DVD No. 228

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, January 4, 2010. Mayor Peggy Dunn presided.

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

Mayor/Councilmembers absent: Councilmember Gary Bussing

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief John Meier, Police Department	Joe Johnson, Public Works Director
Chief Ben Florance, Fire Department	Lovina Freeman, HR Director
Richard Coleman, Comm. Dev. Director	Chris Claxton, P&R Director
Mark Klein, Assistant Planning Director	Scott Smith, Web Master
Deb Harper, City Clerk	Pam Gregory, Assistant City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Peppes; seconded by Councilmember Gill. The motion carried following a unanimous vote of 7-0. (Councilmember Bussing 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 - None.

6. SPECIAL BUSINESS

A. **Public Hearing:** Proposed Assessments for One Nineteen Development [CIP #80456]

Due to no one being present to speak, a motion to close the Public Hearing was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0. (Councilmember Bussing absent).

- B. **Ordinance No. 2426** levying assessments on lots, pieces and parcels of property located in the City of Leawood, Kansas for the purpose of paying for the cost for the One Nineteen Development Project [CIP # 80456] [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Bussing 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. 2009-50, and 2009-51
- B. Accept minutes of the December 7, 2009 Governing Body Work Session
- C. Accept minutes of the December 21, 2009 Governing Body meeting
- D. Accept minutes of the September 15, 2009 Public Works Committee meeting
- E. Approve Cereal Malt Beverage [CMB] license to Walgreen's, located at 5230 W. 151st Street
- F. Approve payment in the amount of \$17,626.08 to League of Kansas Municipalities for 2010 dues and membership
- G. Approve Co-op Bid for the purchase of patrol vehicles from Olathe Ford in the amount of \$194,826.00
- H. **Resolution No. 3321** approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$6,800 between the City and Shafer, Kline & Warren [SKW] pertaining to the 2010 Residential Mill & Overlay Project [# 70008]
- I. **Resolution No. 3322** approving and authorizing the Mayor to execute a County-Assisted Road System [CARS] Inter-local Agreement between the City and the Board of County Commissioners of Johnson County, Kansas [BOCC] pertaining to the 135th St between State Line Road and Nall Avenue Improvement Project [# 72027]
- J. **Resolution No. 3323** approving and authorizing the Mayor to execute a Professional Service Agreement between the City and Polo Lawn Service, pertaining to property maintenance of various lots and parcels of land
- K. **Resolution No. 3324** approving and authorizing the Mayor to execute a Lease Agreement between the City and Troon Beverages of Texas, LLC, for the purpose of the sale of alcoholic beverages at Ironhorse Golf Club, located at 15400 Mission Road
- L. **Resolution No. 3325** approving a Final sign Plan for Park Place, SFP, located at 11500 Ash (PC Case # 75-09) *[from the November 24, 2009 Planning Commission meeting]*

- M. **Resolution No. 3326** approving a Final sign Plan for Park Place, ZTE USA, located at 11551 Ash (PC Case # 84-09) [*from the November 24, 2009 Planning Commission meeting*]
- N. Declaration of surplus property; 47 tables from Parks & Recreation

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

8. MAYOR'S REPORT

- A. Mayor Dunn hoped everyone enjoyed the holidays and wished all a Happy New Year.
- B. Mayor Dunn expressed appreciation to Public Works Director Joe Johnson and his great team for a terrific job clearing the streets from the snow storm on Christmas Day.
- C. Attended a Leawood Chamber of Commerce ribbon cutting ceremony with Councilmember Azeltine for Emergent Care Plus, located in Parkway Plaza. Mayor Dunn wished them much success.
- D. Mayor Dunn congratulated the Leawood Lions Club for their Salvation Army Collections in 2009, which totaled \$34,465. They collected even more than in 2008. Since 1956 when collections were first counted at \$122.59, the bell ringing that the Leawood Lions have done to date totals \$716,066 for the Salvation Army. They notoriously receive an award as the organization that brings in the most dollars. Mayor Dunn noted special recognition to Big Lion Harry Malnicof who is the former Finance Director for the City of Leawood.
- E. Mayor Dunn thanked Councilmember Greg Peppes for being the Presiding Officer at the December 21, 2009, City Council meeting in her absence.

9. COUNCILMEMBERS' REPORT

- A. **Councilmember Lou Rasmussen**
Discussion regarding the land use planning and Scope of Project for two tracts of land located at 117th & Tomahawk Creek Parkway [11 acres] and the northeast corner of 117th & Roe [5 acres]

Councilmember Rasmussen stated the Council had previously asked the staff to hire an architectural firm for a design bid/build proposal for a Justice Center. He understood staff was seeking proposals to perform land use planning for property located at 117th and Tomahawk Creek Parkway, which is the location for the Justice Center. The other location, 117th and Roe, is under condemnation. He was concerned that the project had gone beyond the direction from Council and felt the proposals remove almost every function from City Hall; legal staff, information staff, Parks and Recreation staff, etc. In considering the value of both tracts of land, he thought they should narrowly focus the scope of the project and consider commercial possibilities. He understood the concerns of the Police Department in regards to their existing location and thought if they were going to have land/space use planning, it should be more narrowly determined and they should take other existing properties into consideration.

City Administrator Scott Lambers indicated the existing Police Station site was not included in the original description for considering land use; they had focused on nearby sites. Once there is a contract, it wouldn't be a problem if the Council wanted to amend it to provide for this as well.

They were proposing a Master Plan to show not only the anticipated and possible development of the tract of land at 117th and Roe, but also the ultimate development of the 11 acres. As part of this, the Council had done a needs assessment for a proposed Community Center. He recommended they also consider a Fire Station to house the aerial truck and pumper to improve response time. This Master Plan would display the layout of the land and the proposed structures in a very preliminary design and show how the streets and pedestrian access points would work. Once the Master Plan is developed, they would return before the Council for approval of a Preliminary Plan to be submitted. They would then move forward in selecting an engineer and architect to design the building.

The Final Plan would include only the Justice Center site; however, it would show how everything would work together. Although the Community Center, Fire Station, and Activity Center may never become a reality, his intent was to provide the Council with an overall concept of the development of the Justice Center site.

Mayor Dunn confirmed they had been focusing the construction on the Justice Center; however, they were abiding by the Planning process showing possible future uses for the sites. She indicated they would be open to the idea of selling part of the land if it was proposed.

Mayor Dunn confirmed with Mr. Lambers that the proposals would return to Council for approval by the first meeting in February.

Councilmember Azeltine confirmed with Mr. Lambers that the inclusion of the other proposed entities would not increase the cost of the Master Plan. Costs will be incurred when they get into the detail of the Preliminary and Final Plan. The budget total is \$16 Million for the entire plan.

Councilmember Peppes asked if the north Police Station should be included in the Master Plan. Mr. Lambers noted if the Council wanted to include this it could be done; however, it needed to be tracked separately and would require a separate budget.

Councilmember Azeltine wasn't in favor of this until they could determine a use for the old Police Station. Mr. Lambers stated this process would involve a consultant coming in to discuss the Council's plans and they would then return with an overall plan. Mr. Azeltine wanted to include public input on this. Mr. Lambers thought it would help the process if the Governing Body first had an idea of what they wanted. Due to the size of the land and restrictions of the surrounding land uses, it is limited on what the uses can be.

Councilmember Rasmussen reiterated his concerns to remove some of the departments from City Hall. They had unanimously agreed that the Police and Justice Departments needed a new facility; however, had not intended on moving other departments.

Mayor Dunn stated the Court, Police, and Legal Departments were all planned to be moved to the Justice Center and the IS Department was the only new addition. Mr. Lambers stated the IS Department includes five positions and would not occupy much square footage. The reason for moving them is because of City Hall security concerns. There are many access points and it is highly used by the public. The Justice Center will not have public access to most of the building; therefore, the City's computer system will have the utmost security. In the future, the Council Chambers may need metal detectors and they are currently planning for this at the Justice Center. He wanted to continue to keep City Hall open to the public and not have security worries.

Councilmember Rasmussen reiterated that they should consider their other existing properties and noted concern going from taxable to tax exempt property.

B. Councilmember Debra Filla

Second Annual Homes Association meeting to be held at the Lodge at Ironwoods Park on February 11, 2010, at 5:30 P.M., to discuss updates on recycling

Councilmember Filla reported that the Green Initiative Citizens Task Force was planning discussion to include a City-wide circulation day for large item pickup and the concept of "Stream Teams" as part of their conservation.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PARKS AND RECREATION ADVISORY BOARD

Recommendation from Parks and Recreation Advisory Board regarding signage at Gezer Park, located at 13300 Mission Road- ***CONTINUED TO THE JANUARY 19, 2010 GOVERNING BODY MEETING***

12. PLANNING COMMISSION

[from the November 24, 2009 Planning Commission meeting]

- A. **Ordinance No. 2427** approving a Special Use Permit [SUP] to allow a wireless communication facility for Leawood South Country Club – Clearwire Wireless Broadband, located at 12838 Pembroke Circle (PC Case # 66-09) [Roll Call Vote]

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

Councilmember Gill thought this new super-high speed wireless communication was a terrific asset to the community.

The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Bussing absent).

- B. **Ordinance No. 2428** approving a Special Use Permit [SUP] to allow a wireless communication facility for Bank of Blue Valley – Clearwire Wireless Broadband, located at 13401 Mission Road (PC Case # 81-09) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Azeltine. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Bussing absent).

- C. **Ordinance No. 2429** approving a Special Use Permit [SUP] to allow a wireless communication facility for CBIZ – Clearwire Wireless Broadband, located at 11440 Tomahawk Creek Parkway (PC Case # 80-09) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Rawlings. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Bussing absent).

- D. **Ordinance No. 2430** amending Section 16-2-10.3 of the Leawood Development Ordinance [LDO] Materials and Colors, pertaining to roofing materials and colors in Single Family Residential Districts (PC Case # 85-09) [Roll Call Vote]

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

Mayor Dunn confirmed with Community Development Director Richard Coleman that there was no change in the aesthetic requirements for the roofing materials.

The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Bussing absent).

- E. **Ordinance No. 2431** amending Section 16-4-1 of the Leawood Development Ordinance [LDO] Accessory Uses, pertaining to hot tubs in Residential Districts (PC Case # 87-09) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Peppes. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Bussing absent).

[from the December 8, 2009 Planning Commission meeting]

- F. **Ordinance No. 2432** approving a Special Use Permit [SUP] and Revised Final Site Plan to allow packaged liquor sales under new ownership for Market Square Center, Lancaster Liquor, located within the Market Square Development on the southeast corner of 133rd Street and Mission Road (PC Case # 83-09) [Roll Call Vote]

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

Councilmember Peppes confirmed with Mr. Coleman that this SUP meets the 20-year maximum requirement. Dr. Peppes asked what recourse the City has if they begin to have issues with applicants selling to minors. Mr. Coleman thought this would be handled through the Police Department.

City Clerk Deb Harper stated the Alcoholic Beverage Control [ABC] Division in Topeka closely monitors retailers and if there are any habitual problems, their liquor license would be revoked immediately.

The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Bussing absent).

13. OLD BUSINESS – None.

14. OTHER BUSINESS – None.

Mayor Dunn reminded the Council that the next meeting will be on Tuesday, January 19, 2010, due to the Martin Luther King holiday on Monday, January 18, 2010.

15. NEW BUSINESS

- A. **Ordinance No. 2433C** amending Sections 1-839 through 1-842, of the Code of the City of Leawood, 2000, pertaining to the establishment of the One Nineteen Transportation Development District [TDD] Tax Agency Fund [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Gill. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Bussing absent).

There being no further business, the meeting was adjourned at 8:20 P.M.

ADJOURN

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk