

Minutes

DVD No. 181

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 Monday, February 4, 2008. Mayor Peggy Dunn presided.

Councilmembers present: Gregory Peppes, Gary Bussing, Jim Rawlings, Mike Gill, Lou Rasmussen, James Azeltine, and Debra Filla.

Mayor/Councilmembers absent: Scott Gulledge.

Staff present:

Scott Lambers, City Administrator
Chief John Meier, Police Department
Chief Ben Florance, Fire Department
Lovina Freeman, HR Director
Joe Johnson, Public Works Director
Mark Klein, Asst. to the Planning Director
Deb Harper, City Clerk

Patty Bennett, City Attorney
Captain Dale Finger, Police Department
Kathy Rogers, Finance Director
Chris Claxton, P&R Director
Eirene Oliphant, Building Official
Wade Thompson, Acting NS Admin.
Karl Weinfurter, IS Specialist

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn stated that the agenda will also include three reports from Councilmember Rasmussen the IRONHORSE Golf Course, the Public Works Committee, and the Leawood Arts Council as Item Nos. 9A, 9B, and 9C, respectively. Additional information concerning Item Nos. 9A, 11A, and 12A has also been placed upon the dais. A motion to approve the agenda was made by Councilmember Rasmussen; seconded by Councilmember Peppes. The motion carried following a unanimous vote of 7-0.

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.

Kathi Hardin, 9219 Cherokee Place, stated concerns regarding residential reconstruction occurring in Old Leawood, specifically at 9216 Cherokee Place where two large oak trees were removed in order to provide room for the erection of a 6,000 sq. ft. home. Ms. Hardin displayed photographs of the site.

She expressed hope that action will be taken to prevent the removal of such trees in the future. In addition, she is opposed to the construction of the large house as it is out of scale with the existing homes in the area. Noting that remodeling guidelines fall under the direction of the homeowners association, to whom she has spoken regarding the matter, she requested that the City also become involved with approving reconstructions. A petition has been gathered with the signatures of 18 residents who are opposed to the 6,000 sq. ft. home. The petition will be submitted to Leawood Homes Association President Mike Zanders. Ms. Hardin also informed that she will be holding a meeting in her home tomorrow night with the residents; Bruce North, the contact for remodeling guidelines; John Gray, the builder of the opposed house, and the architect of the house. She expressed hope that the remodeling guidelines will be reevaluated in the near future if it is recognized that they are still not in keeping with the character of Old Leawood.

4. PROCLAMATIONS – None.

5. PRESENTATIONS/RECOGNITIONS – City Administrator Scott Lambers reviewed that his recommendation to hire Lovina Freeman as the new Human Resources Director was approved at the last City Council meeting. He then introduced Ms. Freeman to the Governing Body, who expressed appreciation for the warm welcome she has received from Staff upon beginning her new position as well as throughout the interview process. She also stated that she looks forward to meeting with each individual councilmember in the near future.

6. SPECIAL BUSINESS

A. Public Hearing to consider 2009-2013 Capital Improvement Program [C.I.P.]

Mayor Dunn opened the public hearing for comment.

Stan Cramer, 15453 Ironhorse Circle, stated that he recently attended a Public Works Committee meeting where discussion was held regarding a possible school safety zone in the area of St. Michael's the Arch Angel Catholic School on Nall Avenue. The committee recommended approval of the safety zone. He voiced objection to including the project within the C.I.P. as the improvements should be implemented without delay. The residents are prepared to make a presentation and express further concerns on the matter at the appropriate time. In the event that the City Council does not deem the improvement necessary at this time, he requested that it be listed in the C.I.P. as a project slated for 2009; however, in the interest of child safety, the residents would prefer immediate action.

Cherise Lyon, 14801 Eby, Overland Park, echoed Mr. Cramer's comments and asked that the school safety zone be implemented as soon as possible.

As no other individuals were present to speak on the matter of the 2009-2013 C.I.P., a motion to close the public hearing was made by Councilmember Gill; seconded by Councilmember Filla.

Mr. Lambers verified for Councilmember Gill that if it is decided to create the safety zone in 2008, the expenditure would not affect the 2009-2013 C.I.P. The project costs are estimated at \$20,000 to \$25,000 and would need to be either replaced in the 2008 Budget or taken out of the contingency fund.

The motion to close the public hearing carried following a unanimous vote of 7-0.

- B. Resolution No. 2938 adopting the 2009-2013 Capital Improvement Program [C.I.P.] for the City of Leawood

Mr. Lambers confirmed for Councilmember Azeltine that the assumptions in the C.I.P. include an average of a 5.9% increase in assessed valuations over the next five years. There are also two mill levy increases projected for years 2011 and 2013 to which certain multi-year projects are dependent upon.

Councilmember Azeltine noted that discussions concerning prior C.I.P.s have typically occurred at a later date during the year. Mr. Lambers stated the Governing Body was advised that the process would now take place in a more accelerated fashion due to other events happening within the Finance Department during the previous timeframe such as the annual audit and year-end reports. He informed that some cities are now adopting their C.I.P.s during the Fall.

To another question posed by Councilmember Azeltine, Mr. Lambers advised that the County Appraiser's annual report was not relied upon when calculating the assessed valuation assumptions for previous C.I.P.s. As indicated, the averaged figure of 5.9% is used over a five-year period and has been consistently lower than the actual assessed valuation growth of the City for the last 7-8 years. He furthered that in the past, the City Council has been critical of Staff for utilizing such a conservative approach and has requested the use of figures within a more reasonable range. It is anticipated over the next five years that the City will see anywhere between a 5.5-6.5% increase on an annual basis. As the City's base continues to grow, new residential and commercial development will become less of the percentage.

Councilmember Azeltine expressed concern in that even though the assumptions were conservative in the past, they may be deemed aggressive in the near-term future and will prompt the need for a new plan later this year due to possible adverse affects of the subprime mortgage crisis. Following research, he found that the Finance Department of Johnson County relies heavily upon the County Appraiser's report that is available in late February/early March; however, until this direction is received, they use a range of -0.6% to 1.8% increase in assessed valuations for financial forecasting. As he is also the Chairman of the Johnson County Parks & Recreation Board, he noted that the committee awaits instructions from the Board of County Commissioners as to the assumptions they are to use for the County C.I.P. Program. They have been told to use no more than a 1% increase at this time. The relative wealth in Leawood does provide some insulation against the overall economy, yet the City is still not immune. He has also been told that there is a very real possibility that, for the first time ever, the County could see a decrease in assessed valuations at both the residential and commercial level.

Councilmember Azeltine continued that he is uncomfortable with the 5.9% assessed valuation assumption proposed for the C.I.P. He noted that the 10-year growth rate through 2007 averaged 9% annually while the 5-year growth rate was 6.5%, which included last year when there was significant deceleration in the real estate market. During the C.I.P. Work Session, he requested to see alternative assumption figures as well as a 5-year plan without the inclusion of mill levy increases and the associated dependent projects that a future Governing Body will be asked to approve. He stated that he cannot ascribe to the current approach as it has the potential to paint the City into a corner.

Mayor Dunn reminded that approval of the C.I.P. does not translate into approval of the proposed future mill levy increases in 2011 and 2013. The Budget & Finance Committee will make a recommendation to the Governing Body regarding the mill levies following the review process of the respective budget years. Councilmember Azeltine voiced understanding, however he feels that alternative approaches should have been analyzed. Mayor Dunn noted that the alternative to eliminating the mill levies would require the omission of street and stormwater improvement projects in the out-years, which was discussed during the C.I.P. Work Session. As the C.I.P. is reviewed every year and Staff has the opportunity to recommend an increase or decrease to the assessed valuation assumption on an annual basis, future Governing Bodies are not bound to any of the figures proposed in the current document.

Mr. Lambers clarified that the 1-mill increases are not solely attributable to the C.I.P. as it is seen in the 5-year financial forecast across all funds for all operations. However, the C.I.P. is a major contributor due to the multi millions of dollars that will be borrowed over a period of the next 15 years for the accelerated street and stormwater programs.

Councilmember Rasmussen stated that he could not support the C.I.P. for reasons related to the traffic signal project on College Boulevard and Brookwood Avenue, which was proposed as uncommitted for year 2011 and has now been changed to committed status. As he pointed out at the Work Session, to the best of his knowledge, none of his constituents have ever requested signalization in this area. Mayor Dunn stated the status was changed following consensus of the Councilmembers present at the C.I.P. Work Session. Additionally, he opposes the use of 1/8-cent sales tax revenue for the \$250,000 Pay-As-You-Go stormwater project slated for 2010 at 12601 Norwood [#77006].

A motion to approve the 2009-2013 C.I.P. was made by Councilmember Bussing; seconded by Councilmember Peppes.

To Councilmember Azeltine's remarks, Finance Director Kathy Rogers responded that the City has been very fortunate in the ability to perform long-term financial forecasting for the last eight years, which does raise issues at times. A positive aspect in terms of the City's bond rating is the fact that revenue and expenditure projections are managed conservatively. She informed that her projections for the 2009 budget are based upon building permits that went through the City of Leawood during 2007. Any possible reduction in the actual assessed valuation will be cushioned by the fact that sales tax revenue for the month of November was 14% above the anticipated figure from the previous year. She assured that she shares the same concerns expressed by Councilmember Azeltine and closely monitors anything that would adversely affect the City. If there should be evidence of a change from prior years, she will immediately consult with the City Administrator and subsequently inform the Governing Body.

Ms. Rogers informed Councilmember Azeltine that the 5.9% growth is primarily attributable to new development versus organic growth. She stated that she could provide the exact figures to him at a later date. Mayor Dunn offered revenue figures from 2007 as \$95 million from new residential and commercial permitting growth with \$26.5 million stemming from residential reconstruction/remodeling permits.

Councilmember Gill stated that he shares similar concerns stated by Councilmember Azeltine regarding the 5.9% assumption; however, he places full confidence in the financial management and judgment of Staff, who will deal with any problems that may arise over the coming year in an appropriate manner. He voiced support for the C.I.P. as proposed.

Councilmember Rasmussen clarified for Councilmember Rawlings that his opposition to the two aforementioned projects unfortunately leaves him with no alternative but to vote against the entire C.I.P. He also noted that he was disheartened with the justification given for the projects being simply that they were included in the C.I.P. from the previous year. Mr. Lambers confirmed that the procedure is correct to verbally note opposition to certain projects and then chose to either vote for or against the entire document.

Councilmember Azeltine asserted that his comments in no way speak to the quality of work performed by Ms. Rogers or Mr. Lambers, however he is still concerned with the downward trend of the assessed valuations and the implementation of the mill levy increases. Given the state of the economy over the last six months, now is the time to use more conservative measures. Ms. Rogers reiterated that any adverse changes will be brought to the Governing Body's attention prior to the 2009 budget process.

The C.I.P. was approved following a vote of 5-2 (Nay: Councilmembers Rasmussen and Azeltine).

Councilmember Bussing congratulated and thanked Mr. Lambers, Ms. Rogers, and members of the Finance Department for the excellent forecasting and C.I.P. proposed for this year.

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. 1094B, 1095A, 1096A, 1095B, and 1096B
- B. Accept minutes of the January 7, 2008 Governing Body meeting
- C. Accept minutes of the January 7, 2008 Governing Body Work Session – *[Continued to the February 18, 2008 Governing Body meeting]*
- D. Accept minutes of the January 14, 2008 Governing Body meeting
- E. Accept minutes of the January 14, 2008 Governing Body Work Session
- F. Accept minutes of the December 20, 2007, Amphitheater Steering Committee meeting
- G. Accept minutes of the November 9, 2007, Stormwater Management Committee meeting
- H. Accept minutes of the October 23, 2007, Arts Council meeting
- I. Accept minutes of the October 11, 2007, Public Works Committee meeting
- J. Approve payment in the amount of \$26,201.85 to League of Kansas Municipalities for 2008 membership
- K. Approve renewal of Cereal Malt Beverage [CMB] for Hen House, located at 11721 Roe Avenue
- L. Approve renewal of Cereal Malt Beverage [CMB] for Dragon Dynasty, located at 12248 State Line
- M. Approve bid in the amount of \$29,354.00 to Identix, for the purchase of an automated fingerprint identification system
- N. Approve bid in the amount of \$20,843.20, from Conrad Fire Equipment for the purchase of Thermal Imaging Cameras
- O. Approve bid in the amount of \$14,579.00 from Van Wall Equipment Company of Olathe for the purchase of an All Terrain Rescue Vehicle
- P. Approve Change Order No. 4 in the amount of \$18,280.00, to Godfrey Wiedenmann, pertaining to Phase II, Dykes Branch Channel Improvement Project, [SMAC Project DB-04-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road [# 76009]
- Q. Resolution No. 2939 approving and authorizing the Mayor to execute a Service Agreement in the amount of \$51,600.00, between the City and P1 Group, Inc., pertaining to HVAC repairs at Fire Station No. 3, 14801 Mission Road
- R. Resolution No. 2940 approving and authorizing the Mayor to execute a Service Agreement for an amount not to exceed \$25,000 between the City and the Kansas City Star, pertaining to advertising and other services
- S. Resolution No. 2941 approving and authorizing the Mayor to execute a Professional Engineering Agreement in the amount of \$22,300.00, between the City and Phelps Engineering, Inc., pertaining to the repairs on the trail located at Tomahawk Park, 119th & Mission Road
- T. Resolution No. 2942 to approve a Final Plat for I Parkway 133, Second Plat, located at 135th Street and Roe Avenue, within the Parkway Plaza Development *[from January 2, 2008 Planning Commission meeting]*

- U. Resolution No. 2943 to approve a Final Site Plan for Tomahawk Pointe Signage, located on the northwest corner of Mission Road and College Boulevard [*from January 2, 2008 Planning Commission meeting*])
- V. Police Department December 2007 Monthly Report
- W. Police Department 2007 Year End Report
- X. Fire Department December 2007 Monthly Report
- Y. Fire Department 2007 Year End Report
- Z. Municipal Court 2007 Monthly Report

Mayor Dunn pulled Item No. 7C and requested that it be continued to the February 18th Governing Body meeting due to some technical errors. Councilmember Azeltine stated that he also intended to pull Item No. 7C for corrective purposes. He was advised to e-mail his concerns to City Clerk Deb Harper.

On motion of Councilmember Rasmussen, seconded by Councilmember Azeltine, the remainder of the Consent Agenda was approved following a unanimous vote of 7-0.

9. COUNCILMEMBERS' REPORT

A. Councilmember Rasmussen's report regarding IRONHORSE Golf Course

Councilmember Rasmussen reviewed that during the Work Session regarding the Business Plan for IRONHORSE Golf Course, discussion took place concerning the reimplemention of the Hole Sponsorship Program. The matter was directed to the IRONHORSE Advisory Board, who has subsequently submitted a recommendation to resurrect the program.

A motion to accept the recommendations of the IRONHORSE Advisory Board regarding the Hole Sponsorship Program was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Mayor Dunn noted that the sponsorships will last for two-year terms for a fee of \$3,000 for the major holes and \$2,500 for the remaining holes.

The motion was approved following a unanimous vote of 7-0.

B. Councilmember Rasmussen's report regarding the January 28, 2008, Public Works Committee meeting

Councilmember Rasmussen informed that the committee is continuing to work with the homeowners associations regarding the maintenance responsibilities of the stone islands in north Leawood. He is currently awaiting input from the last draft agreement.

The committee also recommended that the City Council consider a right turn lane westbound on 119th Street to northbound Tomahawk Creek Parkway. The turn lane should be constructed in conjunction with the Justice Center and be included in the total project costs.

Councilmember Rasmussen then reminded that the City Council previously requested that the Public Works Committee create an abbreviated version of the standard contract document for smaller projects in which many of the burdens are unnecessary. An Ad Hoc Contract Review Committee has been formed and includes Councilmember Peppes as Chair, Public Works Committee member Sherman Titens, Contract Administrator Mary Lumley, and Public Works Director Joe Johnson. They will draft and present the shorter contract to the Public Works Committee for review and recommendation to the City Council.

Additionally, the Public Works Committee has selected HNTB as the design consultant for the improvement project on Roe Avenue and 143rd Street. A formal recommendation to the Governing Body regarding this matter will be forthcoming.

C. Councilmember Rasmussen's report regarding the Arts Council

Councilmember Rasmussen announced that the Leawood Arts Council is arranging to have the Kansas City Symphony perform in Yardley Hall at Johnson County Community College. The City's contribution towards the performance will be approximately \$5,000 and in return, the citizens of Leawood will have preference in purchasing tickets. He wanted the Governing Body to be made aware of the fact that the City will be sponsoring a cultural arts program outside of the city limits.

Councilmember Bussing added that the presentation of the symphony at Yardley Hall is contingent upon the Leawood Arts Council finding a sponsor for the production costs of approximately \$35,000. He informed that anyone interested in making a contribution should contact Deb Harper, City Clerk.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PUBLIC WORKS COMMITTEE

[from January 18, 2008 Public Works Committee]

- A. Recommendation regarding the school zone in front of St. Michael's Church on Nall Avenue

Mayor Dunn noted that recommendations from the Public Works Committee regarding this item have been placed upon the dais.

Councilmember Rasmussen reported that the committee is recommending the establishment of a speed zone on 143rd Street from the east property line of St. Michael's to Nall Avenue and roughly from 100+ feet south of 143rd Street on the northbound lane of Nall to the north property line of St. Michael's. The recommended speed limit is 20 mph. He stated that he has been assured by Mr. Lambers that funding is available to implement the Nall portion of the speed zone this year. If approved, the work will be added through a change order to a current contract with Burns & McDonnell for improvements to 143rd Street, which is currently in the C.I.P.

Mayor Dunn confirmed with Councilmember Rasmussen that installation of the school zone on 143rd Street will occur in conjunction with the widening project that is planned for this road. The Public Works Committee is not recommending a delay regarding the section on Nall Avenue. He noted that the west side of Nall Avenue is within the Overland Park city limits and will maintain a 45 mph speed limit. The same situation was encountered with the Curé of Ars school on Mission Road as it borders with Prairie Village. Councilmember Rasmussen stated that as all of the schools in Leawood have a 20 mph safety zone, the same should be done for St. Michael's. Mayor Dunn mentioned that at this time, Prairie Village has implemented a 25 mph restriction in front of Curé of Ars.

Mayor Dunn recognized citizen Cherise Lyon, who signed in to speak on this item. It was noted that Ms. Lyon spoke under Item No. 6B and has now left the meeting.

Karen Dehais, 14614 Canterbury Street, stated that she is the mother of three children who attend St. Michael's and is also representing the School Advisory Committee. She informed that there are 616 children who attend St. Michael's, two-thirds of which live near enough to walk or ride bicycles to school. At this time, with the 45 mph speed limit, many motorists are not aware of the school and are not expecting to come upon pedestrian traffic. The School Advisory Committee is very concerned about the speed of the traffic and would like to advocate obtaining the same safety features present at all other Leawood schools. Regarding the speed limit, the school will support a compromise between the jurisdictions of Leawood and Overland Park as long as the roads are properly identified as a school zone to ensure safe traffic flow.

Michael Cullinan, 13770 W. 121st Street, Olathe, Principal of St. Michael's the Arch Angel Catholic School, stated the school places a high priority on safety and follows many procedures to ensure this for the children. However, once the students leave the campus on foot and bicycle to travel home, their safety becomes the responsibility of other entities, which is why the school is requesting the implementation of a school safety zone from both Leawood and Overland Park. He thanked the Public Works Committee for the favorable recommendation. As stated by Ms. Dehais, the school is not requesting a specific speed limit but would like to see the traffic slowed with placement of the appropriate signs and signals. A compromise between Leawood and Overland Park would be welcome with a limit of up to 35 mph. The main objective is to increase awareness that the area is a school zone. He requested that the improvement be implemented immediately.

Father Bill Porter, 14201 Nall Avenue, spoke in favor of the safety zone especially in light of the fact that Nall Avenue has been widened with an increase in traffic flow. He also noted that there is currently a lack of awareness that the building is in fact a school. Extending the boundaries of the speed zone by collaborating with Overland Park would be optimal in terms of safety for the children. He thanked Councilmember Rasmussen, the Public Works Committee, and the Governing Body for the attention given to the matter.

Kathleen Walsh, 4901 W. 159th Terrace, stated that she is the librarian at St. Michael's. As one of her duties includes monitoring the outdoor arrival and departure of students, she is very aware of and concerned with the traffic that passes in front of the building. She anticipates that the traffic will further increase upon the opening of Nall Avenue between 151st and 159th Streets. An awareness level of the school is greatly needed particularly since the building sits below street level facing Nall Avenue. She requested that the safety zone be implemented as soon as possible.

A motion to approve the recommendation from the Public Works Committee to establish a speed zone at 20 mph in front of St. Michael's the Arch Angel Catholic School was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Councilmember Azeltine relayed that he and Councilmember Gullede have received well over 100 e-mails and phone calls from parishioners of the church regarding this matter. It is his understanding that contact has been made with the City of Overland Park, which is amenable to a speed zone of 35 mph. He stated preference with this rate of travel as it is also utilized at the nearby schools of Overland Trail Elementary and another private school at 131st Street and Nall Avenue. He agreed that the goal is to raise the awareness level of drivers that children may be in the area. He disagreed with Councilmember Rasmussen's comment that the speed limit should be uniform throughout all schools within the City as some of the facilities are not on main thoroughfares such as St. Michael's. Decreasing the limit to the lower rate of 20 mph may create a hazard that currently does not exist in that motorists may have to slam on their brakes or swerve. Councilmember Azeltine requested to hear Staff's opinion on the matter. From his experience of living in the area, the 35 mph arrangement in cooperation with Overland Park has worked well. Judging from comments made by the residents, the 20 mph limit is not needed or wanted and is also not agreeable to Overland Park.

Councilmember Azeltine respectfully requested a friendly amendment to the motion to change the speed limit in the school safety zone from 20 mph to 35 mph. Councilmember Rasmussen declined the friendly amendment. A formal amendment to the motion of increasing the speed limit to 35 mph was then made by Councilmember Azeltine.

Councilmember Gill confirmed with Councilmember Azeltine that he would support a speed limit of 30 mph if it was agreed upon by Overland Park. After visiting other schools in the City, Councilmember Gill noted that the 20 mph zones drop from a regular speed limit of 35 mph. A 15 mph reduction would be consistent with what has been done in other safety zones within the community. There is also great merit in having a uniform speed zone when working with other jurisdictions as a previous situation at the Barstow School when there were differing rates caused much confusion and concern to the motorists. He stated preference with a 30 mph speed limit as this will also give Staff the flexibility to negotiate with Overland Park.

Public Works Director Joe Johnson noted that Item No. 16Q deals with the establishment of speed limits and includes school safety zones. It is Staff's recommendation to reduce the speed in a school safety zone to no more than 15 mph below the posted limit and at no time less than 20 mph. The requirement of reducing the speed by 10-15 mph is consistent with other cities in the area. Mr. Johnson recommended working with Overland Park to maintain a consistent reduction in speed of 30 mph for both northbound and southbound lanes on Nall Avenue.

Mayor Dunn reported conversing with Overland Park Mayor Carl Gerlach, who indicated support in attempting to reach an agreement. Mr. Johnson confirmed that there has been no official action made by Overland Park in designating the area as a school zone. Based upon their current findings, they would not recommend the institution of a school zone in this area; however, per their current ordinance, they will participate with the City of Leawood in doing so at Leawood's expense. The total cost for both sides of Nall Avenue is \$20,000.

Mr. Johnson confirmed that Overland Park's standard requires a 10 mph reduction from the posted speed limit. Mayor Dunn stated the scenario of a 30 mph speed zone on the Leawood side and 35 mph on the Overland Park side is comparable to the situation with Prairie Village in front of the Curé of Ars School in that there will only be a five mile differential. She stated it is her belief that the Public Works Committee made the recommendation of 20 mph as they thought it would be safer for the students; however, if the rate of speed remains 45 mph in Overland Park, she fears that it would be confusing and less safe.

To Councilmember Azeltine's question, Mr. Johnson stated the school zone ordinance stipulates a 15 mph reduction from the posted speed limit for optimal driver reaction.

Councilmember Filla withdrew her second to the motion. Councilmember Rasmussen chose to leave his motion on the table, stating that his past experience has not indicated cooperation between individual political jurisdictions.

It was clarified that the motion pertains only to the speed limit on Nall Avenue as 143rd Street is still under construction. Mr. Johnson informed that the posted speed limit planned for 143rd Street is 35 mph.

The motion died for lack of a second.

A motion to recommend a 30 mph school safety zone on Nall Avenue in front of St. Michael's with direction given to Staff to negotiate with Overland Park to do the same or at least reduce their speed limit to 35 mph was made by Councilmember Peppes; seconded by Councilmember Azeltine.

Discussion took place regarding continuing the negotiation process with Overland Park regarding cost sharing for the improvements.

Mayor Dunn clarified for Father Porter that a decision regarding the school zone for 143rd Street will take place at a future meeting upon completion of the design process. She stated that she will initiate conversation with Mayor Gerlach regarding extending the school zone into Overland Park.

Councilmember Rasmussen recommended that the City Council request a date certain for Overland Park to act upon their portion of the project.

Rather than abandoning the implementation of a safety zone on 143rd Street until it is widened, Councilmember Bussing suggested considering temporary measures in order to alert traffic of the school. Mr. Johnson stated that school signs will be placed for westbound traffic and they will request the same from Overland Park for eastbound traffic. Such signage is currently in place on Nall Avenue.

Mr. Johnson informed that it will take approximately until May to completely install the school zone. The traffic poles can take up to twelve weeks to arrive after an order has been placed. It will also be necessary to work with Kansas City Power & Light to supply power to the signals. Mr. Lambers stated that a reasonable goal would be to have the safety zone in place by the time school resumes in August.

Councilmember Rasmussen made a friendly amendment to the motion to request that Mr. Johnson provide a progress report on negotiations with Overland Park in one month. As the motion-maker and second to the motion, Councilmembers Peppes and Azeltine accepted the friendly amendment.

The motion was approved following a vote of 6-1 (Nay: Councilmember Rasmussen).

A motion to direct Staff to immediately establish a temporary school safety zone on 143rd Street with consideration of a permanent safety zone upon completion of the widening project of 143rd Street was made by Councilmember Bussing; seconded by Councilmember Gill.

Councilmember Rasmussen reminded that there are no sidewalks on the right side of 143rd Street at this time. Mr. Johnson stated that there is a complete section of road directly in front of the school where signage may be placed. Staff will work with the Overland Park on the temporary signage issue as well as with the design consultant to establish the permanent safety zone on 143rd Street.

Mr. Johnson clarified for Councilmember Rawlings that the current speed limit on 143rd Street is 30 mph.

Mr. Cullinan stated appreciation for the temporary signage on 143rd Street. He received confirmation from Mr. Johnson that temporary signage is currently in place on Nall Avenue in Leawood for northbound traffic as it approaches the intersection. Overland Park has installed such signage on the west side of Nall Avenue as well.

The motion was approved following a unanimous vote of 7-0.

12. STORMWATER MANAGEMENT COMMITTEE

[from January 11, 2008 Stormwater Management Committee]

- A. Recommendation regarding request from Bob & Nancy Hack, 8308 Cherokee Lane, regarding the [SMAC Project DB-04-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road [# 76009]

Councilmember Rawlings stated that the Hack's appeared before the Stormwater Management Committee to request additional funding for landscaping to their property due to the disturbance caused by the DB-04-024 SMAC project. He reviewed that their property received the most amount of damage by the construction process. Due to some confusion, it was clarified for them at the meeting that plantings within the berm will be included as part of the project at an amount not to exceed \$1,500.

The committee then unanimously approved Mr. Lambers' recommendation to award an additional \$3,500 for the restoration of trees and vegetation to their property. The additional plantings will be performed by the landscaper under contract with the City.

A motion to approve the Stormwater Management Committee's recommendation to grant the Hack's an additional \$3,500 for the purpose of restoring the landscaping upon their property was made by Councilmember Rawlings; seconded by Councilmember Filla.

The motion was approved following a vote of 6-1 (Nay: Councilmember Bussing).

Councilmember Bussing stated that he opposes the motion on the basis of disagreeing with the use of City money for improvements upon private property.

13. PLANNING COMMISSION – None.

14. OLD BUSINESS – None.

15. OTHER BUSINESS – None.

- A. Green Initiative; Citizen Task Force

Mayor Dunn noted that if the task force is approved, she will proceed to request that each member of the Governing Body recommend one appointment. She and Councilmember Peppes have already been contacted by individuals requesting appointments. It was noted that a biography of the individual must be submitted along with the recommendation.

Councilmember Azeltine thanked Mr. Lambers for providing an outline of parameters for the task force in order to guide their deliberations. He noted that three committees are being proposed: a City committee, a private sector committee, and the citizen committee. Mr. Lambers verified that the City and private sector committees will not include citizens at large. The objective this evening is to establish the citizen committee only.

Councilmember Gill asked for an example of a duty that the citizen committee would perform. Mr. Lambers responded that extending recycling efforts within the City and the exploration of establishing/encouraging individual rain gardens would be included in their functions. Other types of issues such as reducing or eliminating the use of bottled water and plastic bags can also be explored by the task force. The committee will be responsible for raising public awareness, identifying ideas, initiating community programs, and collecting/posting information on the City's website.

The task force will be effective for one year and may include up to nine citizen members.

A motion to approve the formation of a Green Initiative Task Force was made by Councilmember Filla; seconded by Councilmember Peppes.

Mayor Dunn confirmed with Councilmembers Filla and Azeltine that they are still interested in volunteering to act as Council-liaisons to the task force. She then requested that recommendations for appointees be submitted within the next 30 days.

The motion was approved following a unanimous vote of 7-0.

16. NEW BUSINESS

- A. Ordinance No. 2289 levying a transient guest tax of seven percent (7%) upon the gross receipts derived from or paid by transient guests for lodging or sleeping accommodations within the City of Leawood, Kansas in accordance with Charter Ordinance No. 38 [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Rawlings. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Bussing, Rawlings, Peppes, Rasmussen, Azeltine, Gill, and Filla. Nay: None. (Councilmember Gullede absent.)

- B. Ordinance No. 2290C amending Chapter 4, Article 1 of the Code of the City of Leawood, Kansas, 2000, entitled Administration, and repealing existing Article 1, and other sections in conflict herewith [Roll Call Vote]

Mayor Dunn confirmed with all Councilmembers that they are comfortable with the formatting of the packet information regarding Item Nos. 16B through 16O. City Attorney Patty Bennett advised that an individual vote must be taken for each ordinance.

A motion to pass the ordinance was made by Councilmember Azeltine; seconded by Councilmember Rawlings. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Azeltine, Rawlings, Peppes, Filla, Gill, Bussing, and Rasmussen. Nay: None. (Councilmember Gullede absent.)

- C. Ordinance No. 2291C amending Chapter 4, Article 2 of the Code of the City of Leawood, Kansas, 2000, incorporating the International Building Code 2006, and repealing existing Article 2, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Rawlings. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Filla, Rawlings, Peppes, Bussing, Azeltine, Gill, and Rasmussen. Nay: None. (Councilmember Gullede absent.)

- D. Ordinance No. 2292C amending Chapter 4, Article 3 of the Code of the City of Leawood, Kansas, 2000, incorporating the National Electrical Code 2005, and repealing existing Article 3, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Rawlings. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Filla, Rawlings, Peppes, Rasmussen, Azeltine, Bussing, and Gill. Nay: None. (Councilmember Gullede absent.)

- E. Ordinance No. 2293C amending Chapter 4, Article 4 of the Code of the City of Leawood, Kansas, 2000, incorporating the International Plumbing Code 2006, and repealing existing Article 4, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Azeltine; seconded by Councilmember Gill. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Azeltine, Gill, Peppes, Filla, Rawlings, Bussing, and Rasmussen. Nay: None. (Councilmember Gullede absent.)

- F. Ordinance No. 2294C amending Chapter 4, Article 5 of the Code of the City of Leawood, Kansas, 2000, incorporating the International Mechanical Code 2006, and repealing existing Article 5, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Rawlings. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Filla, Rawlings, Bussing, Gill, Azeltine, Rasmussen, and Peppes. Nay: None. (Councilmember Gullede absent.)

- G. Ordinance No. 2295C amending Chapter 4, Article 6 of the Code of the City of Leawood, Kansas, 2000, incorporating the International Fuel Gas Code 2006, and repealing existing Article 6, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Azeltine; seconded by Councilmember Gill. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Azeltine, Gill, Rawlings, Peppes, Filla, Bussing, and Rasmussen. Nay: None. (Councilmember Gullede absent.)

- H. Ordinance No. 2296C amending Chapter 4, Article 8 of the Code of the City of Leawood, Kansas, 2000, incorporating the International Energy Conservation Code 2006, and repealing existing Article 8, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Peppes. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Peppes, Azeltine, Rawlings, Bussing, Filla, and Rasmussen. Nay: None. (Councilmember Gullede absent.)

- I. Ordinance No. 2297C amending Chapter 4, Article 9 of the Code of the City of Leawood, Kansas, 2000, incorporating the International Residential Code 2006, and making additions thereto, and repealing existing Article 9, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Rawlings. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Rawlings, Bussing, Filla, Rasmussen, Azeltine, and Peppes. Nay: None. (Councilmember Gullede absent.)

- J. Ordinance No. 2298C repealing Chapter 4, Article 10 of the Code of the City of Leawood, Kansas, 2000, entitled Swimming Pool, Spa, and Hot Tub Code [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Azeltine. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Azeltine, Peppes, Bussing, Rawlings, Rasmussen, and Filla. Nay: None. (Councilmember Gullede absent.)

- K. Ordinance No. 2299C repealing Chapter 4, Article 11 of the Code of the City of Leawood, Kansas, 2000, entitled Abatement of Dangerous Buildings Code [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Peppes; seconded by Councilmember Rawlings. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Peppes, Rawlings, Filla, Azeltine, Rasmussen, Bussing, and Gill. Nay: None. (Councilmember Gullede absent.)

- L. Ordinance No. 2300C amending § 7-102 and 7-103 of the Code of the City of Leawood, Kansas, 2000, , entitled Membership, and Firefighter's Relief Association, respectively, and repealing existing Sections 7-102 and 7-103 and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Filla. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Rawlings, Filla, Rasmussen, Azeltine, Gill, Peppes, and Bussing. Nay: None. (Councilmember Gullede absent.)

- M. Ordinance No. 2301C amending § Chapter 7, Article 2, of the Code of the City of Leawood, Kansas, 2000, adopting the International Fire Code, 2006, and repealing existing Article 2 of Chapter 7, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Azeltine; seconded by Councilmember Peppes. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Azeltine, Peppes, Filla, Gill, Rawlings, Bussing, and Rasmussen. Nay: None. (Councilmember Gullede absent.)

- N. Ordinance No. 2302C amending Chapter 8, Article 5 of the Code of the City of Leawood, Kansas, 2000, incorporating the International Property Maintenance Code 2006, and repealing existing Article 5, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Rawlings. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Rawlings, Bussing, Filla, Rasmussen, Peppes, and Azeltine. Nay: None. (Councilmember Gullede absent.)

- O. Ordinance No. 2303C amending Chapter 11, Article 7 of the Code of the City of Leawood, Kansas, 2000, by amending Section 11-704, entitled "Premises Identification" and repealing existing Article 7, and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Peppes. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Peppes, Bussing, Rawlings, Rasmussen, Azeltine, and Filla. Nay: None. (Councilmember Gullledge absent.)

- P. Ordinance No. 2304C 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 of Leawood, Kansas; incorporating by reference the 'Uniform Public Offense Code for Kansas Cities,' 2007 edition, 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 11-105, and other sections in conflict herewith [Roll Call Vote]

Mr. Lambers informed Councilmember Filla that the Class C violation for discharging a B.B. gun falls under the most minimal fine category.

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Peppes. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Peppes, Filla, Rawlings, Bussing, Azeltine, and Rasmussen. Nay: None. (Councilmember Gullledge absent.)

- Q. Ordinance No. 2305C 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 of Leawood, Kansas; incorporating by reference the 'Standard Traffic Ordinance for Kansas Cities, 2007 edition,' 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]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Peppes.

Councilmember Bussing confirmed with Ms. Bennett that it was opted to replace the Standard Traffic Ordinance regarding All Terrain Vehicles [ATVs] with the City's own ordinance. The standard ordinance was more restrictive in terms outlawing all utility carts as the City allows certain vehicles of this nature for Parks & Recreation and golf course operations.

The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Peppes, Bussing, Filla, Azeltine, Rasmussen, and Rawlings. Nay: None. (Councilmember Gullledge absent.)

ADJOURN

Mayor Dunn adjourned the meeting at 9:40 P.M.

Debra Harper, CMC, City Clerk

Christy Wise
Recording Deputy City Clerk