

CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Monday, May 19, 2003
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:00 P.M.

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

****PLEASE NOTE SPECIAL START TIME OF 7:00 P.M.****

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

- Mayor Dunn Councilmembers
- Taylor Rasmussen Gill Story
 Dunn Rawlings Bussing Gullledge

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. Any presentation is for informational purposes only. 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**
- Introduction of Police Mascot “Copper”
 - American Heart Association Life Saving Award Presentations to Police Officers Mark Hackathorn; Matt Brown; Doug Brokaw; and Robert Mahon

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. Approval of Appropriation Ordinance No. 973
- B. Minutes of the May 5, 2003, Governing Body meeting
- C. Minutes of the April 8, 2003, Historic Commission meeting
- D. Minutes of the April 8, 2003, Park & Recreation Advisory Board meeting
- E. Mayoral Appointment of James Rochel to I-Lan Sister City Committee
- F. Approve waiver of Massage Therapy License for 'Race for Hope' Charity Event to be conducted on June 21, 2003, at the Leawood Town Center Plaza
- G. Approve Renewal of Retail Liquor Store License for Wolff's Fine Wines & Spirits, located at 11841 Roe Avenue
- H. Approve purchase in the amount of \$17,000, from Blue Valley Public Safety, pertaining to the purchase of a storm-warning siren
- I. Approve purchase in the amount of \$24,000, from MA-Com Communications, pertaining to the purchase of police portable radios
- J. Approve purchase in the amount of \$5,600 from Worth Harley Davidson for the purchase of police motorcycles
- K. Approve purchase in the amount of \$20,311.00, from Shawnee Mission Ford, for the purchase of a Park & Recreation Vehicle
- L. Approve purchase in the amount of \$43,006.72, from Pioneer Log Homes pertaining to the operations at Ironwoods Park, 14701 Mission Road
- M. Approve purchase of Dump Truck Chassis for Public Works; Sign-Truck Chassis for Public Works; and Pick-up for Parks & Recreation Departments
- N. Approve 5th and Final Payment in the amount of \$1,392.00, to Patton Properties, pertaining to the moving and stabilization of the Oxford Schoolhouse
- O. Resolution approving a Final Site Plan [sign guidelines] for Cornerstone of Leawood, located on the southeast corner of 135th Street & Nall Avenue [*from April 8, 2003, Planning Commission meeting*] [**Companion Resolution**]
- P. Resolution accepting a Revised Final Plat to include a public stormwater easement for Cornerstone of Leawood, located on the southeast corner of 135th Street & Nall Avenue [*from April 8, 2003, Planning Commission meeting*]
- Q. Resolution approving and authorizing the Mayor to execute a Maintenance Agreement between the City and Intergraph Public Safety, Inc., in the amount of \$8,250, pertaining to the Intergraph Software System for the Police Department
- R. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$300.00, with April Hall pertaining to the June 26-29 Leawood Stage Company Production
- S. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and E105.1FM, LLC, for sponsorship services pertaining to the July 4th celebration to be held at City Park, 10601 Lee Boulevard

- T. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement for an amount not to exceed \$1,530.00, between the City and Durham School Services, LT., for shuttle services pertaining to the July 4th celebration to be held at City Park, 10601 Lee Boulevard
- U. Resolution approving consenting to the enlargement of Consolidated Main Sewer District by the Board of County Commissioners of Johnson County, Kansas, pursuant to Johnson County Charter Resolution No. 29-92, for property located on the southeast corner of 135th & Nall Avenue [Cornerstone]
- V. Resolution approving and authorizing the Mayor to execute a Revised Inter-local Agreement, dated March 3, 2003, between the City and Kansas City, Missouri, pertaining to the Resurfacing of State Line Road Project [119th Street – I-435 Highway]
- W. Resolution approving and authorizing the Mayor to execute a Utility Relocation Agreement between the City and Kansas City Power & Light Company [KCPL] in the amount of \$17,246.00, pertaining to the relocation of utilities for the JB-04-008 SMAC Project; from Lee Boulevard to State Line between 103rd Street and I-435 Highway
- X. Resolution granting a Sanitary Sewer Easement to Johnson County Unified Wastewater District [JCUWD] pertaining to the JB-04-008 SMAC Project; located east of Lot 1363, Leawood Estates, commonly known as 10429 Sagamore, and east of Lot 1364, Leawood Estates, commonly known as 10425 Sagamore
- Y. Declaration of surplus property; Miscellaneous Computer Equipment, to be auctioned by Nationwide Auctions
- Z. Declaration of surplus property; miscellaneous Fire Department equipment & furnishings, to be auctioned by Nationwide Auctions
- AA. Police Department Monthly Report
- BB. Fire Department Monthly Report
- CC. Municipal Court Monthly Report

8. MAYOR’S REPORT

9. COUNCILMEMBERS’ REPORT

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. PUBLIC WORKS

[from the April 9, 2003, Public Works Committee meeting]

- A. Resolution adopting a Traffic Calming Policy for the City of Leawood, Kansas

12. PLANNING COMMISSION

[from April 22, 2003, Planning Commission meeting]

- A. Ordinance approving rezoning from AG to R-1, preliminary site plan and preliminary plat for Pine Lakes, located on 140th Street, east of Mission Road [**Companion Resolution**] [Roll Call Vote]

- B. Resolution approving Final Site Plan and Final Plat for Pine Lakes located on 140th Street, east of Mission Road [**Companion Ordinance**]

13. OLD BUSINESS

- A. Ordinance amending Section 8-201 of the Code of the City of Leawood, 2000, pertaining to the definition of Health and Welfare nuisances [Roll Call Vote] [*Continued from the May 5, 2003, Governing Body meeting*]

Staff Comment: This amendment adds 'blockage of waterways' as a defined nuisance in accordance with the recently adopted Stormwater Policy.

SECOND & FINAL READING

- B. Charter Ordinance No. 35, exempting the City from K.S.A. § 41-719, regarding the possession and consumption of alcoholic liquor in certain public places located within the City of Leawood, Johnson County, Kansas [Roll Call Vote]

SECOND & FINAL READING

- C. Ordinance amending Chapter III, of the Code of the City of Leawood, 2000, pertaining to Beverages [Cereal Malt Beverages and Alcoholic Liquor], and repealing all other Sections in conflict herewith [Roll Call Vote]

14. NEW BUSINESS

- A. Ordinance No. 1989, authorizing a First Amendment to Lease Agreement amending and supplementing a Lease Agreement between the Pubic Building Commission [PBC] and the City; approving the form and terms of the PBC's Public Building Refunding Revenue Bonds, Series 2003, [The Leawood City Hall Project]; and expressing it's intent to appropriate funds in each year sufficient to pay rental payments and other amounts due and to become due under said Lease Agreement; and authorizing and approving certain related matters [Roll Call Vote]
- B. Resolution ordering a public hearing to be held on June 16, 2003, at 7:30 P.M., or as soon thereafter as may be heard on proposed assessments for the Roe Avenue Improvement Project, [135th Street to 137th Street] and directing the City Clerk to publish notice thereof and provide written notice to owners of property of such assessments [CIP # 174]
- C. Resolution ordering a public hearing to be held on June 16, 2003, at 7:30 P.M., or as soon thereafter as may be heard on proposed assessments for the 133rd Street [between State Line and Mission Road] Improvement Project, and directing the City Clerk to publish notice thereof and provide written notice to owners of property of such assessments [CIP # 178]

- D. Appeal of Smoking Compliance Plan for Fenton's, 4800 W. 119th Street, in accordance with § 11-904, of the Code of the City of Leawood, Kansas, 2000 – ***TO BE CONTINUED TO THE JUNE 2, 2003, GOVERNING BODY MEETING***

Staff Comment: The City Administrator is requesting that this item be continued to the June 2, 2003, Governing Body meeting. The reason for this is that the applicant is utilizing an appeal provision in the City's smoking ordinance. It is the City Administrator's opinion that it was not the intent of the Governing Body for the appeal process to be utilized for a request of this nature, which is to request a total exemption from the ordinance albeit for a specified time period. Instead, it was intended to be used during the initial implementation of the smoking ordinance for those existing businesses that may experience difficulty in achieving compliance. The City Administrator is requesting the Governing Body for confirmation of this position.

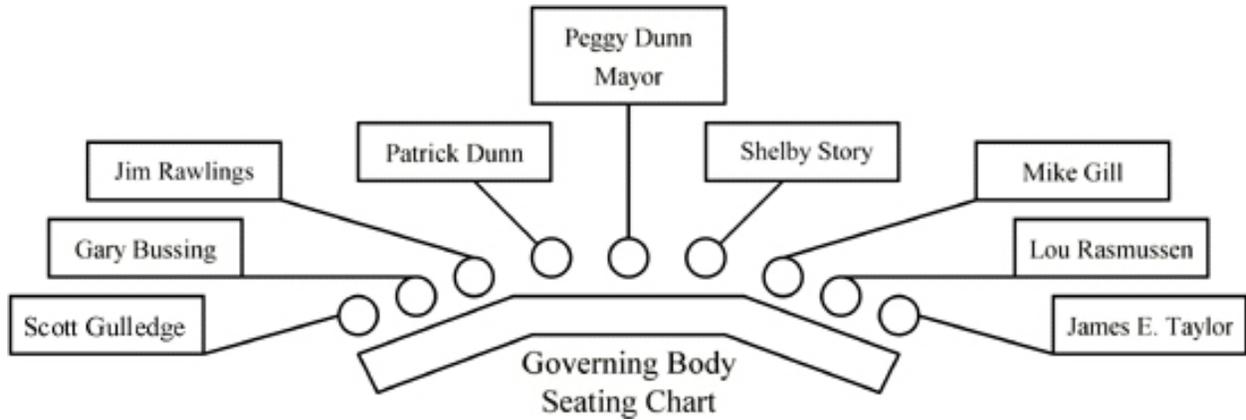
- E. Resolution approving and authorizing the Mayor to execute Easement and Maintenance Agreement with COR Development, LLC, for maintenance of easement and right-of-way [ROW] located on the property at the southeast corner of 135th and Nall Avenue [Cornerstone] [Water Feature and onsite stormwater]
- F. Resolution finding as to the advisability and authorizing the construction of improvements to Roe Avenue, Nall Avenue and 137th Street in the vicinity of Briar Street, 137th Street and 139th Street located within the City of Leawood, Kansas, and accepting Petition for Improvement District, pursuant to the provisions of K.S.A. § 12-6a01 et seq; approximate construction cost of \$840,608.00 [Church of the Resurrection]
- G. Resolution finding as to the advisability and authorizing the construction of Briar Street between 135th Street and 137th Street, construction of improvements to 135th Street from immediately east of Briar Street to Nall Avenue and construction of improvements to 137th Street between Briar Street and Nall Avenue located within the City of Leawood, Kansas, and accepting Petition for Improvement District, pursuant to the provisions of K.S.A. § 12-6a01 et seq; approximate construction cost of \$3,585,984.00 [Church of the Resurrection]
- H. Resolution finding as to the advisability and authorizing the construction of improvements to Nall Avenue at the intersection thereof with 135th Street and south to 137th Street within the City of Leawood, Kansas, and accepting petition for improvement district, pursuant to the provisions of K.S.A. § 12-6a01 et seq; approximate construction cost of \$1,422,832.00 [Cornerstone COR Development]

- I. Resolution waiving the bidding process, in accordance with Charter Ordinance No. 32, for construction of public improvements along and in an area bounded by Nall Avenue to Briar, and 135th Street to 137th Street and further along Nall Avenue to 139th Street and along Roe Avenue from 135th to 137th Street and along 137th Street from Briar to Roe Avenue [Cornerstone COR Development]
- J. Schedule Governing Body Work Session on June 16, 2003, at 6:30 P.M., for discussion of acquisition of art

15. OTHER 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.

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:** 3/4 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 members present [**“Simple Majority”**]
- **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.