

**CITY OF LEAWOOD  
GOVERNING BODY  
MEETING AGENDA**

Monday, July 7, 2008  
Council Chamber  
4800 Town Center Drive  
Leawood, KS 66211  
7:30 P.M.

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

**\*\*\*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 Firefighter Sgt. First Class Joe Ostermann on his return from military duty in Iraq**

**Recognition of Executive Fire Officer, Battalion Chief Steve Duncan**

**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. 1105B, 1106A, 1106B and 1107A - **Accepted**
- B. Accept Minutes of the June 2, 2008 Governing Body Work Session meeting - **Accepted**
- C. Accept Minutes of the June 9, 2008 Special Call Governing Body meeting - **Accepted**
- D. Accept Minutes of the June 16, 2008 Governing Body meeting - **Accepted**
- E. Accept Minutes of the March 11, 2008 Parks and Recreation Advisory Board meeting - **Accepted**
- F. Accept Minutes of the May 22, 2008 Ironhorse Advisory Board meeting - **Accepted**
- G. Accept Minutes of the May 22, 2008 Green Initiative Citizen Task Force Committee Meeting - **Accepted**
- H. Accept Minutes of the June 5, 2008 Green Initiative Citizen Task Force Committee Meeting - **Accepted**
- I. Accept Minutes of the June 12, 2008 Green Initiative Citizen Task Force Committee Meeting - **Accepted**
- J. Accept Minutes of the May 9, 2008 Stormwater Management Committee Meeting - **Accepted**
- K. Re-certification of General Obligation at-large Project Cost in the amount of \$1,570,000, for 2007 Residential Streets Improvement Project [CIP # 80206]
- L. Re-certification of General Obligation at-large Project Cost in the amount of \$1,505,000, for Creek Bank Stabilization Improvement Project [CIP # 80171]
- M. Re-certification of Special Assessment Project Cost in the amount of \$5,525,000, for Parkway Plaza Improvement Project [CIP # 83195]
- N. **Resolution No. 3063** ordering a public hearing to be held on proposed revised assessments for construction of 133<sup>rd</sup> Street between Roe Avenue and the western city limit, Briar from 133<sup>rd</sup> Street south to 135<sup>th</sup> Street, 135<sup>th</sup> Street from the western city limit east to Roe Avenue and Roe Avenue between 133<sup>rd</sup> Street and 135<sup>th</sup> Street and other amenity features, located within the City of Leawood, Kansas, and ratifying action by the City Clerk in publishing notice thereof and providing written notice to owners of property of such assessments [Parkway Plaza] [CIP # 83195] - **Approved**
- O. Approve Change Order No. 5 in the amount of \$174,071.45 to Wiedenmann & Godfrey Construction pertaining to Phase II of the Dykes Branch Channel Improvement Project, [SMAC Project DB-04-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road [ # 76009] - **Approved**
- P. **Resolution No. 3064** supporting the Community Building Code Administration Grant Act of 2007 - **Approved**
- Q. **Resolution No. 3065** accepting a Permanent Utility Easement from Leawood Country Club Partners, L.L.C., for an area located within Leawood Estates, at 89<sup>th</sup> & High Drive - **Approved**

- R. **Resolution No. 3066** waiving the bidding process in accordance with Charter Ordinance No. 32, pertaining to the 123<sup>rd</sup> Street Mill & Overlay Project [including traffic signals at 123<sup>rd</sup> Street & Mission Road] with J.M. Fahey Construction Company] - **Approved**
- S. **Resolution No. 3067** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$847,331.90, between the City and J.M. Fahey Construction Company pertaining to the 123<sup>rd</sup> Street Mill & Overlay Project [including traffic signals at 123<sup>rd</sup> Street & Mission Road] - **Approved**
- T. **Resolution No. 3068** approving a Final Site Plan for One Nineteen - Habitat Shoe Store, located on the southeast corner of 119th Street and Roe Avenue [*from the June 10, 2008 Planning Commission meeting*] - **Approved**
- U. **Resolution No. 3069** approving a Final Site Plan for Bi-State Centennial Park - Kiddie Academy, located south of 141st Terrace and east of Overbrook [*from the June 10, 2008 Planning Commission meeting*] - **Approved**
- V. **Resolution No. 3070** approving a Final Plat for Bi-State Centennial Park - PARS Engineering Building, located north of 141<sup>st</sup> Terrace and east of Cambridge [*from the June 10, 2008 Planning Commission meeting*] - **Approved**
- W. **Resolution No. 3071** approving a Final Plat for Leawood Oaks, located South of 93rd Street and east of Lee Boulevard [*from the June 10, 2008 Planning Commission meeting*] - **Approved**
- X. **Resolution No. 3072** approving a Final Site Pan for One Nineteen - Salon One19 & Spa, located on the southeast corner of 119th Street and Roe Avenue [*from the June 24, 2008 Planning Commission meeting*] - **Approved**
- Y. **Resolution No. 3073** approving a Final Site Plan for One Nineteen - Mitzy London's, located on the southeast corner of 119th Street and Roe Avenue [*from the June 24, 2008 Planning Commission meeting*] - **Approved**
- Z. **Resolution No. 3074** approving a Final Plat for Parkway 134 Office Condominiums - 2nd Plat, located at 134th Street and Roe Avenue [*from the June 24, 2008 Planning Commission meeting*] - **Approved**
- AA. **Resolution No. 3075** approving a Final Site Plan for a Tenant Finish for Mission Farms - Zest Restaurant, located at the southeast corner of 105th Street and Mission Road [*from the June 24, 2008 Planning Commission meeting*] - **Approved**
- BB. **Resolution No. 3076** approving a Final Site Plan for Park Place Revised Sign Criteria, located on the northeast corner of 117th Street and Nall Avenue [*from the June 10, 2008 Planning Commission meeting*] - **Approved**

**8. MAYOR'S REPORT**

- A. Annual Report: American Revolution Tercentennial CD Fund

**9. COUNCILMEMBERS' REPORT**

**10. STAFF REPORT**

***COMMITTEE RECOMMENDATIONS***

**11. STORMWATER MANAGEMENT COMMITTEE**

***[From the May 9, 2008 Stormwater Management Committee Meeting]***

- A. Residential Water Runoff due to remodel permits - **Approved**

***[From the June 13, 2008 Stormwater Management Committee Meeting]***

- B. Recommendation to approve funding for Drainage concerns at 14601 Delmar [Estimated costs: \$66,000] - **Approved**

**12. PLANNING COMMISSION**

***[From the June 10, 2008 Planning Commission Meeting]***

- A. **Ordinance No. 2326** approving a Preliminary Site Plan and Final Site Plan for the Leawood Public Works Facility, located south of 143rd Street and east of Kenneth Road [Roll Call Vote] - **Passed**

**13. OLD BUSINESS**

**14. OTHER BUSINESS**

- A. Appointment of Richard Coleman as Community Development Director - **Approved**

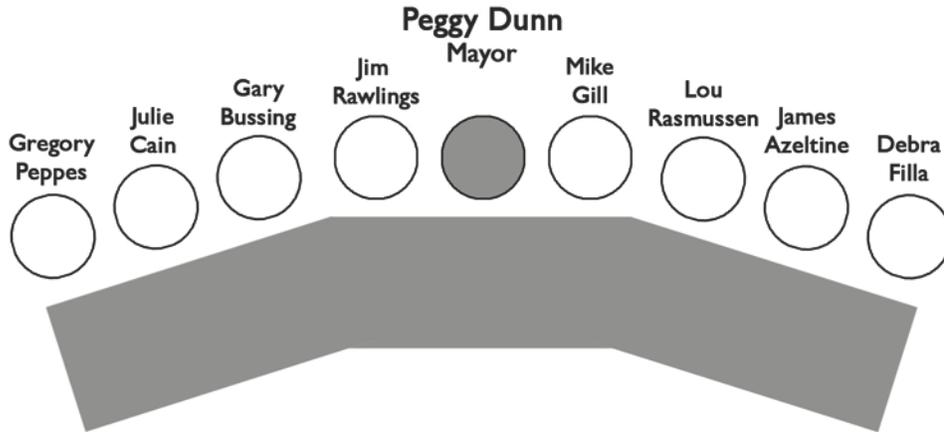
**15. NEW BUSINESS**

- A. **Ordinance No. 2327** granting to AboveNet Communications, Inc. a contract franchise to construct, operate and maintain a telecommunications system in the City of Leawood, KS and prescribing the terms of said contract franchise, and repealing Ordinance No. 2088 [Roll Call Vote] - **Passed**
- B. **Resolution No. 3077** approving and authorizing the Mayor to execute a Public Lands Use Agreement between the City and AboveNet Communications, Inc., pertaining to the installation and maintenance of communications facilities within existing conduit - **Approved**
- C. **Resolution No. 3078** approving and authorizing the Mayor to execute an Engineering Service Agreement between the City and Ochsner, Hare & Hare for an amount not to exceed \$44,300.00, pertaining to the preparation of plans and materials for the proposed rezoning of the tract of property located on the southeast corner of 137<sup>th</sup> and Mission Road - **Approved**
- D. Schedule a Governing Body Executive Session on Monday, July 7, 2008, immediately following the regular Governing Body meeting to discuss matters related to the acquisition of real property and attorney/client privilege – **Recess into Executive Session at 8:50 P.M.**

The Mayor and Council reconvened into regular session at 9:50 P.M. A motion was made by Councilmember Bussing; seconded by Councilmember Rawlings authorizing the City Attorney to pursue condemnation of a tract of land at 117<sup>th</sup> and Roe for Parks and Recreation/Public use. The motion carried following a unanimous vote of 6-0. Yea: Councilmembers Peppes, Cain, Bussing, Rawlings, Gill, Azeltine. Nay: None. (Councilmembers Rasmussen and Filla absent).

# ADJOURN

## Mayor and City Council



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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.

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### 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 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.