

Minutes

DVD No. 282

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, June 18, 2012. Mayor Peggy Dunn presided.

Councilmembers present: Debra Filla, Carrie Rezac, Jim Rawlings, Julie Cain, James Azeltine, Andrew Osman, Gary Bussing, and Lou Rasmussen

Mayor/Councilmembers absent: None

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief John Meier, Police Dept	Chris Claxton, P&R Director
Interim Chief Steve Duncan, Fire Dept	Joe Johnson, PW Director
Jack Reece, Info Systems	Lovina Freeman, HR Director
Richard Coleman, Comm Dev Director	Deb Harper, City Clerk
Mark Klein, Planning Official	Pam Gregory, Assistant City Clerk
Dawn Long, Finance Director	

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following modifications to the agenda:

- Item No. 6A – Continued to the July 2, 2012, Governing Body meeting
- Addition of Item No. 10 - Staff Report from Public Works Director Joe Johnson

A motion to approve the Amended Agenda was made by Councilmember Rawlings; seconded by Councilmember Rezac.

City Administrator Scott Lambers clarified Item No. 6A was continued because the applicant was unable to secure the signatures for new ownership of the One Nineteen Development. The addition of Item No. 10 was due to Mid-America Regional Council [MARC] needing a participation commitment from the City by the end of the week as a part of their application for federal funding to install conduit and fiber optic along the 135h Street corridor. City staff supports their request.

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

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**

4. PROCLAMATIONS - None

5. PRESENTATIONS/RECOGNITIONS GFOA Distinguished Budget Presentation Awards Program for 2012

Mayor Dunn presented Finance Director Dawn Long and Budget Coordinator Kathy Byard with the Government Finance Officers Association [GFOA] Distinguished Budget Presentation Award for 2012.

6. SPECIAL BUSINESS

*** A. Resolution accepting for filing the Second Amended and Restated Petition for Creation of Transportation Development District for the One Nineteen Development located on the southeast corner of 119th Street and Roe Avenue, pursuant to K.S.A. §12-12,144 et seq.; calling and providing for the giving of notice of a public hearing on the advisability of amending the 119th Transportation Development District [CIP #80456] –***CONTINUED TO THE JULY 2, 2012 GOVERNING BODY MEETING***

B. **Resolution No. 3821** approving and authorizing the Mayor to execute a Land Purchase Agreement between the City and Block Development Company, in the amount of \$2,200,000.00, pertaining to the City real property located on 114th Street, west of Tomahawk Creek Parkway

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

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. 2012-21, and 2012-22
- B. Accept minutes of the May 21, 2012 Governing Body Work Session
- C. Accept minutes of the June 4, 2012 Governing Body meeting
- D. Accept minutes of the May 8, 2012 Parks and Recreation Advisory Board
- E. **Resolution No. 3833** calling for a public hearing to be held on Monday, August 6, 2012 at 7:30 P.M., to consider the 2013 Fiscal Budget for the City of Leawood, Kansas
- F. **Resolution No. 3822** approving and authorizing the Mayor to execute a Fiduciary Engagement Letter with George K. Baum & Company, to provide financial advisory services

- G. **Resolution No. 3823** accepting a Storm Sewer Easement from Bruce E. Ecton, Lot 979, 3000 W. 81 Terrace, pertaining to the 2012 Residential Street Reconstruction Project
- H. **Resolution No. 3824** accepting a Storm Sewer Easement from Brian L. and Tamara J. Faris, Lot 997, 3021 W. 81 Terrace, pertaining to the 2012 Residential Street Reconstruction Project
- I. **Resolution No. 3825** accepting a Storm Sewer Easement from Amy Lynne Bond, Lot 985, 3200 W. 81 Terrace, pertaining to the 2012 Residential Street Reconstruction Project
- J. **Resolution No. 3826** accepting a Storm Sewer Easement from Bryan Robert Bradford and Lindsay McWilliams Bradford, Lot 996, 3201 W. 81 Terrace, pertaining to the 2012 Residential Street Reconstruction Project
- K. **Resolution No. 3827** accepting a Storm Sewer Easement from Phil Buttell, Lot 986, 3204 W. 81 Terrace, pertaining to the 2012 Residential Street Reconstruction Project
- L. **Resolution No. 3828** accepting a Storm Sewer Easement from J. Michael Gillaspie and Lee Anne Hays, Lot 1005, 3022 W. 82 Street, pertaining to the 2012 Residential Street Reconstruction Project
- M. **Resolution No. 3829** accepting a Storm Sewer Easement from Dolores G. Berry, Trustee, Lot 1017, 3023 W. 82 Street, pertaining to the 2012 Residential Street Reconstruction Project
- N. **Resolution No. 3830** accepting a Storm Sewer Easement from Donald S. and Dorothy Jane Buell, Lot 1006, 3200 W. 82 Street, pertaining to the 2012 Residential Street Reconstruction Project
- O. **Resolution No. 3831** accepting a Storm Sewer Easement from J. David and Lauren L. Conderman, Lot 1016, 3201 W. 82 Street, pertaining to the 2012 Residential Street Reconstruction Project
- P. **Resolution No. 3832** accepting a Storm Sewer Easement from Dana Blay and Marsha Blay, Lot 965, 8031 Wenonga pertaining to the 2012 Residential Street Reconstruction Project
- Q. Fire Department Monthly Report
- R. Police Department Monthly Report
- S. Municipal Court Monthly Report

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

8. MAYOR'S REPORT

- A. Mayor Dunn was joined by Councilmember James Azeltine at a Leawood Chamber of Commerce ribbon cutting ceremony for Dr. Adam Dinkel, Chiropractic Services, located at 13010 State Line Road. Mayor Dunn wished him much success.

- B. Mission Mayor Laura McConwell hosted the Johnson & Wyandotte Counties Council of Mayors meeting, along with the Johnson & Wyandotte Counties legislative delegation members. Discussion included their opinion of the recent legislative session and the impact on local governments and how the legislation from the 2012 session may affect our cities in the future. With the budget that was recently passed, the forecast for 2013 was for \$230 Million less for the State and \$800-\$900 Million less over the next 5 years. They believe schools, social services and transportation reductions will be coming and all will trickle down to the cities.
- C. The Leawood Chamber of Commerce hosted their annual Taste of Leawood event to another sold out crowd of 620 attendees in the courtyard at City Hall. Congratulations to Chamber President Kevin Jeffries and his wonderful team, the Chamber Board, and many Public Works, Parks and Recreation, and Police and Fire professionals who assisted the Chamber in this effort. This was a great fundraiser and fun community event.
- D. Attended a Campaign Kickoff BBQ for Congressman Kevin Yoder at his new campaign headquarters, located in Leawood at College and Roe. U.S. Senator Pat Roberts and Lieutenant Governor Jeff Colyer were in attendance to welcome the crowd. Since Congressman Yoder is unopposed, both in the primary and by a democrat, Mayor Dunn extended her congratulations on behalf of the City of Leawood on his successful campaign.
- E. The City of Leawood will be holding a Public Forum regarding the use of the newly purchased 45 acres of property in Ironwoods Park. The Governing Body directed City staff to initiate a process to facilitate their determination of future uses of Ironwoods Park, both existing and new. The forum will be Thursday, June 21st, from 6:30 to 9:00 P.M. in the Oak Room at City Hall. All are invited to attend. Citizens who prefer, may forward their written comments to City Administrator Scott Lambers. A DVD copy of the forum and all written comments will be distributed to each member of the Governing Body, Planning Commission and Parks and Recreation Advisory Board as well as being placed on the City's Web page thereafter.

9. COUNCILMEMBERS' REPORT - None

***** 10. STAFF REPORT**

Authorize participation in funding application and cost in the amount of \$75,000 for the installation of conduit & fiber along 135th Street corridor as part of the Mid-America Regional Council [MARC] Operation Green Light [OGL] Program

Public Works Director Joe Johnson reported MARC is seeking federal aid to run fiber optic along 135th Street from Nall to 143rd and tie into 150 Highway to link traffic signals. As a part of this, video cameras will be installed at some of the intersections. Participation would include Leawood, Kansas City, Missouri, and MODOT. The City of Leawood's share of the project is \$75,000. Staff will speak with MARC to ensure the City will have access to the conduit and fiber optic if needed in the future. This cost will be programmed into the 2014/2015 Budget.

A motion to authorize participation in the funding application and cost in the amount of \$75,000 was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the October 25, 2011 Planning Commission meeting]

- A. Ordinance amending Section 16-4-9 of the Leawood Development Ordinance [LDO], Fences and Walls, pertaining to fences constructed on top of a deck (PC Case # 119-11) ***Continued From The November 21, 2011, March 5, 2012, March 19, 2012, April 2, 2012, May 21, 2012, and June 4, 2012 Governing Body Meetings -- -CONTINUED TO THE JULY 16, 2012 GOVERNING BODY MEETING*** [Roll Call Vote]
- B. Ordinance approving zoning, Preliminary Plan and Final Plan for a portion of Ranchmart North, Lot 3, located north of 95th Street and east of Mission Road [PC-52-12] [Roll Call Vote] ***[A Protest Petition was received on May 8, 2012, and has been determined to be valid.]; AND [From the January 24, 2012 Planning Commission meeting]*** A Resolution approving a Final Plan for Ranchmart – Slab N Pickle, located north of 95th Street and east of Mission Road (PC Case # 109-11) ***–Continued From the February 20, 2012, March 5, 2012, and March 19, 2012, May 21, 2012 and June 4, 2012 Governing Body Meetings --[CONTINUED TO THE AUGUST 6, 2012 GOVERNING BODY MEETING]***

Staff Comment: A separate vote on the zoning ordinance and final plan resolution is necessary and it is recommended that the zoning ordinance be voted upon first.

[From the May 22, 2012 Planning Commission meeting]

- C. **Ordinance No. 2544** approving a Preliminary Plan for Hallbrook Country Club, located north of 114th Street and west of State Line Road. (PC Case 35-12) [Roll Call Vote]

Councilmember Cain disclosed she is a member of the Country Club; however, has no financial interest. City Attorney Patty Bennett replied if she felt this could create an interest of impropriety she could be recused; however, it would not be required under the State statute.

Brick Owens, NSPJ Architects, requested approval of their proposal for an additional 3,460 square feet of improvements to the pool, tennis, fitness building, and bathhouse. The HVAC units are being replaced from the ground to the roof. Shade structures are being added on the south side to the bathhouse for additional comfort to the pool area. The fitness area wraps around the south and west sides of the building taking advantage of the views to the golf course. The lap siding will match what currently exists. Additional dormers will be added to the pool and bathhouse for lighting. They were in agreement with all stipulations. They received a variance from the Board of Zoning Appeals [BZA] for a 16-foot encroachment to the residential area to the south. There will not be any future residential construction.

Councilmember Cain asked if ventilation improvements would be made for the grill. Mr. Owens replied the pool dining area will be enclosed and they are adding grill hoods to improve the ventilation system.

Councilmember Rezac noted there were some resident concerns at the interact meeting regarding the proximity and asked about the landscaping plan. Mr. Owens replied the deed easement was mistaken as the property line. The Country Club deeded the pond to the HOA so they could maintain and be liable for it. They created a 10-foot landscape easement along that line on both sides of the existing fence, which will be fully screened with landscaping.

A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- D. **Ordinance No. 2545** approving a Special Use Permit for a Commercial Daycare for Ironhorse Centre – Building 8 – Little Sunshine Daycare, located south of 151st Street and east of Nall Avenue. (PC Case 43-12) [Roll Call Vote]

Jeff DeGasperi, DeGasperi and Associates Architecture, stated Little Sunshine Playhouse is a daycare center with approximately 90 students, located in Ironhorse Centre in the far northeast corner along 151st Street. They plan to refurbish the interior. The exterior will have a playground, which will be located in a portion of the parking lot that is being removed on the southeast side of the building. The wrought iron fencing will match the existing styles along Ironhorse Centre. There will be a play structure, which is approximately 15' tall. Some of the landscaping adjacent to the golf course will be changed with existing plants being relocated, which will meet all landscaping requirements. There are 7 classrooms consisting of toddlers to 5-year olds. They will maintain the existing drop-off area for parents that are willing to pay more for this added convenience. Modifications to the exterior will include green awnings around the building. Signage will be placed at the front, on the north along 151st Street, and on the east, which fronts the drive of Ironhorse. The signage complies with the criteria established with the centre.

Community Development Director Richard Coleman confirmed the fencing is owned by the developer and was in compliance.

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Bussing. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- E. **Ordinance No. 2546** approving a Preliminary Plan and Final Plan for Ironhorse Center – Building 8 – Little Sunshine Daycare, located south of 151st Street and east of Nall Avenue. (PC Case 43-12) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Bussing. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- F. **Ordinance No. 2547** approving a Special Use Permit for an Assisted Living Facility for a new owner of Grace Gardens, located at the southeast corner of 143rd Street and Nall Avenue. (PC Case 58-12) [Roll Call Vote]

Peter Hartweger, 14323 S. Canon, represented Hilltopper Assisted Living, the potential purchasers of the Grace Gardens facility. This sale is pending approval of the Special Use Permit [SUP].

Mr. Coleman stated there were some property maintenance issues; however, these could be addressed through the Code provisions. Mr. Hartweger confirmed they received notice from City staff regarding this and would include it be taken care of as a condition of the sale.

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Rasmussen. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

12. **OLD BUSINESS** - None

13. **OTHER BUSINESS** - None

14. **NEW BUSINESS - None**

Charter Ordinance No. 40 amending Charter Ordinance No. 27, exempting the City of Leawood, Kansas from the provisions of K.S.A. § 12-681, 12-682, and 13-1038, concerning improvement of certain streets and alleys and providing substitute and additional provisions on the same subjects and repealing any provisions in conflict herewith [Roll Call Vote]

Ms. Bennett stated this clarifies some of the terms of the existing Charter Ordinance.

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Rasmussen. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

ADJOURN

There being no further business, the meeting was adjourned at 8:17 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Assistant City Clerk