

Minutes

Audio Tape No. 613

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 5:30 P.M., on Monday, January 20, 2004. Mayor Peggy Dunn presided.

Councilmembers present: James E. Taylor, Sr., Jim Rawlings, Gary Bussing, Patrick Dunn, Louis Rasmussen, Scott E. Gullede, and Shelby Story.

Councilmembers absent: Mike Gill.

Staff present:

Scott Lambers, City Administrator
Ben Florance, Fire Chief
Scott Barton, Captain, Police Dept.
Jeff Cantrell, Neighborhood Serv. Admin.
Diane Binckley, Planning & Develop. Dir.
Deb Harper, City Clerk

Patricia A. Bennett, City Attorney
Joe Johnson, Public Works Director
Chris Claxton, Parks & Rec Director
Mark Andrasik, Info Systems Director
Kathy Rogers, Finance Dir.

- 100 **1. PLEDGE OF ALLEGIANCE**
- 154 **2. APPROVAL OF AGENDA**
Mayor Dunn pulled Item “7D” for clarification purposes, continuing it to the February 2, 2004, Governing Body meeting. Councilmember Bussing asked that Item “7H” be pulled for further review, continuing it to the February 2nd meeting as well. Councilmember Rawlings made a motion to approve the remainder of the Agenda. Councilmember Story seconded the motion, and it was approved unanimously, 7-0-0.
- 200 **3. CITIZEN COMMENTS - None**
- 203 **4. PROCLAMATIONS – None**
- 205 **5. PRESENTATIONS/RECOGNITIONS - None**

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6. SPECIAL BUSINESS –

Request for additional items to be included in the Special Benefit District Project for Parkway Plaza; R.H. Sailors & Company [CIP # 195]

Scott Lambers stated that consideration for establishing a Special Benefit District was being proposed tonight. The applicant was asking to utilize the financing for the improvements of the project that involved above-ground storm drainage that would be in a green space capacity with some amenities. Mr. Lambers explained that with the development of the 135th Street Corridor design guidelines, the Governing Body had been willing to consider requests for financing of amenities in order to provide compliance with the standards it wanted to see constructed at that location. He stated he did not feel comfortable approving tonight's request administratively, as the improvements were not to be directly located on the 135th Street Corridor, but were within the Corridor, would be used to improve the quality of the project and would form a public purpose. If the Governing Body approved the inclusion of this project in the 135th Street Corridor, then the dollar amount to be approved would be determined. He stated he had no objection to the request being made.

Mayor Dunn clarified that this issue would concern the inclusion of \$445,560.00 for the detention area, and not to confuse it with Item "13C," that gave the total dollar amount (\$6.9 million) for the project.

Councilmember Bussing confirmed with Mr. Lambers that further extrapolation of the financing request process would most likely occur, with all requests meeting the public improvement requirement as part of the improvement guideline. A private development would therefore not be eligible. A non-traditional public improvement project, such as Price Chopper's underground storm drainage facilities, might be forthcoming. Creative new storm drainage projects could be expected in both the handling and treating (filtering) of water.

Councilmember Rasmussen made a motion to approve the request. Councilmember Taylor seconded the motion, and the motion was approved unanimously 7-0-0.

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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. 990A
- B. Accept Minutes of the January 5, 2004, Governing Body meeting
- C. Accept Minutes of the November 11, 2003, Historic Commission meeting
- D. Accept Minutes of the November 11, 2003, Park & Recreation Advisory Board meeting *Not Approved; Continued to the February 2, 2004 Governing Body Meeting*
- E. Adopt the Fiscal Year 2005 Budget Calendar
- F. Approve expenditure in the amount of \$27,905.78, to Eden Systems for annual software support

- G. Resolution approving and authorizing the Mayor to execute a Service Agreement for an amount not to exceed \$20,000.00, between the City and Public Finance Consultants [PFC], to provide financial consulting support
- H. Resolution accepting the 2004 IRONHORSE Golf Course Business Plan, as submitted by Orion Management Solutions *Not Approved; Continued to the February 2, 2004 Governing Body Meeting*
- I. Resolution granting a Utility Easement from the City to Kansas Gas Company, for property located at 14701 Mission Road, pertaining to the Ironwoods Park Improvement Project [CIP #116]
- J. Resolution approving and authorizing the Mayor to execute an Engineering Agreement between the City and Phelps Engineering for an amount not to exceed \$171,450.00, pertaining to the design and construction of CIP Project No. 190 [\$37,200.00]; CIP Project No. 191 [\$83,250.00]; CIP Project No. 193 [\$25,000.00]; and CIP Project No. 194 [\$23,000.00]; and further such approval and authorization being contingent upon passage of Resolutions pertaining to Special Benefit Improvement Districts of 135th and Roe Avenue Project and the 135th and Briar Project
- K. Resolution calling for consideration of the formation of a Special Benefit District regarding the Stormwater Management Advisory Council [SMAC] improvements in the northern section of Leawood, currently known as the Dykes Branch SMAC DB-04-024 Project; 83 Street & Wenonga south to 86 & Cherokee
- L. Approve Change Order No. 5, in the amount of \$2,924.16 to Walton Construction Company pertaining to the Cornerstone & Church of the Resurrection Public Improvement Project [CIP # 191]
- M. Approve Change Order No. 6, in the reduced amount of \$28,846.62, to Walton Construction Company pertaining to the Cornerstone & Church of the Resurrection Public Improvement Project [CIP # 190]
- N. Police Department Monthly Report
- O. Police Department Annual 2003 Report
- P. Fire Department Monthly Report
- Q. Municipal Court Monthly Report

Councilmember Taylor asked that Items “7L” and “7M” be pulled for a separate vote so that he could recuse himself due to a conflict in interest.

Councilmember Rasmussen made a motion to approve the remainder of the Consent Agenda. Councilmember Gullledge seconded the motion, and the motion passed unanimously 7-0-0.

Councilmember Dunn confirmed with Mayor Dunn that this Change Order [Item “7L”] was being done under the Special Benefit District financing. Councilmember Rasmussen made a motion to approve the Change Order. Councilmember Gullledge seconded the motion, and the motion was approved 6-0-1, with Councilmember Taylor recusing.

Councilmember Dunn confirmed with Mayor Dunn that this Change Order [Item "7M"] was also being done under the Special Benefit District financing. Councilmember Rasmussen made a motion to approve the Change Order. Councilmember Rawlings seconded the motion, and the motion was approved 6-0-1, with Councilmember Taylor recusing.

473 **8. MAYOR'S REPORT**

- A. Thanked Councilmember Story for speaking at the Corinth Grade School DARE graduation.
- B. Presented the 3rd Annual State of the City Address on January 13th. Extended her thanks to the Leawood Chamber of Commerce, Councilmembers Rasmussen, Rawlings, Bussing and Taylor, Mr. Lambers, and the Department Heads for being in attendance.
- C. Served as a facilitator along with former Mayor Irene French for 'Womanomics,' sponsored by the Missouri and Kansas Chapters of Business and Professional Women U.S.A. and by Region VII of the U.S. Department of Labor.
- D. Advised of tonight's Lunar New Year Celebration celebrating the Year of the Monkey. Extended her thanks to the Sister City Committee and Colleen Browne for their hard work.
- E. Leawood Historic Commission will be sponsoring Kansas Day on January 29, 2004, at 7:00 P.M. at City Hall. The guest speaker will be Dr. William Worley.
- F. Extended congratulations to Deb Harper on attaining the status of Certified Municipal Clerk awarded by the International Institute of Municipal Clerks.
- G. Extended congratulations to Detective Langer and Detective Dickey of Leawood who teamed with the KCMO Career Criminal Unit to investigate, arrest without incident and ultimately clear seven area bank robberies.

600 **9. COUNCILMEMBERS' REPORT - None**

603 **10. STAFF REPORT - None**

605 **11. PLANNING COMMISSION**

607 **12. OLD BUSINESS - None**

608 **13. NEW BUSINESS - None**

- A. **Resolution finding as to the advisability and authorizing the construction of improvements to the intersection of 135th Street and Briar Street, located within the City of Leawood, Kansas, and accepting Petition for Improvement District, pursuant to K.S.A. § 12-16a01 et seq., [CIP # 193] – CONTINUED FROM THE DECEMBER 15, 2003, GOVERNING BODY MEETING**

Councilmember Taylor recused himself due to an appearance of a conflict in interest. Councilmember Rasmussen made a motion to approve the Resolution. Councilmember Gullege seconded the motion, and the motion was approved, 6-0-1, with Councilmember Taylor recusing.

- 638 **B. Resolution finding as to the advisability and authorizing the construction of improvements to the intersection of 135th Street and Roe Avenue, located within the City of Leawood, Kansas, and accepting Petition for Improvement District, pursuant to K.S.A. § 12-16a01 et seq [CIP # 194]**

Councilmember Taylor recused himself due to an appearance of a conflict in interest. Councilmember Rasmussen made a motion to approve the Resolution. Councilmember Rawlings seconded the motion, and the motion was approved, 6-0-1, with Councilmember Taylor recusing.

- 664 **C. Resolution finding as to the advisability and authorizing the construction of improvements to 133rd Street between Roe Avenue and the western city limit; Briar from 133rd Street south to 135th Street; 135th Street from the western city limit east to Roe Avenue ; and Roe Avenue between 133rd Street and 135th Street, located within the City of Leawood, Kansas; accepting Petition for Improvement District, pursuant to K.S.A. § 12-16a01 et seq., and Amending Resolution No. 2125 [PARKWAY PLAZA EAST/WEST] [CIP # 195]**

Councilmember Rasmussen made a motion to approve the Resolution. Councilmember Taylor seconded the motion, and the motion was approved unanimously, 7-0-0.

- 703 **14. OTHER BUSINESS - None**

- 709 **15. ADJOURN**

There being no further business, the meeting was adjourned at 5:55 P.M.

Debra Harper, City Clerk

Emily Gleasure
Recording Deputy City Clerk