

**CITY OF LEAWOOD  
GOVERNING BODY  
MEETING AGENDA**

Monday, October 6, 2008  
Council Chamber  
4800 Town Center Drive  
Leawood, KS 66211  
7:30 P.M.

OCTOBER							NOVEMBER						
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5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

**\*\*\*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**

**Double Tenth Day, October 10, 2008**

**Fire Prevention Week, October 5-11, 2008**

**Portland Cement Association's  
Sustainability Leadership Award for the  
pervious concrete parking lot at I-Lan  
Park**

**5. PRESENTATIONS/RECOGNITIONS**

**6. SPECIAL BUSINESS**

- A. Presentation of 2008 Comprehensive Plan and Map – ***CONTINUED TO THE OCTOBER 20, 2008, GOVERNING BODY MEETING***
- B. Resolution approving the Planning Commission's recommendation to adopt the 2008 Leawood Comprehensive Plan and map, in accordance with K.S.A. § 12-7-47 [***From the August 12, 2008 Planning Commission meeting]- CONTINUED TO THE OCTOBER 20, 2008, GOVERNING BODY MEETING***]
- C. Acceptance of replacement letter of Letter of Credit COR Development, LLC. In the amount of \$683,114.00 issued by UMB. [Materials have been previously distributed to the City Council] - **Accepted**

## 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. 111B, 1112A, and 1112B - **Accepted**
- B. Accept Minutes of the September 15, 2008 Governing Body meeting - **Accepted**
- C. Accept Minutes of the September 8, 2008 Governing Body meeting - **Accepted**
- D. Accept Minutes of the September 4, 2008 Audit Services Selection Task Force Committee meeting - **Accepted**
- E. Accept Minutes of the August 28, 2008 Green Initiative Citizen Task Force Committee - **Accepted**
- F. Accept Minutes of the June 13, 2008 Stormwater Management Committee meeting - **Accepted**
- G. Accept Minutes of the August 19, 2008 Public Works Committee meeting - **Accepted**
- H. Accept Minutes of the March 11, 2008 Leawood Historic Commission meeting - **Accepted**
- I. Accept Minutes of the May 13, 2008 Leawood Historic Commission meeting - **Accepted**
- J. Accept Minutes of the July 8, 2008 Leawood Historic Commission meeting - **Accepted**
- K. Accept Minutes of the July 21, 2008 Arts Council meeting - **Accepted**
- L. Accept Minutes of the July 8, 2008 Parks and Recreation Advisory Board meeting - **Accepted**
- M. Approve Mayoral Appointment of Tom Robinett to Board of Zoning Appeals - **Approved**
- N. Approve Massage Establishment License for Tom Dusterhoft at 4800 W. 135<sup>th</sup> Street [Massage Heights] - **Approved**
- O. Approve 5<sup>th</sup> and Final Pay Estimate in the amount of \$28,367.00 to Barge-Turley Construction Company, Inc., pertaining to the 8745 High Drive and Storm Sewer Maintenance Curb Inlet Repair Project - **Approved**
- P. **Resolution No. 3112** approving and authorizing the Mayor to execute a Professional Service Agreement between the City and Rubin Brown, LLP, pertaining to audit services - **Approved**

- Q. **Resolution No. 3113** approving and authorizing the Mayor to execute a Letter of Engagement Agreement for an amount not to exceed \$31,000, between the City and Rubin Brown, LLP, pertaining to the 2008 audit - **Approved**
- R. Accept Progress Report No. 1 pertaining to the Aggressive Maintenance Plan at Ironhorse Golf Course - **Accepted**

**8. MAYOR'S REPORT**

**9. COUNCILMEMBERS' REPORT**

**10. STAFF REPORT**

**COMMITTEE RECOMMENDATIONS**

**11. PUBLIC WORKS COMMITTEE**

*[from the July 8, 2008 and August 19, 2008 Public Works Committee meetings]*

- A. Recommendation to approve establishment of Curb & Island Repair & Replacement Program [PAYGO] - **Approved**

*[from the August 19, 2008 and September 16, 2008 Public Works Committee meetings]*

- B. Traffic Signalization at 133<sup>rd</sup> and Roe Avenue - **Approved**

**12. PLANNING COMMISSION**

*[From the July 8, 2008 Planning Commission meeting]*

- A. **Ordinance No. 2348** approving a Preliminary Site Plan, Final Site Plan and Final Plat for Leawood Public Library Addition, located on the northwest corner of Roe Avenue and Town Center Drive (Case #35-08) [Roll Call Vote] - **Passed**

*[From the September 9, 2008 Planning Commission meeting]*

- \*B. Ordinance amending § 16-2-9.2 of the Leawood Development Ordinance [LDO], pertaining to Performance Criteria - Non-Residential Uses [Deviation to Minimum 10 Acre Requirement for Commercial Development] (PC Case # 08-06) [Roll Call Vote] - **CONTINUED TO THE OCTOBER 20, 2008 GOVERNING BODY MEETING**

- \*C. Ordinance amending § 16-3-9 of the Leawood Development Ordinance [LDO], pertaining to Deviations [Deviation to Minimum 10 Acre Requirement for Commercial Development] (PC Case # 09-06) [Roll Call Vote] - **CONTINUED TO THE OCTOBER 20, 2008 GOVERNING BODY MEETING**

- \*D. Ordinance amending § 16-2-6.1 of the Leawood Development Ordinance [LDO], pertaining to SD-O Planned (Office District) [Deviation to Minimum 10 Acre Requirement for Commercial Development] (PC Case # 83-08) [Roll Call Vote] - **CONTINUED TO THE OCTOBER 20, 2008 GOVERNING BODY MEETING**

- \*E. Ordinance amending § 16-2-6.2 of the Leawood Development Ordinance [LDO], pertaining to SD-NCR (Planned Neighborhood Commercial Retail) [Deviation to Minimum 10 Acre Requirement for Commercial Development] (PC Case # 74-08) [Roll Call Vote] – ***CONTINUED TO THE OCTOBER 20, 2008 GOVERNING BODY MEETING***
- \*F. Ordinance amending § 16-2-6.3 of the Leawood Development Ordinance [LDO], pertaining to SD-CR (Planned General Retail) [Deviation to Minimum 10 Acre Requirement Development] (PC Case # 75-08) [Roll Call Vote] – ***CONTINUED TO THE OCTOBER 20, 2008 GOVERNING BODY MEETING***
- \*G. Ordinance amending § 16-2-6.4 of the Leawood Development Ordinance [LDO], pertaining to MXD (Mixed-Use Development) [Deviation to Minimum 10 Acre Requirement for Commercial Development] (PC Case # 76-08) [Roll Call Vote] – ***CONTINUED TO THE OCTOBER 20, 2008 GOVERNING BODY MEETING***
- H. **Ordinance No. 2349** amending § 16-4-1.3 of the Leawood Development Ordinance [LDO], pertaining to Accessory Uses (PC Case # 64-08) [Regulation of Temporary Storage Containers-PODS] [Roll Call Vote] - **Passed**
- \*I. Ordinance amending § 16-2-9.2 of the Leawood Development Ordinance [LDO], pertaining to Performance Criteria (PC Case # 79-08) [Lighting Standards Regarding Visibility of Light Sources and Uniformity] [Roll Call Vote] - ***REMANDED TO THE PLANNING COMMISSION***
- \*J. Ordinance amending § 16-4-5.7 of the Leawood Development Ordinance [LDO], pertaining to Off-Street Parking Requirements in Office, Commercial, and Industrial Districts (PC Case # 80-08) [Lighting Standards Regarding Visibility of Light Sources and Uniformity] [Roll Call Vote] - ***REMANDED TO THE PLANNING COMMISSION***
- \*K. Ordinance amending § 16-4-5.7(B)(1) of the Leawood Development Ordinance [LDO], pertaining to Off-Street Parking Requirements in Office, Commercial, and Industrial Districts - Improvement of Parking Areas [Parking Lot Pavement Standards] (PC Case # 66-07) [Roll Call Vote] – ***CONTINUED TO THE OCTOBER 20, 2008 GOVERNING BODY MEETING***
- \*L. Ordinance amending § 16-4-10.1 of the Leawood Development Ordinance [LDO], pertaining to Home Occupations [Home Occupation Vehicles and Vehicle Signage] (PC Case # 73-06) [Roll Call Vote] – ***CONTINUED TO THE OCTOBER 20, 2008 GOVERNING BODY MEETING***

**13. OLD BUSINESS**

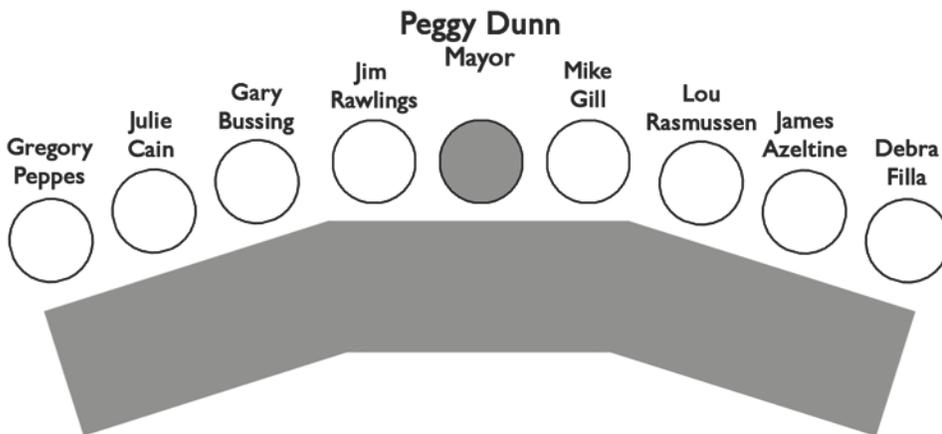
**14. OTHER BUSINESS**

**15 NEW BUSINESS**

- A. **Ordinance No. 2350C** amending Sections 14-101 through 14-112 of the Code of the City of Leawood, Kansas, 2000, pertaining to regulating traffic within the corporate limits of the City; incorporating by reference the ‘Standard Traffic Ordinance for Kansas Cities, 2007 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 14-112; and other sections in conflict herewith [Roll Call Vote] - **Passed**
  
- B. **Ordinance No. 2351C** amending Sections 11-101 through 11-107 of the Code of the City of Leawood, 2000, pertaining to regulating Public Offenses within the corporate limits of the City; incorporating by reference the ‘Uniform Public Offense Code for Kansas Cities,’ 2007 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 11-107, and other sections in conflict herewith [Roll Call Vote] - **Passed**
  
- C. Discussion regarding amending § 16-4-5.4 of the Leawood Development Ordinance [LDO], pertaining to an exception to the two-car garage requirement
  
- D. Recess into Executive Session regarding matters protected by the Attorney/Client privilege

**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:**  $\frac{3}{4}$  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.