

**CITY OF LEAWOOD
GOVERNING BODY
MEETING AGENDA**

Monday, January 5, 2009
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

JANUARY						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

ACTION AGENDA

(This agenda is subject to changes, additions or deletions at the discretion of the City Council)

Mayor Peggy Dunn

Councilmembers

Ward One

Debra Filla
Gregory Peppes

Ward Two

Louis Rasmussen
Jim Rawlings

Ward Three

Gary Bussing
Mike Gill

Ward Four

Julie Cain
James Azeltine

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

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

5. PRESENTATIONS/RECOGNITIONS

6. SPECIAL BUSINESS

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. 1117B, 1118A, 1118B, and 1118C - **Accepted**
- B. Accept Minutes of the December 1, 2008 Special Call Governing Body meeting - **Accepted**

- C. Accept Minutes of the November 13, 2008 Green Task Force Committee meeting- **Accepted**
- D. Accept Minutes of the November 14, 2008 Stormwater Management Committee meeting- **Accepted**
- E. Accept Minutes of the November 20, 2008 Ironhorse Golf Course Advisory Board meeting - **Accepted**
- F. Approve 5th and Final Pay Request in the amount of \$83,051.40 to JM Fahey, pertaining to the 2008 Residential Street Reconstruction Project [Project # 80208] - **Approved**
- G. Approve 7th and Final Pay Request in the amount of \$12,491.00 to Bruner Contracting, pertaining to Leawood Public Works Vehicle Storage [Project # 76011] - **Approved**
- H. Approve 3rd and Final Pay Request in the amount of \$98,530.62 to JM Fahey, pertaining to the 2008 Mill & Overlay Project [Project # 70004 & 77008] - **Approved**
- I. Approve payment in the amount of \$797,758.45 to Kansas City Power and Light [KCPL] pertaining to the burying of power lines along Nall Avenue between 143rd and 154th Street, in accordance to that certain Utility Agreement dated February 5, 2007 [Project # 80143] - **Approved**
- J. Resolution No. 3148 calling for a public hearing to be held on Monday, February 2, 2009 to consider the 2010-2014 Capital Improvement Program [C.I.P.] for the City of Leawood, Kansas- **Approved**
- K. Resolution No. 3149 approving and authorizing the Mayor to execute a Retainer Agreement between the City and Bottaro, Morefield & Kubin, L.C., pertaining to the Oddo litigation- **Approved**
- L. Resolution No. 3150 approving a Final Site Plan for tenant finish for Parkway Plaza - Sumo Restaurant, located at the northwest corner of 135th Street and Roe Avenue (PC Case #94-08) - **Approved**
- M. Resolution No. 3151 accepting Public Infrastructure Improvements through private development Pinnacle Centre II and IV, located at 114 Street, Phase 2, in accordance with the GASB-34 Guidelines of reporting inventory of Assets- **Approved**
- N. Resolution No. 3152 accepting Public Infrastructure Improvements through private development OneNineteen Shops located on the northeast corner of 119th & Roe Avenue, in accordance with the GASB-34 Guidelines of reporting inventory of Assets- **Approved**
- O. Resolution No. 3153 accepting Public Infrastructure Improvements through private development Chadwick Street, at 135th to 137th Streets, in accordance with the GASB-34 Guidelines of reporting inventory of Assets- **Approved**
- P. Resolution No. 3154 accepting Public Infrastructure Improvements through private development Tuscany Reserve Village, at 137th & Chadwick, in accordance with the GASB-34 Guidelines of reporting inventory of Assets- **Approved**
- Q. Resolution No. 3155 accepting Public Infrastructure Improvements through private development Leabrooke, 5th Plat, at 146th & Manor, in accordance with the GASB-34 Guidelines of reporting inventory of Assets- **Approved**

8. MAYOR'S REPORT

- A. Contribution in the amount of \$1,570.00 from the Cloisters Homes Association to be evenly distributed between the Police and Fire Departments - **Accepted**

9. COUNCILMEMBERS' REPORT

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. IRONHORSE GOLF COURSE ADVISORY BOARD

[From the December 12, 2008 Ironhosre Golf Course Advisory Board meeting]

- A. Accept recommendation of expenditure in the amount of \$4,750.00 for the replacement of the pond fountain on No. 11- **Accepted**

12. PLANNING COMMISSION

[From the September 23, 2008 Planning Commission meeting]

- A. Resolution approving the Planning Commission's recommendation to deny a Rezoning, Preliminary Site Plan, and Preliminary Plat for Town Center Business Park - Walgreens, located on the northeast corner of 117th Street and Roe Avenue **CONTINUED FROM THE OCTOBER 20, AND NOVEMBER 3, 2008 GOVERNING BODY MEETINGS –THIS ITEM HAS BEEN WITHDRAWN**
- B. Resolution approving the Planning Commission's recommendation to deny a Special Use Permit for Town Center Business Park - Walgreens, located on the northeast corner of 117th Street and Roe Avenue **CONTINUED FROM THE OCTOBER 20, AND NOVEMBER 3, 2008 GOVERNING BODY MEETINGS –THIS ITEM HAS BEEN WITHDRAWN**
- C. Resolution approving the Planning Commission's recommendation to deny a Preliminary Site Plan for Town Center Business Park - Discover O, located at the north of 117th Street and east of Roe Avenue **CONTINUED FROM THE OCTOBER 20, AND NOVEMBER 3, 2008 GOVERNING BODY MEETINGS –THIS ITEM HAS BEEN WITHDRAWN**
- D. Ordinance amending § 16-2-5.3 (R-1, Planned Single Family Low Density Residential District) of the Leawood Development Ordinance [LDO], pertaining to Building Height (PC Case #56-06) [Roll Call Vote] – **Continued to April 20, 2009 Governing Body Meeting**
- E. Ordinance amending § 16-2-5.4 (RP-1, Planned Single Family Residential District) of the Leawood Development Ordinance [LDO], pertaining to Building Height (PC Case #57-06) [Roll Call Vote] – **Continued to April 20, 2009 Governing Body Meeting**
- F. Ordinance No. 2379 amending § 16-2-5.1 (AG, Agricultural District) of the Leawood Development Ordinance [LDO], pertaining to Building Height (PC Case #77-08) [Roll Call Vote] – **Passed**

- G. Ordinance No. 2380 amending § 16-2-5.2 (RP-A5, Planned Rural Residential District) of the Leawood Development Ordinance [LDO], pertaining to Building Height (PC Case #55-06) - [Roll Call Vote] – **Passed**
- H. Ordinance No. 2381 amending § 16-2-5.5 (RP-2, Planned Cluster Detached Residential District) of the Leawood Development Ordinance [LDO], pertaining to Building Height (PC Case #58-06) - [Roll Call Vote] – **Passed**
- I. Ordinance No. 2382 amending § 16-2-5.7 (RP-4, Planned Apartment House Residential District) of the Leawood Development Ordinance [LDO], pertaining to Building Height (PC Case #53-06) - [Roll Call Vote] – **Passed**

13. OLD BUSINESS

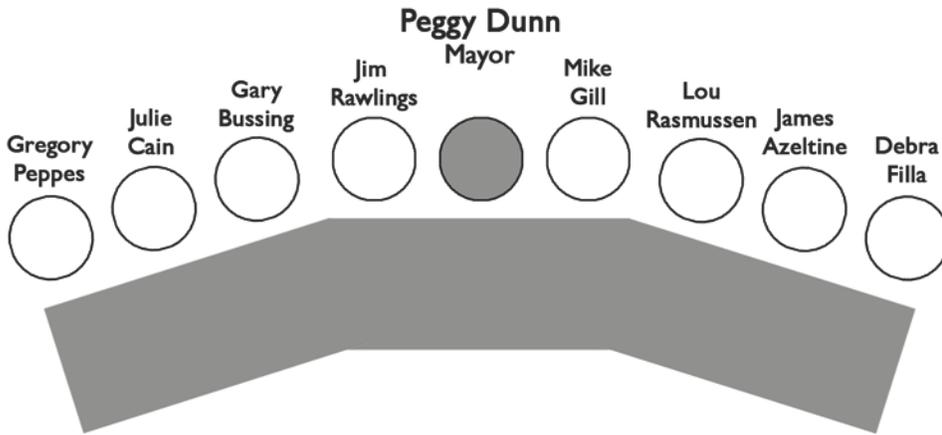
14. OTHER BUSINESS

- A. Discussion regarding easement acquisition [O'Brien] for Roe Avenue Improvement Project between 140th and 143rd Street

15. NEW BUSINESS

ADJOURN

Mayor and City Council



Regular meetings of the Leawood City Council are held the first and third Mondays of each month beginning at 7:30 PM. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

Leawood operates under a Council/Mayor form of government, with a separately elected mayor and 8 council persons. Council members are elected on a non-partisan basis from 4 wards. The Council develops policies and provides direction for the professional city administration. Regular meetings of the Leawood City Council are held the first and third Mondays of each month beginning at 7:30 PM. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

Number of Votes Required:

Non-zoning Ordinances: Majority of the members-elect of the City Council [5]

Charter Ordinances: 2/3 of members-elect of Governing Body [6]

Zoning Ordinances and other Planning Commission Recommendations:

- **Passage of Ordinances Subject to Protest Petition:** ¾ majority of members of Governing Body [7]

- **Approving Planning Commission Recommendation:** Majority of the members-elect of the City Council [5]
 - **Remanding to Planning Commission:** Majority of the members-elect of the City Council [5]
 - **Approving, Overriding, Amending or Revising Recommendation after Remand:** Majority of the members-elect of the City Council [5]
 - **Overriding, Amending or Revising Recommendation:** 2/3 majority of membership of Governing Body [6]
- Note:** Mayor may cast deciding vote when vote is one less than required.