

CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Monday, December 1, 2008
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

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

6. SPECIAL BUSINESS

- A. **Public Hearing:** Consider amendments to 2008 Fiscal Budget for City of Leawood, Kansas
- B. **Resolution No. 3127** adopting amendments to the 2008 Fiscal Budget for the City of Leawood, Kansas - *Approved*
- C. **Resolution No. 3128** amending the City of Leawood's Investment Policy and repealing Resolution No. 2912 - *Approved*

- D. **Resolution No. 3129** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,749,982 [contingency amount of \$1,843,407] between the City and Mega Industries, pertaining to pertaining to Phase II, Gezer Park, located at located at 133rd and Mission Road [# 76006] - **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 Nos. 1115B and 1116A - **Accepted**
- B. Accept Minutes of the November 17, 2008 Special Call Governing Body meeting- **Accepted**
- C. Accept Minutes of the October 27, 2008 Special Call Governing Body meeting - **Accepted**
- D. Accept Minutes of the October 23, 2008 Ironhorse Advisory Board meeting - **Accepted**
- E. Accept Minutes of the October 10, 2008 Stormwater Management Committee meeting - **Accepted**
- F. Accept Minutes of the October 7, 2008 Parks and Recreation Advisory Board meeting - **Accepted**
- G. Accept Minutes of the September 23, 2008 Arts Council - **Accepted**
- H. Accept Minutes of the September 9, 2008 Leawood Historic Commission meeting- **Accepted**
- I. Accept Minutes of the August 13, 2008 Leawood Foundation meeting - **Accepted**
- J. Approve quote in the amount of \$204,271 from Travelers Insurance, with brokerage services from Monte Giddings of CBIZ, for the City's 2009 property and casualty insurance - **Approved**
- K. Accept 13th and Final Payment in the amount of \$43,391.19, to SM Wilson, LLC, pertaining to the construction of new buildings at Ironwoods Park, located at 14701 Mission Road; for 3 buildings: Park Maintenance Building; Restroom/Showers for the cabins; and restroom adjacent to the playground [Project # 76001; 71001] - **Accepted**
- L. **Resolution No. 3130** revising the 2009 Fee Schedule for fees not specifically provided for in the Code of the City of Leawood, 2000, and rescinding Resolution Nos. 2913, 3029, 3037, 3051, 3081, and 3046, in accordance with § 1-701 of the Code of the City of Leawood, 2000 - **Approved**
- M. Approve 3rd and Final Payment in the amount of \$14,193.29, to McCorkendale Construction Company, pertaining to the 2008 Public Storm Sewer Replacement Project, 8308 Meadow Lane [Project #76014] and 9733 Overbrook Road [Project #76013] - **Approved**
- N. Approve Change Order No 6 in the amount of \$18,975.00 to Miller Paving Co., Inc., pertaining to the Town Center Drive Project, Phase III, [CIP # 196] - **Approved**
- O. **Resolution No. 3131** authorizing the acceptance of a Gift of artwork pieces from Barbara Wagner - **Approved**

- P. **Resolution No. 3132** approving the recommended distribution of alcohol taxes by Johnson County Drug and Alcoholism Council [DAC] for allocations of the 2009 Alcohol Tax Fund for an amount not to exceed \$110,000 - **Approved**
- Q. **Resolution No. 3133** approving the recommended City of Leawood's 2009 allotment to the 2009 Human Service Fund [United Community Services – UCS] and the City of Leawood's participation for an amount not to exceed \$10,000 - **Approved**
- R. **Resolution No. 3134** accepting Public Infrastructure Improvements through private development Hallbrook Office-Overbrook Extension; south of College Boulevard, in accordance with the GASB-34 Guidelines of reporting inventory of Assets - **Approved**
- S. **Resolution No. 3135** approving and authorizing the Mayor to execute an Interlocal Agreement between the City and the Board of Johnson County Commissioners pertaining to the Roe Avenue Improvement Project between 135th Street to 141st Street, [Estimated cost of project \$544,000 with 50% CARS Funding, CARS Funds not to exceed \$272,000[CARS PROJECT] - **Approved**
- T. **Resolution No. 3136** approving and authorizing the Mayor to execute an Interlocal Agreement between the City and Board of Johnson County Commissioners pertaining to Mission Road Improvement Project between 127th Street and 135th Street Public [Estimated cost of project \$674,000 with 50% CARS Funding, CARS Funds not to exceed \$337,000] [CARS PROJECT] - **Approved**
- U. **Resolution No. 3137** approving and authorizing the Mayor to execute an Interlocal Agreement between the City and Board of Johnson County Commissioners pertaining to the State Line Road Improvement Project between 92nd and 103rd Street [Estimated cost of project \$303,000 with 50% CARS Funding, CARS Funds not to exceed \$76,000] [CARS PROJECT] - **Approved**

8. MAYOR'S REPORT

9. COUNCILMEMBERS' REPORT

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. STORMWATER MANAGEMENT COMMITTEE MEETING

[from the November 14, 2008 Stormwater Management Committee meeting]

- A. Recommendation concerning drainage concern in Edgewood subdivision [behind City Hall] – ***CONTINUED TO THE DECEMBER 15, 2008 GOVERNING BODY MEETING***

Staff Comment: The City Administrator does not concur with the Committee's recommendation with regards to the expenditure of City funds on private property.

12. PARKS AND RECREATION ADVISORY BOARD

[from the September 8, 2008 Parks and Recreation Advisory Board meeting]

- A. Approve Change Order No. 1 in the amount of \$12,000 to Ankeny Kell Architects, Inc., pertaining to a feasibility study for a potential future Community Center for the City of Leawood – **CONTINUED FROM THE OCTOBER 20, 2008 GOVERNING BODY MEETING - TABLED**

13. PLANNING COMMISSION

[From the November 11, 2008 Planning Commission meeting]

- A. **Ordinance No. 2374** approving a Special Use Permit [SUP] for skilled nursing facility for Villaggio Neighborhoods at Sharon Lane, located on the southeast corner of 135th Street and Roe Avenue (PC Case #71-08) [Roll Call Vote] - **Passed**
- B. **Ordinance No. 2375** approving a Revised Preliminary Site Plan and Final Site Plan for Villaggio Neighborhoods at Sharon Lane, located on the southeast corner of 135th Street and Reo Avenue (PC Case #71-08) [Roll Call Vote] - **Passed**
- *C. **Resolution No. 3138** approving the Planning Commission's recommendation for denial of a Special Use Permit [SUP] for a drugstore with a drive-thru for CVS Pharmacy, located on the southeast corner of 151st Street and Mission Road. (PC Case #73-08) - **Approved**

Staff Comment: *The City Clerk's Office has received a Protest Petition. The petition has been determined to be invalid due to insufficient property ownership.*

- *D. **Resolution No. 3139** approving the Planning Commission's recommendation for denial of a Rezoning from SD-NCR [Planned Neighborhood Retail] to SD-CR [Planned General Retail] and Preliminary Site Plan and Preliminary Plat for CVS Pharmacy, located on the southeast corner of 151st Street and Mission Road (PC Case #73-08) – **Approved**

Staff Comment: *The City Clerk's Office has received a Protest Petition. The petition has been determined to be invalid due to insufficient property ownership.*

[From the October 28, 2008 Planning Commission Meeting]

- E. **Ordinance No. 2376** approving a Preliminary Site Plan and Final Site Plan for Parkway Plaza - Little Sunshine Playhouse, located on the northwest corner of 135th Street and Roe Avenue (PC Case 87-08) [Roll Call Vote] – **CONTINUED FROM THE NOVEMBER 17, 2008 GOVERNING BODY MEETING - Passed**

- F. **Ordinance No. 2377** approving a Special Use Permit [SUP] for Parkway Plaza - Little Sunshine Playhouse, located on the northwest corner of 135th Street and Roe Avenue (PC Case # 87-08) [Roll Call Vote] ***CONTINUED FROM THE NOVEMBER 17, 2008 GOVERNING BODY MEETING - Passed***
- G. **Resolution No. 3140** approving a Sign Plan for Nall Valley Shops - Capitol Federal Savings Signs, located on the northeast corner of 151st Street and Nall Avenue - ***CONTINUED FROM THE NOVEMBER 17, 2008 GOVERNING BODY MEETING - Approved***

14. OLD BUSINESS

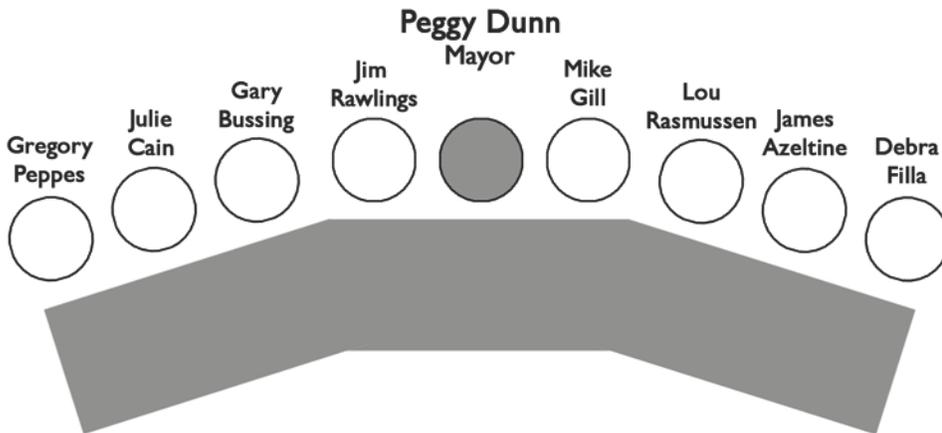
15. OTHER BUSINESS

16. NEW BUSINESS

- A. Discussion regarding reaffirmation of utilization of design build for construction of the Justice Center – ***NO WORK SESSION NECESSARY***
- B. Schedule a Governing Body Work Session meeting at 6:00 P.M. on Monday, December 15, 2008 to discuss Transportation Development District [TDD] and Special Benefit District [SBD] Financing along 135th Street between State Line Road and Pawnee – ***Approved***
- C. Executive Session immediately following meeting for 15 minutes to consult with an attorney regarding matters protected by the attorney/client privilege

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