

Minutes

Audio Tape Nos. 571

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Tuesday, January 21, 2003. Due to Mayor Peggy Dunn being out of town, Councilmember Mike Gill presided.

Councilmembers present: Scott E. Gulledge, Gary L. Bussing, Jim Rawlings, Patrick L. Dunn, Louis Rasmussen, and James E. Taylor, Sr.

Councilmembers absent: Shelby Story.

Staff present:

Scott Lambers, City Administrator
Joe Johnson, Public Works Director
Deb Harper, City Clerk

Patricia A. Bennett, City Attorney
Jeff Cantrell, Neighborhood Serv. Adm.

090 **1. PLEDGE OF ALLEGIANCE**

095 **2. APPROVAL OF AGENDA**

Presiding Officer Mike Gill, noted that the Agenda had been amended to reflect Items 13.A. and 13.B., would be continued to the February 3, 2003, Governing Body meeting. A motion was entered by Councilmember Rasmussen, seconded by Councilmember Taylor to approve the agenda. The motion was approved by a unanimous vote.

198 **3. CITIZEN COMMENTS**

Mr. G. Gordon Thomas, 10516 Mohawk Lane, made favorable comments regarding the new appointment of Mr. Len Williams as the Planning Commission member.

341 Ms. Dana Yarrington, 2015 West 96th Street, distributed material to the Governing Body regarding a recent building permit issued for 2016 W. 96th Street. Ms. Yarrington stated due to the 35 foot setback requirement, it was discovered the initial building permit was issued erroneously. A Stop Work Order was issued, and this was scheduled to be heard by the Board of Zoning Appeals [BZA]. However, the Stop Work Order was not adhered to and construction on the residence continued. Ms. Yarrington, along with several neighboring homeowners, attended the BZA meeting on December 18, 2002, and voiced their concerns of protecting the charm and character of the neighborhood and that the addition at 2016 West 96th Street extended too far and blocked the line of site, and was not in compliance with the current ordinance requirements. The BZA denied the variance. Additionally, this occurred during the process of revising the Leawood Development Ordinance [LDO] and sections within the LDO were revised that dealt with these setback requirements, specifically Section 2.2.3 in the old LDO and Section 2.4.5 in

the revised LDO. Subsequently, the City entered into an agreement with the homeowner at 2016 West 96th Street on December 26, 2002, allowing for a 32-foot projection on the residence, which was approved by the City Administrator and City Attorney. Ms. Yarrington is expressing her concern as to whether the City Administrator and City Attorney or any staff member has the authority to overrule a decision made by the BZA, and is asking that the City Council reverse this decision.

Councilmember Rasmussen stated the City has had similar problems in the past with contractors, developers, etc., working outside the parameters and stipulations of building permits and the City Codes. Mr. Rasmussen then made a motion that a Stop Work Order be issued immediately for 2016 West 96th, until such time that the Council could review and discuss this issue. Councilmember Taylor seconded the motion. Councilmember Rawlings asked for a friendly amendment to the motion that an Executive Session be scheduled for February 3, 2003, to further discuss this issue, so that the Council could be brought up to date by the Staff with the details. Mr. Rasmussen stated he was not in favor of this issue being prolonged until February 3, 2003. Mr. Rawlings stated he was in favor of the Stop Work Order being issued immediately and was attempting to continue this to a date certain and for an opportunity to be briefed in detail by Staff. Mr. Rawlings asked if he could amend his friendly amendment that the Executive Session be scheduled on or before February 3, 2003. Mr. Rasmussen then stated he would be in favor of the amendment. Mr. Taylor seconded the friendly amendment. The motion was approved by a unanimous vote.

4. PROCLAMATIONS- None

5. PRESENTATIONS/RECOGNITIONS - None

834 **6. SPECIAL BUSINESS**

A. Acceptance of resignation of Planning Commission Member Diane Breneman

A motion was entered by Councilmember Dunn, seconded by Councilmember Bussing to accept Ms. Breneman's resignation. The motion was approved by a unanimous vote. Mr. Bussing stated he wanted to extend the City's gratitude for Ms. Breneman's service to the City.

B. Appointment of new Planning Commission Member for unexpired 2001-2004 term of Diane Breneman

A motion was entered by Councilmember Bussing, seconded by Councilmember Taylor to approve the appointment of Mr. Len Williams. The motion was approved by a unanimous vote.

904 **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. 963 and 964

B. Minutes of the January 6, 2003, Governing Body meeting

- C Minutes of the December 10, 2002, Parks and Recreation Advisory Board meeting
- D. Minutes of the November 12, 2002, Historic Commission meeting
- E. Minutes of the October 15, 2002, Historic Commission meeting
- F. Approve bid in the amount of \$32,000.00, from Mobile Vision, pertaining to the purchase of 8 mobile in-car video systems for the Police Department
- G. Resolution No. 1885, approving and authorizing the Mayor to execute a Consulting Agreement between George E. Arnold and the City for an amount not to exceed \$24,000.00, pertaining to the Intergraph Project for the Leawood Police Department
- H. Resolution No. 1886, approving and authorizing the execution of an Inter-local Agreement between the Board of Johnson County Commissioners [BOCC] and the City pertaining to SMAC Project, Dykes Branch DB-04-024-01; 83 Street & Wenonga south to 86 & Cherokee
- I. Resolution No. 1887, approving and authorizing the execution of a Maintenance Agreement in the amount of \$10,121.00, between the City and Aether Systems, Inc., pertaining to the Packet Cluster wireless data transmissions for the Leawood Police Department
- J. Approve Revised 2004 Budget and Capital Improvement Project [CIP] Schedules
- K Declaration of surplus property; Miscellaneous Parks and Recreation Equipment, to be auctioned by Nationwide Auctions
- L. Police Department Monthly Report
- M. Police Department 2002 Annual Report
- N. Fire Department Monthly Report
- O. Municipal Court Monthly Report

A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to approve the Consent Agenda. The motion carried by a unanimous vote.

909 **8. MAYOR'S REPORT**

- A. Attended the Johnson & Wyandotte Counties Council of Mayors and discussed concerns surrounding the state budget crisis and the need to retain funding for the Alcohol Tax Fund, Human Service Fund and the Juvenile Accountability Incentive Block Grant
- B. Attended the farewell reception for Johnson County Commissioner Gary Anderson
- C. Attended the Legislative Forum, along with Councilmembers Bussing, Gullledge, and Taylor, and City Administrator, Scott Lambers; hosted by Leawood Chamber of Commerce and various other local entities
- D. Participated in the Dr. Martin Luther King, Jr., Memorial Community Program held at Blue Valley Northwest High School
- E. Attended the installation ceremonies of County Commissioner Annabeth Surbaugh and new Leawood Representatives, Commissioners Ed Peterson and David Lindstrom

- F. Presented the 2nd annual State of the City Address on Tuesday, January 14, 2003, at the Leawood South Country Club, sponsored by the Leawood Chamber, Gold Bank, SBC, and Horizon National Bank
- G. Reminder of the upcoming Kansas Day Celebration on Wednesday, January 29, 2003, at 7:00 P.M., hosted by the Leawood Historic Commission. Tom Leathers will give a talk on 'The Leawood Story.'
- H. Reminder of the Work Session scheduled on Monday, February 3, 2003, at 6:00 P.M.
- I. Reminder of the Sister City's Annual Lunar New Year celebration and dinner on Wednesday, February 5, 2003, at the Fortune Star Restaurant

9. COUNCILMEMBERS' REPORT - None

10. STAFF REPORT- None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION - None

12. OLD BUSINESS - None

13. NEW BUSINESS

****A.** Resolution declaring it necessary to appropriate private property for the use of the City of Leawood, Kansas for the improvement of 119th Street and Mission Road Improvement Project, specifically for right-of-way [ROW] [CIP # 159] [Companion Ordinance] **-TO BE CONTINUED TO THE FEBRUARY 3, 2003, GOVERNING BODY MEETING**

****B.** Ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the improvement of 119th Street and Mission Road Improvement Project, specifically for right-of-way [ROW] [CIP # 159] **-TO BE CONTINUED TO THE FEBRUARY 3, 2003, GOVERNING BODY MEETING**

14. OTHER BUSINESS

Councilmember Bussing wanted to encourage attendance at the Arts Show on Friday, January 24, 2003, at 5:30 P.M., at Gold Bank, hosted by the Arts Council.

Councilmember Gulledge wanted to extend his thanks to the Kansas City Star for the well written article on the Mayor's State of the City Address.

ADJOURN

There being no further business, the meeting was adjourned at 8:05 P.M.

Debra Harper, City Clerk