

**Minutes**

Audio Tape No. 505

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 4800 Town Center Drive, at 7:45 p.m., on Tuesday, February 20, 2001. Mayor Peggy J. Dunn presided.

**Councilmembers present:** Jim Rawlings, Patrick L. Dunn, Shelby Story, Mike Gill, Louis Rasmussen, and James E. Taylor, Sr. **Councilmembers absent:** Scott E. Gulledege, Gary L. Bussing.

**Staff present:**

Patricia A. Bennett, City Attorney  
Kathy Rogers, Finance Director  
Joe Johnson, Public Works Director  
Sid Mitchell, Chief of Police  
Julie Hakan, Human Resources Director  
Chris Claxton, Parks & Recreation Director

Ben C. Florance, Fire Chief  
Diane Binckley, Planning/Develop. Dir.  
Jeff Cantrell, Neighborhood Serv. Admin.  
Sarah Hilton, Admin. Services Manager  
Martha Heizer, City Clerk  
Deb Harper, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

147 **2. APPROVAL OF AGENDA**

Items 6.A. through 6.E. were continued to the March 5, 2001, Governing Body meeting at the request of the developer. The agenda as amended was approved unanimously on motion of Gill, seconded by Story. It was noted that it was important that a Ward 4 Councilmember be present for consideration of Items 6.A through 6.E., so there was a possibility that the matter could be continued again at the March 5<sup>th</sup> meeting.

250 **3. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Lane, addressed the Council about the ordinance pertaining to increased compensation for Councilmembers that was passed at the last Council meeting and about the City removing or reducing franchise taxes on utilities and making refunds to residents because of high utility prices.

396 **4. 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. Appropriation Ordinance No. 911
- B. Minutes of the February 5, 2001, Governing Body meeting
- C. Minutes of the January 4, 2001, Golf Course Committee meeting
- D. Minutes of the January 9, 2001, Parks & Recreation Advisory Board meeting
- E. Minutes of the January 9, 2001, Historic Commission meeting
- F. Minutes of the January 17, 2001, Technology Review Committee meeting
- G. Minutes of the February 6, 2001, Strategic Spending Committee meeting
- H. Minutes of the February 8, 2001, Strategic Spending Committee meeting
- I. Minutes of the February 13, 2001, Strategic Spending Committee meeting
- J. Departmental reports
- K. Declaration of surplus property to be auctioned: 1) one Ink Jet Plotter and one HP Desk Jet 1600 CM Color Printer from the Public Works Department, and 2) two Hannay fire hose reels Model #P56AN227 from the Fire Department
- L. 2001 Goals & Objectives
- M. 2001 IRONHORSE Business Plan
- N. Co-op bid in the amount of \$12,129 from Knapheide Truck Equipment for the purchase of a truck body for a Facilities Truck, and a bid in the amount of \$6,486 from Knapheide Truck Equipment for the purchase of a truck body for a Fleet Maintenance Truck
- O. Approve and authorize the Mayor to execute an Ingress/Egress Agreement with Johnson County Wastewater for the construction and maintenance of an access road to allow City access to Ironhorse Golf Course
- P. Approve and authorize the Mayor to execute a Retainer Service Agreement with Public Finance Consultants, Inc., to provide assistance in the revamping of the 2002 budget process

On motion of Rasmussen, seconded by Gill, the Consent Agenda was approved unanimously.

Councilmember Gill commented on a stormwater issue that was discussed at the February Golf Course Committee meeting. The Committee wanted Public Works Director Johnson to be aware of 2 items. With regard to road improvements at 151<sup>st</sup> and Nall, some Committee members who were engineers were concerned that there might be increased stormwater runoff into the creek that ran through the golf course. Secondly and longer term, there was a major commercial parcel of land and other development around it in Overland Park that could exacerbate a water runoff problem through the golf course and creek. Mr. Gill asked that Mr. Johnson update the Council at his earliest convenience. There was concern about the water policies that Overland Park might or might not follow with respect to new development in that specific area that would drain into the golf course. Councilmember Rasmussen also asked that the City Attorney look into the matter with Mr. Johnson. It seemed to Mr. Rasmussen that if an adjacent city (Overland Park) had policies that influenced the volume of water flow such that property was adversely affected, then Leawood might have a cause of action.

612 **5. MAYOR'S REPORT**

- ?? Leawood hosted the February Johnson/Wyandotte Counties Council of Mayors meeting – passed a resolution of their understanding and support of the importance of education for youth; Johnson County Tire Amnesty Program in April; discussed funding for Juvenile Intake and Assessment Center; discussed legislative issues
- ?? Application for membership (\$25) in Friends of Oxford School
- ?? Spotlight on Leawood at AMC Theaters prior to the Council meeting was a success for the Leawood Chamber of Commerce and Leawood Arts Council
- ?? Presented the State Link Mayors banner – banners to be placed up and down State Line Road
- ?? 50<sup>th</sup> Anniversary celebration for Prairie Village
- ?? Congratulated Leawood middle school student, Kathleen Murray, on receiving the 6<sup>th</sup> Annual Prudential Spirit of Community Giving Award in Kansas for her volunteer efforts
- ?? Upcoming Council Strategic Planning Sessions in March

**6. PLAN COMMISSION RECOMMENDATIONS**

- A. Resolution approving recommendation regarding preliminary site plan, preliminary plat, and rezoning request from RP-2 (Planned Two-Family Residential) and AG (Agricultural) to R-1, Single Family Residential; RP-3, Planned Apartment House Residential; and AG, Agricultural, for an apartment complex and single family dwellings located within Pine Lakes subdivision at 137<sup>th</sup> & Mission Road – continued to the March 5, 2001, Governing Body meeting.**
- B. Ordinance rezoning from RP-2, Planned Two-Family Residential, to RP-3, Planned Apartment House Residential, for property located within Pine Lakes subdivision at the southeast corner of 137<sup>th</sup> & Mission Road – continued to the March 5, 2001, Governing Body meeting.**
- C. Ordinance rezoning from AG, Agricultural, to RP-3, Planned Apartment House Residential, for property located within Pine Lakes subdivision at the southeast corner of 137<sup>th</sup> & Mission Road – continued to the March 5, 2001, Governing Body meeting.**
- D. Ordinance rezoning from RP-2, Planned Two-Family Residential, to AG, Agricultural, for property located within Pine Lakes subdivision at the southeast corner of 137<sup>th</sup> & Mission Road – continued to the March 5, 2001, Governing Body meeting.**
- E. Ordinance rezoning from AG, Agricultural, to R-1, Single Family Residential, for property located within Pine Lakes subdivision at the southeast corner of 137<sup>th</sup> & Mission Road – continued to the March 5, 2001, Governing Body meeting.**

**F. Resolution approving recommendation regarding preliminary site plan requested by Financial Advisory Services, Inc., for an office building located within Plaza Pointe Development at 135<sup>th</sup> and Roe Avenue.**

The applicant wasn't present to answer questions. On motion of Rasmussen, seconded by Gill, Council voted unanimously to continue the matter to the March 5, 2001, Governing Body meeting.

965 **7. OLD BUSINESS**

**A. Approve plans and authorize project for Municipal Court/Parks & Recreation Renovation.**

On motion of Rasmussen, seconded by Taylor, Council unanimously approved the plans and bid from F & W Construction in the amount of \$32,837.

1065 **B. Resolution No. 1589 waiving competitive bidding process for the Municipal Court/Parks & Recreation project.**

Adopted unanimously on motion of Rasmussen, seconded by Taylor.

1081 **C. Approve and refer recommendation to the Plan Commission regarding amendments to Section 4-2.2 of the Leawood Development Ordinance pertaining to detached structures [continued from the 02-05-2001 Governing Body meeting].**

Council discussed several photographs and definitions of different structures (trellis, arbor, pergola) that would or wouldn't be permitted by ordinance. It was noted that the City couldn't have zoning codes that depended on staff's subjective judgment of whether something was ugly or pretty. Councilmember Gill wasn't prepared to vote in favor of an ordinance that he felt would get rid of some of the pictured structures without a way to differentiate them. Jeff Cantrell said it was his plan for the Governing Body to refer the matter to the Plan Commission for them to work on it with staff and to return it to the Council. Councilmember Rasmussen mentioned that some structures were prohibited because they got into setback lines or were built over easements.

Mr. Rasmussen moved to refer the matter to the Plan Commission, seconded by Gill. Mr. Gill requested that the Commission address the issue of grandfathering. He said the ordinance didn't differentiate the ugly from the very beautiful and he felt the challenge to the Plan Commission was to figure out ways to do that on a more objective basis that had standards associated with it. Mr. Gill said it seemed to him that if someone wanted to build a room addition, that the ordinance as written would prohibit an addition that would increase the size of the base structure by more than 40%; he requested that the Plan Commission reconsider that policy, especially in light of the Lee Boulevard properties that tended to have smaller structures on them; what was the rationale for 40% or any percent; he was concerned that it might force a resident who wanted to continue the theme of a beautiful, quaint home, but to make it more contemporary in size, to tear down the home that might be of some historic significance to the community. Mr. Rasmussen felt that the 40% policy in the first and second wards, especially between State Line Rd. and Lee Boulevard, had sound basis and reason in terms of the

density of the areas, keeping the open green space, and the population that should be there. Mr. Rasmussen's motion carried unanimously.

1565           **D. Ordinance No. 1884 approving Plan Commission's recommendation to adopt the 2000 Leawood Comprehensive Plan, in accordance with K.S.A. 12-747 [continued from the 01-16-2001 Governing Body meeting].**

Councilmember Rasmussen moved to pass the ordinance, seconded by Gill. Councilmember Gill wanted to remove the directive on page 70 regarding tax increment financing. He didn't believe the City should be in the business of directing the use of TIFs; it would have to be a very, very unusual situation before he would support tax increment financing given the current environment in the City, and in his opinion, it didn't rise to the level of a directive for the City's strategic plan. The Mayor felt that leaving it out would insure that nothing was misleading; to date, the City hadn't had a TIF for a public improvement. In his motion, Councilmember Rasmussen said he intended that the directive remain; once the City Council established a method of financing (TIF was established by Resolution No. 1317 on August 5, 1996), he felt it should be part of the City's overall planning. Mr. Gill moved to amend the motion to delete the directive, seconded by Story. Councilmember Taylor didn't want any language that would turn away any development that would be a candidate for a TIF program. Mr. Rasmussen called for the question, seconded by Story and carried unanimously. Mr. Gill's motion to amend failed; Gill, Story in favor; Rawlings, Dunn, Rasmussen, Taylor opposed. Mr. Rasmussen's motion to pass the ordinance (which included the Mayor's suggested wording that consideration be given to tax increment financing) carried unanimously on roll call vote.

**8. NEW BUSINESS**

2095           **A. Approve Change Order No. 2 in the amount of \$90,768.23 to Seal-O-Matic Paving Company pertaining to various projects scheduled for the 2000 Street Improvement Program.**

Approved unanimously on motion of Dunn, seconded by Story.

2130           **B. Approve Change Order (Amendment) No. 1 in the amount of \$23,900 to Theis Doolittle Associates, Inc., pertaining to design work to be performed on the Amphitheater, South Park.**

Approved unanimously on motion of Rasmussen, seconded by Gill.

2230           **C. Resolution No. 1590 calling to reschedule a public hearing at 6:30 P.M. on Monday, March 19, 2001, to consider a draft ordinance pertaining to communication and cable operations for the City of Leawood, and rescinding Resolution No. 1586.**

Adopted unanimously on motion of Story, seconded by Rawlings.

**9. OTHER BUSINESS - None**

2635 **ADJOURN.** There being no further business before the Governing Body, the meeting was adjourned at 9:05 P.M.

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Martha Heizer, City Clerk