

CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Monday, September 20, 2010
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

SEPTEMBER 2010						
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		

OCTOBER 2010						
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						

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
Andrew Osman

Ward Two

Louis Rasmussen
Jim Rawlings

Ward Three

Gary Bussing

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

**Fire Prevention Week, October 3-9, 2010
Leawood Lions Pancake Days, October 15-17, 2010
American Mensa's 50th Anniversary Day**

5. PRESENTATIONS/RECOGNITIONS

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 117th & Tomahawk Creek Parkway - **Approved**

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 - **Accepted**
- B. Accept minutes of the September 7, 2010 Governing Body meeting - **Accepted**
- C. Accept minutes of the July 28, 2010 Stormwater Management Committee meeting- **Accepted**
- D. Accept minutes of the July 27, 2010 Arts Council - **Accepted**
- 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 - **Approved**
- 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, - **Approved**
- 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 - **Approved**
- I. Fire Department Monthly Report [August]
- J. Police Department Monthly Report [August]
- K. Municipal Court Monthly Report [August]

8. MAYOR’S REPORT

9. COUNCILMEMBERS’ REPORT

Councilmember Filla- Volunteer ‘Stream Teams’

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. ARTS COUNCIL

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

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

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] - **Approved**

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 - **Approved**

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 146th 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) - **Passed**
- C. **Resolution No. 3464** approving a Revised Final Site Plan for Bi-State/Centennial Park – Pars Consulting Engineering Building, located north of 141st Terrace and east of Cambridge. (PC Case # 67-09) - **Approved**
- *D. Resolution approving Planning Commission recommendation of denial of a Final Sign Plan for Mission Farms – Development Monument Sign, located at Mission Road and 105th 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) - **Approved**

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.

[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 117th 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 – CONTINUED TO THE NOVEMBER 15, 2010, GOVERNING BODY MEETING**

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

15. OLD BUSINESS

16. OTHER BUSINESS

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 - **Approved**

- 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] - **Passed**

- 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] - **Passed**

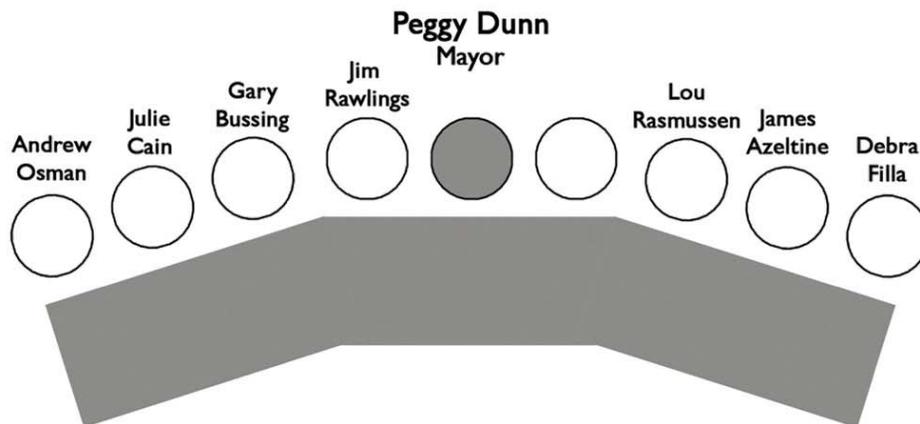
- D. **Ordinance No. 2463C** amending § 11-101 through 11-106 and adding a new § 11-105A of the Code Of The City Of Leawood, 2000, pertaining to regulating public offenses within the corporate limits of the City Of Leawood; incorporating by reference the ‘Uniform Public Offense Code For Kansas Cities,’ 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] - **Passed**

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

ADJOURN

DATE	TIME	SUBJECT	LOCATION
September 20	6:00 P.M.	Review of commercial sign approval process	Main Conf. Room
October 18	6:15 P.M.	Discuss Transient Guest Tax and Transportation Development District [TDD] and \$5M Special Benefit District [SBD] financing for Park Place Improvement District [CIP # 80196]	Main Conf. Room
November 1	6:00 P.M.	Personnel Matter; City Administrator's 6-month review	Main Conf. Room
November 15	6:00 P.M.	Discuss creation of Stormwater Utility User Fee	Main Conf. Room
December 6	6:00 P.M.	Discuss Transportation Development District [TDD] Financing for One Nineteen Development	Main Conf. Room
December 20	6:00 P.M.	Discuss future use of current Police Facility and former City Hall buildings	Main Conf. Room

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.