

**Minutes**

DVD No. 242

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, September 20, 2010. Mayor Peggy Dunn presided.

**Councilmembers present:** Julie Cain, Andrew Osman, James Azeltine, Debra Filla, and Jim Rawlings

**Mayor/Councilmembers absent:** Gary Bussing and Lou Rasmussen

<b>Staff present:</b> City Administrator Scott Lambers	Patty Bennett, City Attorney
Chief John Meier, Police Department	Joe Johnson, Public Works Director
Deputy Chief Randy Hill, Fire Dept.	Lovina Freeman, HR Director
Mark Andrasik Info. Systems Director	Mark Klein, Assistant Planning Dir.
Chris Claxton, P&R Director	Deb Harper, City Clerk
Brian Anderson, Parks Superintendent	Pam Gregory, Assistant City Clerk
Richard Coleman, Comm. Dev. Director	

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted the following modification to the agenda:

- Planning Commission Item No. 14D – Withdrawn

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion carried following a unanimous vote of 5-0. (Councilmembers Bussing and Rasmussen 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 3 MINUTES.**

Candy Birch, League of Women Voters of Johnson County, reported the Board of County Commissioners was preparing to adopt the Code of Regulations for its Solid Waste Management Plan and wanted to encourage municipalities to develop procedures that support the plan.

Mayor Dunn stated after the County's meeting, Councilwoman and Sustainability Advisory Board Chair Debra Filla had given a report on this to the Governing Body. They have since forwarded a letter supporting the County's efforts and have ongoing endeavors throughout Leawood.

**4. PROCLAMATIONS**

**Fire Prevention Week, October 3-9, 2010**

Mayor Dunn read the proclamation into the record.

**Leawood Lions Pancake Days, October 15-17, 2010**

Mayor Dunn read the proclamation into the record.

**American Mensa's 50<sup>th</sup> Anniversary Day**

Mayor Dunn proclaimed September 30, 2010, as American Mensa's 50<sup>th</sup> Anniversary Day.

**5. PRESENTATIONS/RECOGNITIONS – None.**

**6. SPECIAL BUSINESS**

Mayoral Appointment of Councilmember Jim Rawlings on Selection Panel for review and selection of Architectural Engineering Services for the Justice Center to be located at 117<sup>th</sup> & Tomahawk Creek Parkway

A motion to approve the Mayoral Appointment of Councilmember Jim Rawlings to serve on the Selection Panel for review and selection of Architectural Engineering Services for the Justice Center was made by Councilmember Osman; seconded by Councilmember Cain. The motion carried following a unanimous vote of 5-0. (Councilmembers Bussing and Rasmussen 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 No. 2010-34, 2010-35, and 2010-36
- B. Accept minutes of the September 7, 2010 Governing Body meeting
- C. Accept minutes of the July 28, 2010 Stormwater Management Committee meeting
- D. Accept minutes of the July 27, 2010 Arts Council
- E. Accept minutes of the July 22, 2010 Ironhorse Advisory Board meeting – *[Continued from the September 7, 2010 Governing Body meeting]- CONTINUED TO THE OCTOBER 18, 2010 GOVERNING BODY MEETING*
- F. Approve retail liquor store license for Camelot Court Wine & Spirits Liquors, located at 11841 Roe Avenue
- G. **Resolution No. 3462** approving and authorizing the Mayor to execute a Mutual Release and Settlement Agreement by and between the City, Oddo Development Company, Inc., Diane Binckley, and Ochsner, Hare & Hare LLC.
- H. **Resolution No. 3463** approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$2,500 between the City and Larry Young, pertaining to the placement of temporary art, 'Introspection,' to be placed to the west of the Leawood City Hall, 4800 Town Center Drive
- I. Fire Department Monthly Report [August]

- J. Police Department Monthly Report [August]
- K. Municipal Court Monthly Report [August]

A motion to approve the Consent Agenda was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 5-0. (Councilmembers Bussing and Rasmussen absent).

## **8. MAYOR'S REPORT**

- A. Attended the Shawnee Mission Education Foundation's 2010 Fall Breakfast. Hundreds of attendees celebrated the many student accomplishments of this fine school district.
- B. The Annual Police and Fire Department Open House had to be postponed due to inclement weather. The new date is scheduled for Wednesday, September 22<sup>nd</sup>, from 5:00-8:00 P.M.
- C. Attended a ribbon cutting ceremony, sponsored by the Leawood Chamber of Commerce, for "Stick Sisters," located in Hawthorne Plaza. They are a furniture, art and gift retailer. Mayor Dunn wished them much success and extended appreciation for their Chamber membership.
- D. An art dedication was held at City Hall of "Introspection," a sculpture by Larry Young, for Leawood's "Art on Loan" program. Mayor Dunn thanked Art in Public Places Initiative [APPI] Chair Dr. Ann Kenney, Leawood Arts Council Chair Mary Tearney, The Leawood Arts Council and Cultural Arts Coordinator April Bishop for helping to organize this event.
- E. Leawood Fire Chief Ben Florance participated in the launch of an awareness campaign for "Save Haven Law," which is a State Law; however, it was not widely known about. There was a press conference held in Leawood with great coverage in the Kansas City Star. The signage is on display and the Leawood Fire Department is noting that desperate parents can legally surrender their newborns. Mayor Dunn thanked Chief Florance and the Fire Department for their involvement in this.
- F. An upcoming Leawood Arts Council exhibit, co-sponsored by M & I Bank, will be held on October 1<sup>st</sup>, from 5:30-7:00 P.M. The exhibit will feature Mary Ann Clark, Keith and Wanda Davenport, Tara Dawley, Bess Duston and James Smith.
- G. Leawood Arts Council Chair Mary Tearney shared the September issue of "Leawood Lifestyle" magazine, which featured great pictures and a write-up on the Leawood Stage Company's Production of "Guys & Dolls."

## **9. COUNCILMEMBERS' REPORT**

Councilmember Filla - Volunteer 'Stream Teams'

Councilmember Filla reported Leawood was named as Kansas first 'Stream Team' to monitor water quality. They call themselves the "Old Leawood Stream Team" and have chosen the sites to monitor. They will hold an Open House for anyone interested in joining or forming another team on October 14<sup>th</sup>, from 7:00-8:00 P.M., in the Oak Room at City Hall. Missouri has had stream teams for over 20 years and have approximately 1,300 teams statewide. They have been invited to attend the Community Forum on Kansas Environmental Issues on October 7<sup>th</sup>, which will focus on the importance of water.

**10. STAFF REPORT** – None.

## **COMMITTEE RECOMMENDATIONS**

### **11. ARTS COUNCIL**

**[from the May 25, 2010 Arts Council/APPI meeting]**

Accept recommendation for placement of a permanent art piece, ‘Gate to I-Lan’ by Jesse Small, to be placed at I-Lan Park, 12601 Nall Avenue

Jesse Small, 1909 W. 42<sup>nd</sup> Avenue, Kansas City, Kansas, gave a presentation of the proposed art piece to be placed in I-Lan Park. Since this park has been dedicated to Leawood’s Sister City in I-Lan, Taiwan, they wanted to place the art piece facing east and west on a small island of green space. This will be the best location for visibility from the street. The overall height of the sculpture is 21’ feet.

Councilmember Azeltine asked how the lanterns were fastened to the sculpture and if they could endure high winds. Mr. Small replied that the lanterns only appear to be hanging freely; however, are attached with two bolts and welded to the sculpture. The weight of each lantern is less than 200 pounds. Each bolt has a drop-strength of 2,000 pounds. The sculpture is constructed of steel; however, it still has the ability to give in high winds. He worked with an engineer testing it against wind loads, which helped him determine the need to install deeper footings, threaded rods, and deep base plates. He confirmed the sculpture should be completed by fall, 2011.

A motion to approve the recommendation for placement of the art piece was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 5-0. (Councilmembers Bussing and Rasmussen absent).

### **12. PARKS AND RECREATION ADVISORY BOARD**

**[from the July 7, 2010 Parks and Recreation Advisory Board]**

Approve referral to Planning Commission for further review of the Complete Streets Policy [Bicycle Friendly]

Brian Anderson, Parks and Recreation Superintendent, recalled they had applied to the League of American Cyclists for Leawood to be recognized as a Bicycle Friendly Community. Their recommendations included a priority for the City to have a Complete Streets Policy. The Bicycle Friendly Committee completed a draft of the policy and referred it to the Parks and Recreation Advisory Board for review. During their discussion, they realized some of the City’s policies would impact the Planning Commission and Public Works Department and recommended this be referred to the Planning Commission for further review.

Mayor Dunn clarified that the Complete Streets Policy would be incorporated into the City’s policies, when feasible.

Councilmember Cain noted the Complete Streets Policy would not only help cyclists, but also pedestrians, transit vehicles, children, the elderly, and disabled.

A motion to approve the referral of the Complete Streets Policy to the Planning Commission for further review was made by Councilmember Cain; seconded by Councilmember Filla. The motion carried following a unanimous vote of 5-0. (Councilmembers Bussing and Rasmussen absent).

### **13. STORMWATER MANAGEMENT**

***[from the July 28, 2010 and August 25, 2010 Stormwater Management meeting]***

Approve recommendation not to take action at this time regarding flooding concerns for properties located at 10421 Sagamore, 10330 State Line, and 8505 Lee Boulevard

Councilmember Rawlings recalled that citizens had previously come forward concerned of flooding on their properties. This was referred to the Stormwater Management Committee and, after extensive review; they recommended to take no action at this time.

A motion to approve the recommendation not to take action at this time was made by Councilmember Rawlings; seconded by Councilmember Filla.

Mayor Dunn confirmed with Public Works Director Joe Johnson that Johnson County Wastewater had been working with property owners near 105<sup>th</sup> and Sagamore and on Lee Boulevard to prevent sanitary sewers from backing up into their homes.

The motion carried following a unanimous vote of 5-0. (Councilmembers Bussing and Rasmussen absent).

### **14. PLANNING COMMISSION**

***[from the August 16, 2010 Planning Commission meeting]***

- A. Resolution approving the Planning Commission's recommendation to deny a request for a Rezoning, Preliminary Site Plan, and Preliminary Plat for Reed's Addition, located at 146<sup>th</sup> Terrace and Mission Road (PC Case #70-10) –*[Continued from the August 16, 2010 and September 7, 2010 Governing Body meeting]* – **CONTINUED TO THE OCTOBER 18, 2010 GOVERNING BODY MEETING**

***[from the August 24, 2010 Planning Commission meeting]***

- B. **Ordinance No. 2460** amending § 16-4-1 of the Leawood Development Ordinance [LDO], entitled, Accessory Uses, pertaining to permanent generators for residential structures (PC Case # 20-09)

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

Mayor Dunn noted this came before the Governing Body on September 21, 2009; however, it was remanded to the Planning Commission, which made several improvements.

The motion carried following a unanimous roll call vote of 5-0. Yea: Councilmembers Filla, Azeltine, Osman, Cain, and Rawlings. Nay: None. (Councilmembers Bussing and Rasmussen absent).

- C. **Resolution No. 3464** approving a Revised Final Site Plan for Bi-State/Centennial Park – Pars Consulting Engineering Building, located north of 141<sup>st</sup> Terrace and east of Cambridge. (PC Case # 67-09)

Councilmember Rawlings stated the attorney for the applicant, Jeffrey Zimmerman, was his brother-in-law. He had no knowledge of Mr. Zimmerman's presentation and stated this would not impact his decision for approval or denial of this resolution.

Jeffrey Zimmerman, Esq., 5819 Nieman Road, Shawnee, Kansas, confirmed for Mayor Dunn they were not requesting any signage and would have only the address posted on the building.

Councilmember Cain confirmed with Mr. Zimmerman they had reached an agreement with the contractor to remove the incorrect stone; however, they needed approval of this resolution in order to proceed.

Mr. Coleman confirmed their Temporary Certificate of Occupancy [TCO] was still in effect and staff had been extending it in 30-day intervals. Mr. Zimmerman stated they intend to proceed with the project as soon as they receive approval and obtain all necessary permits. He estimated project completion in 60 days. Mr. Coleman noted the Planning Commission had added a stipulation to not extend the TCO for more than 180 days from the date of approval by the Governing Body.

Mayor Dunn confirmed with Mr. Coleman the awnings would be gray in color, similar to the ones on the buildings to the south. Mr. Zimmerman stated they had agreed at the Planning Commission meeting to place the awnings on all sides of the building; however, since that time, they learned of some utility problems installing the awnings on the second floor rear of the building. They would have issues maintaining them and preferred to not place the awnings on the back of the building. Mayor Dunn stated this would be an override of the Planning Commission's approval and would require a super majority vote. Mr. Zimmerman wanted to proceed and confirmed that wouldn't be necessary; however, they wanted their preference stated in the record.

A motion to approve the resolution was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 5-0. (Councilmembers Bussing and Rasmussen absent).

- \*D. Resolution approving Planning Commission recommendation of denial of a Final Sign Plan for Mission Farms – Development Monument Sign, located at Mission Road and 105<sup>th</sup> Street. (PC Case # 54-10) -**WITHDRAWN**

**[from the September 14, 2010 Planning Commission meeting]**

- E. **Resolution No. 3465** approving a Final Site Plan for Town Center Business Park – Lots 8 and 9, located east of Roe Avenue on Granada Road (PC Case # 83-10)

***Staff Comment: It is the position of the City Administrator that the removal of the staff's recommended stipulation by the Planning Commission regarding the installation and 50% payment of the pedestrian bridge is contrary to the City's policy of providing connectivity to the City's bike-hike trail system. The effective result of the removal of this stipulation would create a dead-end bike-hike trail that leads up to the creek and stops.***

Chuck Peters, Peters & Associates, stated staff had requested they continue the pedestrian walkway through their parking lot. They worked with engineers to connect the path to the existing easement for the bike-hike trail system. The easement was initiated on the original plat in 1995 and was signed again in 2002 as a final plat by the Governing Body. They provided a 25' foot wide easement adjacent to the existing easement and angled the pathway for connectivity to the bridge. The City recommended that the bridge be moved to the south property, which is currently owned by a developer with no easement. The bridge and easement location was shown on the Preliminary Plan, which was approved by the Governing Body. The day before the Planning Commission meeting they received notice of a stipulation to pay 50% of a \$100,000 cost for a bridge with no prior discussion from the City. After doing research, he concluded the current price for a 50' x 10' foot bridge is \$32,700 delivered on-site. He also received cost proposals for the excavation and concrete work, along with costs for miscellaneous materials and labor, which altogether totaled less than \$50,000. Normally, the cost is spread among the properties. The bridge provided by Park Place, located behind City Hall, was through a Special Benefit District [SBD] and was assessed over one million square feet, whereas they only have a 32,000 square foot building. When they bought the property, there was never any mention of a bridge because it wasn't on the property. With everyone in the developments utilizing the bridge, he felt they should all pay their share of the cost and it was unreasonable to ask them to take on the burden.

Community Development Director Richard Coleman stated during the development of the Preliminary Plan, they realized the trail was shown too close to the condominium on the corner. Public Works Director Joe Johnson informed him there was a swale in the easement on the condominium property that drains to the creek and this condominium had recently flooded. They were planning to do drainage work in the creek to help alleviate the flooding and he felt placing the trail there could be a problem. Since the City is trying to acquire the property to the south, he thought they should move the bridge to that property. Normally, this would have been established as a SBD; however, since this was never done, their alternative was to request 50% of the bridge cost. He clarified that in a SBD; the cost would be assessed to all property owners and would be based upon square footage.

City Attorney Patty Bennett stated in order to mandate this; it would require a petition with 51% of the property owners. In the past, this City Council usually requires 100%.

Councilmember Rawlings asked why these property owners were never assessed when the property was first developed. Mr. Coleman thought this was an oversight and confirmed that the bridge was shown on the original plat in 1995.

Councilmember Osman clarified with Mr. Coleman that one original property owner had sold-off parcels in 2001 and at that time the City did not establish a SBD. Mr. Coleman clarified staff's proposal showed part of the bridge to be located on the applicant's property and the remainder on the City's acquired property. Mr. Peters reiterated the bridge was never shown on their property.

Mayor Dunn confirmed that the bridge wasn't proposed to be constructed until there is connection to the trail and the money would be escrowed.

Mr. Johnson stated the design and location of the trail was decided when the City improved Roe Avenue, which runs from Roe to Town Center and eventually to Tomahawk Creek Parkway. It was always intended to have the trail run on the north side of the channel. The bridge was to be placed by the condominiums due to the relatively flat land in order to cross the creek and then connect up to 117<sup>th</sup> Street. The condominium management company wants to re-grade the area to improve drainage. Staff's proposal was to begin the bridge on Mr. Peters property and end on the future City property, which would give them controlled future access of the trail. Once they reach the 117<sup>th</sup> Street connection, they will remove the sidewalk and replace it with the trail.

Councilmember Cain confirmed with Mr. Johnson that when the Tomahawk Creek Condominiums were approved, there were no stipulations requiring them to pay for trail connectivity. Ms. Cain asked if it would be possible to reinstate a SBD if they received 51% approval. Mr. Lambers clarified the cost of this project doesn't warrant a SBD because of the costs associated with the issuance of the bonds and reserve funds. Had the City Council and staff at that time anticipated this bridge, they could have established escrow accounts from each of the properties to pay for it.

Councilmember Cain wanted clarification in all of the discrepancies in the cost of the bridge. Mr. Lambers stated they hadn't come to a conclusion on the final cost and they would leave this open-ended for Mr. Peters to have the ability to contest it at a subsequent date. This would not be an issue to keep the project from moving forward. Mayor Dunn confirmed with Mr. Lambers they would keep no more than 50% of the cost. If for any reason the City acquires the property and decided not to construct the bridge, the money would be returned to Mr. Peters.

Councilmember Cain confirmed with Mr. Coleman that when Mr. Peters purchased the property, the bridge was on the original plat in 1995 and never shown on his property.

Mayor Dunn confirmed with Mr. Johnson that the cost of the 50' foot bridge behind City Hall, including installation, was \$74,000. The proposed bridge will need to be 60' feet. Mayor Dunn noted City Engineer David Ley had stated at the Planning Commission meeting staff had proposed moving the bridge because it would be the least expensive place to cross the creek. Mr. Johnson concurred.

Councilmember Azeltine confirmed with Mr. Coleman that this business park was built out, with exception to the property the City was trying to acquire. Mr. Azeltine agreed with the Planning Commission that Mr. Peters should not have to pay for the City's lack of establishing escrow accounts as the buildings were being constructed.

Mr. Peters stated staff directed him to meet with a member of the Parks and Recreation and Public Works Departments to coordinate funding on a future bridge at Town Center. He then spoke with Councilmember Rasmussen, who informed him of the bridge behind City Hall and that normally the City would assess the properties. Mr. Rasmussen thought a viable solution would be for Mr. Peters to calculate the square footage of the office park, which is 158,600 square feet, to determine his pro-rata share of the cost, which is 6%. The condominium property is 380,000 square feet. This led him to research the bridge cost. In lieu of what Mr. Johnson stated, the bridge shown going over to the condominium property is the shortest distance and flattest location. Their issues with drainage do not solely pertain to the swale, but also to landscaping issues.

Mayor Dunn confirmed with Mr. Peters that the price he quoted at the Planning Commission meeting for the bridge, including installation, was \$49,105. Mr. Peters stated they were not willing to split this cost with the City; however, would pay their pro-rata share. Mayor Dunn thought Mr. Peters had proposed to pay 6% of the cost; however, he never proposed anything and had only calculated what this rate would be. In the interest of moving the project forward, Mr. Peters stated they would be willing to pay 20% of the overall square footage of the office park, excluding the condominiums, which is \$5,000, along with the property given for the easement for the bridge to be moved. Mayor Dunn clarified the bridge shown on the comprehensive plan wasn't necessarily designed for that location. It does, however; designate that a bridge is needed in order to cross the creek.

Councilmember Osman figured of the 158,000 square foot office park and Mr. Peters portion of 32,500 square feet, his pro-rata share would be 20.48%. Assuming the bridge cost and installation is \$50,000; his responsibility would be \$10,000. He proposed that Mr. Peters pay \$10,000 into an escrow account for future construction of the bridge and they proceed with the project. Mr. Lambers stated in fairness to Mr. Peters, a maximum dollar amount should be stated. If they use the proposed 20% and the cost runs over, the City would absorb it. If it is less, he would be reimbursed. These risks are assumed with all escrow agreements involving estimates.

Mr. Peters stated by agreeing to Mr. Osman's proposal, it would be assumed they accept all of the responsibility. Mayor Dunn noted the City would also be paying a large portion. Mr. Peters felt if they accept a pro-rata share, it should be based upon who will benefit and should include the condominiums, which should be calculated at over 500,000 square feet. He couldn't understand why they were being asked to burden the cost of a bridge when other properties in the development were not asked to share in the cost as well. Mayor Dunn stated this was unintentional and thought it was derived from the lack of foresight on the part of planning in the past.

A motion to approve the resolution as recommended by the Planning Commission was made by Councilmember Azeltine. He felt since the escrow accounts were never established, this one applicant should not pay the price and they should include this as a part of the Capital Improvement Program [C.I.P.].

Councilmember Filla confirmed Mr. Peters calculations for payment of \$5,000 was based upon the condominiums being included in the square footage; Councilmember Osman's calculations for payment of \$10,000 was based upon only the business park square footage, excluding the condominiums.

After receiving clarification of the Planning Commission's removal of some stipulations, Councilmember Osman seconded the motion.

Councilmember Filla made a friendly amendment to the motion to include a stipulation that Mr. Peters escrow \$5,000 toward future construction of the bridge.

Councilmembers Azeltine and Osman accepted the friendly amendment.

Mr. Lambers recommended they add a stipulation to include both the Planning Commission easement and the staff recommended easement so both options would be available to the City in the future.

Councilmember Cain made a friendly amendment to the motion to include both the Planning Commission easement and the staff recommended easement as an additional stipulation.

Councilmembers Azeltine and Osman accepted the friendly amendment.

Mr. Peters agreed to all of the easements that had been requested.

Mayor Dunn clarified the motion was to approve the resolution with an additional stipulation to escrow \$5,000 toward the cost of the bridge and a second stipulation to include both easements so the City would have options for future crossing and location of the bridge. This is an override of the Planning Commission's recommendation, which will require six votes in the affirmative to approve.

The motion carried following a unanimous vote of 6-0. Yea: Mayor Dunn, Councilmembers Azeltine, Osman, Filla, Cain, and Rawlings. Nay: None. (Councilmembers Bussing and Rasmussen absent).

**[from the March 24, 2009 Planning Commission meeting]**

F. Ordinance approving a Revised Preliminary Site Plan for Town Center Business Park, Lots 4, 5 and 6, located on the northeast corner of 117<sup>th</sup> Street and Roe Avenue [MD ASSOCIATE #4, Inc., - Case # 04-09] [Roll Call Vote]

***CONTINUED FROM THE SEPTEMBER 8, 2009, MARCH 1, 2010, APRIL 5, 2010 AND SEPTEMBER 20, 2010 GOVERNING BODY MEETINGS***

***Staff Comment: Staff recommends a continuation to the November 15, 2010 Governing Body meeting***

A motion to continue this to the November 15, 2010, Governing Body meeting was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 5-0. (Councilmembers Bussing and Rasmussen absent).

**15. OLD BUSINESS** – None.

**16. OTHER BUSINESS** – None.

**17. NEW BUSINESS**

- A. Affirmation of appointment of Mayor Dunn as voting delegate to Kansas League of Municipalities at the 2010 LKM Conference to be held October 9-12, 2010 at the Overland Park Convention Center

A motion to approve the affirmation of appointment of Mayor Dunn was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 5-0. (Councilmembers Bussing and Rasmussen absent).

- B. **Ordinance No. 2461C** amending Chapter 11, Article 9 of the Code of the City Of Leawood, Kansas, 2000, entitled "Smoking" by amending § 11-903 through 11-906; and repealing existing § 11-903 Through 11-907, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 5-0. Yea: Councilmembers Azeltine, Filla, Osman, Cain, and Rawlings. Nay: None. (Councilmembers Bussing and Rasmussen absent).

- C. **Ordinance No. 2462C** amending Chapter 14, Article 1 of the Code of the City Of Leawood, Kansas, 2000, by amending § 14-101 through 14-113, pertaining to regulating traffic within the corporate limits of the City of Leawood; incorporating by reference the 'Standard Traffic Ordinance For Kansas Cities, 2010 Edition,' [STO] with certain amendments, such incorporation being authorized by K.S.A. § 12-3009 Through 12-3012, and K.S.A. § 12-3301 and 12-3302; repealing existing Sections 14-101 through 14-113; and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous roll call vote of 5-0. Yea: Councilmembers Filla, Cain, Azeltine, Osman, and Rawlings. Nay: None. (Councilmembers Bussing and Rasmussen absent).

- D. **Ordinance No. 2463C** amending § 11-101 through 11-106 and adding a new § 11-105A of the Code Of The City Of Leawood, 2000, pertaining to regulating public offenses within the corporate limits of the City Of Leawood; incorporating by reference the 'Uniform Public Offense Code For Kansas Cities,' 2010 Edition, [UPOC] with certain amendments and omissions, such incorporation being authorized by K.S.A. §12-3009 through 12-3012, and K.S.A. § 12-3301 and 12-3302, and repealing existing § 11-101 through 11-106, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Rawlings. The motion carried following a unanimous roll call vote of 5-0. Yea: Councilmembers Cain, Rawlings, Azeltine, Osman, and Filla. Nay: None. (Councilmembers Bussing and Rasmussen absent).

- E. Schedule an Executive Session immediately following the regular October 18, 2010 Governing Body meeting, to discuss matters related to attorney-client privilege

A motion to approve the Executive Session was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 5-0. (Councilmembers Bussing and Rasmussen absent).

Mayor Dunn noted a reminder that the October 4, 2010, Governing Body meeting had been cancelled.

**ADJOURN**

There being no further business, the meeting was adjourned at 10:10 P.M.

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Debra Harper, CMC, City Clerk

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Pam Gregory  
Recording Deputy City Clerk