

**Minutes**

DVD No. 231

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, March 1, 2010. Mayor Peggy Dunn presided.

**Councilmembers present:** Jim Rawlings, James Azeltine, Lou Rasmussen, Julie Cain, Gregory Peppes, Gary Bussing, and Mike Gill

**Mayor/Councilmembers absent:** Debra Filla

|   |                                    |
|---|------------------------------------|
| <b>Staff present:</b> Scott Lambers, City Administrator | Patty Bennett, City Attorney       |
| Chief John Meier, Police Department                     | Joe Johnson, Public Works Director |
| Chief Ben Florance, Fire Department                     | Wade Thompson, Code Enforcement    |
| Scott Smith, Web Master                                 | Kathy Rogers, Finance Director     |
| Richard Coleman, Comm. Dev. Director                    | Chris Claxton, P&R Director        |
| Mark Klein, Assistant Planning Director                 | Lovina Freeman, HR Director        |
| Deb Harper, City Clerk                                  |                                    |

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted the following modifications to the agenda:

- \*Presentation of the new Audio System - Scott Smith, Web Master
- \*Item No. 7I – Continued to the April 5, 2010, Governing Body meeting

A motion to approve the agenda was made by Councilmember Rasmussen; seconded by Councilmember Gill. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

**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**

**Read Across America, March 2, 2010**

Mayor Dunn declared March 2, 2010, as Read Across America Day in the City of Leawood.

5. **PRESENTATIONS/RECOGNITIONS** - None.
6. **SPECIAL BUSINESS** - Presentation of the new Audio System by Web Master Scott Smith
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. 2009-56, 2009-57, 2010-3, 2010-4, 2010-5, and 2010-6
  - B. Accept minutes of the February 1, 2010 Governing Body meeting
  - C. Accept minutes of the February 1, 2010 Governing Body Work Session meeting
  - D. Accept minutes of the January 19, 2010 Governing Body meeting
  - E. Accept minutes of the January 19, 2010 Governing Body Work Session meeting
  - F. Accept minutes of the January 12, 2010 Parks and Recreation Advisory Board meeting
  - G. Accept minutes of the December 8, 2009 Parks & Recreation Advisory Board meeting
  - H. Accept minutes of the October 28, 2009 Stormwater Management Committee meeting
  - I. Approval of 2010 Governing Body Goals & Objectives – ***CONTINUED TO THE APRIL 5, 2010, GOVERNING BODY MEETING***
  - J. Approve Retail Liquor License Renewal for FPFKC Liquors, LLC [d/b/a ZIPZ Spiritz], located at 4821 W. 135<sup>th</sup> Street
  - K. Approve payment in the amount of \$89,000.00 to Leawood Chamber of Commerce for the 2010 operations budget
  - L. Approve 2<sup>nd</sup> and Final Payment in the amount of \$3,140.00 to Wiedenmann & Godfrey Construction, Inc., pertaining to irrigation repairs at IRONHORSE Golf Club, 15400 Mission Road
  - M. Certification of Cost Summary in the amount of \$3,855,000 for Project # 80143; Nall Avenue, from 143<sup>rd</sup> to 159 Street
  - N. Certification of Cost Summary in the amount of \$2,130,000 for Project # 80208; Residential Street Phase 1
  - O. Certification of Cost Summary in the amount of \$1,255,000 for Project # 80209; Residential Street Phase 2 [1<sup>st</sup> year]
  - P. Certification of Cost Summary in the amount of \$2,400,000 for Project # 80210; Residential Street Phase 2 [2<sup>nd</sup> year]
  - Q. Certification of Cost Summary in the amount of \$275,000 for Project # 80400; 128<sup>th</sup> & State Line Intersection Signalization Project
  - R. Certification of Cost Summary in the amount of \$720,000 for Project # 80403; 135<sup>th</sup> & Fontana Intersection Signalization Project
  - S. Certification of Cost Summary in the amount of \$4,280,000 for Project # 80197; Villaggio

- T. Approve Massage Therapist License for Michael Shae Salon and Day Spa, located at 11520 Ash
- U. Approve Massage Therapist License for Massage & Body Works, located at 8014 State Line Road, Suite # 200
- V. Approve Co-op bid in the amount of \$90,132.00 from Olathe Ford for cab chassis for Parks and Recreation vehicles
- W. Approve Co-op bid in the amount of \$15,530.00 from Drake-Scruggs Equipment Company for service body for Parks & Recreation Unit # 603
- X. Approve Co-op bid in the amount of \$16,667.00 from American Equipment Company for chipper body for Parks & Recreation Unit # 605
- Y. Approve Co-op bid in the amount of \$18,754.00 from American Equipment Company for platform body for Parks & Recreation Unit # 622
- Z. Approve Co-op bid in the amount of \$16,623.00 from Overbilt Trailer Company for dual tandem trailer for Public Works Unit # 491
- AA. Approve revised Co-op bid in the amount of \$41,404.00 from Landmark Dodge [f/k/a/ Odessa Chrysler] for the purchase of police vehicles
- BB. **Resolution No. 3338** approving and authorizing the Mayor to execute Addendum No. 1 to that certain User Agreement, effective August 1, 2009, between the City of Leawood and the City of Overland Park, in the amount of \$22,018.17, pertaining to the INTERGRAPH SYSTEM, for Computer Aided Dispatch [CAD], Records Management [RMS]; and Mobile Data Computer [MDC] Systems
- CC. **Resolution No. 3339** approving and authorizing the Mayor to execute a Lease Agreement between the City and Copy Card Control Systems, Inc., pertaining to the lease of copy/scan machines
- DD. **Resolution No. 3340** approving and authorizing the Mayor to execute a Maintenance Agreement between the City and Foto's Office Systems, pertaining to the annual maintenance of copy/scan machines
- EE. **Resolution No. 3341** calling for a Pre-budget Public Hearing to be heard on Monday, April 19, 2010 on the 2011 Fiscal Budget for the City of Leawood, Kansas
- FF. **Resolution No. 3342** approving and authorizing the Mayor to execute a First Amendment to that certain Right-of-Way Maintenance Agreement dated April 6, 2009, in the amount of \$42,549.12 between the City and Kansas Land Management, pertaining to right-of-way and median maintenance
- GG. **Resolution No. 3343** approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Board of County Commissioners of Johnson County, pertaining to the County Assistance Road Program [CARS] 2011-2015 Five Year Program
- HH. **Resolution No. 3344** revising the 2010 Fee Schedule, not provided for in the Code of the City of Leawood, 2000, specifically for the IRONHORSE Golf Club, in accordance with § 1-701 of the Code of the City of Leawood, 2000 [*from the February 25, 2010 Ironhorse Advisory Board meeting*]
- II. **Resolution No. 3345** accepting the 2010 IRONHORSE Golf Course Business Plan, as submitted by Troon Golf, LLC [*from the February 25, 2010 Ironhorse Advisory Board meeting*]

- JJ. **Resolution No. 3346** approving a Final Sign Plan for Park Place – Flowers By Emily, located at 11527 Ash Street. (PC Case # 01-10) *[from the January 26, 2010 Planning Commission meeting]*
- KK. **Resolution No. 3347** approving a Revised Final Sign Plan for Park Place – Michael Shae Salon & Day Spa, located at 11520 Ash Street. (PC Case # 13-10) *[from the January 26, 2010 Planning Commission meeting]*
- LL. Approve continuation of items scheduled on March 15, 2010 to April 5, 2010, including: Ordinance approving a Revised Preliminary Site Plan for Town Center Business Park, Lots 4, 5 and 6, located on the northeast corner of 117<sup>th</sup> Street and Roe Avenue [MD ASSOCIATE #4, Inc., - Case # 04-09] *[from the **March 24, 2009 Planning Commission meeting**] – CONTINUED FROM THE **SEPTEMBER 8, 2009 GOVERNING BODY MEETING** [Comment: Due to the cancellation of the March 15, 2010 meeting, scheduled items require a continuation to the April 5, 2010 Governing Body meeting.*
- MM. Fire Department Monthly Report, January 2010
- NN. Municipal Court Monthly Report, January 2010
- OO. Police Department Monthly Report, January 2010

Mayor Dunn requested to pull Item Nos. 7G and 7II, and Councilmember Gill pulled Item No. 7HH for discussion.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rasmussen; seconded by Councilmember Gill. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

- 7G. Accept minutes of the December 8, 2009 Parks & Recreation Advisory Board meeting

Mayor Dunn recognized Darren Holmes, 14622 Windsor, who was present to speak on Item No. 7G.

Mr. Holmes commented he was concerned with noise issues from summer productions at the amphitheatre. He lives in Steeplechase, a neighborhood adjoining Ironwoods Park. Single family housing is close to the amphitheater, with his home located approximately 900' feet from the stage. The LeaBrooke Development will have future housing within 1,000' feet of the stage as well.

He quoted an excerpt of the minutes from Councilmember Rasmussen: “When the plan went into effect, there weren’t any neighbors; everyone who moved in subsequent to the initial vote knew, should have known, or could have known about the amphitheatre.” Mr. Holmes stated they moved in eight years ago and were not made aware of the Master Plan of the amphitheatre. He reviewed the City’s website and there was no mention of any future plans. People wanting to buy or build in this area will still have no way of knowing what’s to come. Last year’s summer productions were problematic due to the noise and late rehearsals. He felt they should be entitled to come home in the evening and enjoy sitting outside. On several occasions, residents called the Leawood Police and asked if they could have them turn down the volume or end rehearsals early.

They were told they have no control over this and it would need to be taken up with the City. He asked if the Council could add or amend an ordinance that would limit the noise permitted from the amphitheatre.

Mayor Dunn noted in attendance this evening to hear Mr. Holmes concerns were not only the Council Liaisons to the Parks and Recreation Advisory Board, but also Leawood Stage Company members, the Cultural Arts Coordinator and Chairman of the Leawood Arts Council. When the Amphitheatre Project is completed, there are revisions to help remediate some of the sound concerns. In the meantime, the Governing Body will take these comments under consideration to see what remedies may be currently offered.

A motion to approve Item No. 7G was made by Councilmember Peppes; seconded by Councilmember Azeltine.

Councilmember Bussing asked if the light and noise ordinance would apply to this situation. City Administrator Scott Lambers stated they provide exceptions to the noise ordinance for special events such as school functions, fireworks, etc. The continual use of this facility; however, may suggest that they consider additional limitations.

The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

7HH. **Resolution No. 3344** revising the 2010 Fee Schedule, not provided for in the Code of the City of Leawood, 2000, specifically for the IRONHORSE Golf Club, in accordance with § 1-701 of the Code of the City of Leawood, 2000 [*from the February 25, 2010 Ironhorse Advisory Board meeting*]

Councilmember Gill complimented the Golf Course Committee and Council Liaisons for a job well done. He also pointed out that the new Fee Schedule offers Leawood residents a discount for play.

A motion to approve Item No. 7HH was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

7II. **Resolution No. 3345** accepting the 2010 IRONHORSE Golf Course Business Plan, as submitted by Troon Golf, LLC [*from the February 25, 2010 Ironhorse Advisory Board meeting*]

Mayor Dunn welcomed Interim General Manager David Knox from Troon Golf and wished them much success with the upcoming golf season.

A motion to approve Item No. 7II was made by Councilmember Rawlings; seconded by Councilmember Gill. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

**8. MAYOR'S REPORT**

- A. Attended the Governors' Summit on Regional Economic Development with Missouri Governor Jay Nixon and Kansas Governor Mark Parkinson. This is an annual event, sponsored by the Greater Kansas City Chamber of Commerce. A recent survey was conducted and presented at the summit that entailed five counties in the region. The outcome of the survey showed the two biggest areas of concern were the economy and crime. The business community was encouraged to assist with solutions for these two major issues.
- B. The Council of Mayors held their February meeting in Topeka for City Hall Day, which is sponsored by the League of Kansas Municipalities [LKM]. Mayor Carl Gerlach of Overland Park is serving as the current President of the LKM.
- C. Mayor Dunn gave abbreviated versions of the State of the City Address to both the Leawood Rotary and Leawood Lions Clubs. She thanked Councilmembers Bussing and Rawlings for sitting through the presentation a second time.
- D. The Green Initiative Citizens Task Force Committee sponsored a Homes Association meeting at the Ironwoods Lodge with educational information regarding sustainability issues. There were approximately 100 in attendance. Presenters were Chair Debra Filla and Vice-Chair Julie Cain. Also in attendance were Councilmembers Peppes, Rasmussen, Rawlings and Azeltine.
- E. The I-Lan Sister City Committee and Chair Donna Kaelke hosted a terrific Lunar New Year celebration at Blue Koi in Leawood's Mission Farms. There were approximately 100 in attendance, including Director General Jacqueline Liu from the Taipei Economic and Cultural Office in Kansas City, Councilmembers Peppes, Rawlings and Azeltine, State Representative Pat Colloton and Johnson County Chairwoman Annabeth Surbaugh. This is the Year of the Tiger; anyone born this year is aggressive, candid and sensitive.
- F. Participated with 30 other Mayors in the 49<sup>th</sup> Annual Mayors' Prayer Breakfast, sponsored by the Committee for the Mayors' Prayer Breakfast. Their mission is to emphasize ethics, morality and spirituality in business, labor, the professions and government. Jane Chu, Executive Director of the Kauffman Center for the Performing Arts, was the guest speaker.
- G. Mayor Dunn was joined by Councilmember Rawlings at a ribbon cutting ceremony, sponsored by the Leawood Chamber of Commerce, for Los Cabos, a new mexican restaurant located in Mission Farms. She wished them much success.
- H. Attended the Johnson County Chamber Presidents Council meeting. There was a presentation on the 2040 Plan by Frank Lenk, Director of Research Services for the Mid-America Regional Council [MARC].
- I. Mayor Dunn congratulated Leawood resident Thomas Foster, a Johnson County Judge, who was appointed as Johnson County's new Chief Judge in January.

- J. Alex Stonebarger of Leawood was one of Kansas' top two youth volunteers selected in the 15<sup>th</sup> Annual National Awards Program in 2010 by the Prudential Spirit of Community Awards. This is an extraordinary honor; participating with more than 21,000 young people across the country. In addition, Sarah Are of Leawood was also named a distinguished finalist and will receive a bronze medallion at a local ceremony. Mayor Dunn wished them both tremendous congratulations.
- K. Reminder of the Governing Body Special Executive Session regarding a personnel written evaluation of the City Administrator on March 29, 2010, at 6:30 P.M. The deadline to return the evaluation forms is March 15<sup>th</sup>.

**9. COUNCILMEMBERS' REPORT - Lou Rasmussen**  
Update on Amphitheater Enhancement Project

Councilmember Rasmussen recalled when they initially begun the possibility of enhancing the parking lot and adding a restroom, they discovered the floodplain issue. Engineers are working on the design to move forward with the parking lot, make the roads accessible for large trucks, and following the survey requirements for the stage area. When the survey is complete, they plan to proceed and do not intend to exceed the budgeted amount for Phase I.

Councilmember Bussing reiterated previous concern regarding the expanded size and scope of the amphitheatre and asked staff for copies of all documentation relating back to the initial Master Plan. He felt this was going to be a constant irritant to the neighbors. He wanted assurance that Ironwoods Park is the correct location for the amphitheatre.

Councilmember Rasmussen stated this information was available and willing to give a presentation illustrating how the people voted for the amphitheatre, where they voted for it to be, and its scope and size at Ironwoods Park.

Mayor Dunn recalled there were several work sessions regarding the amphitheatre and remembered what was presented and passed. This has changed over time from a lot of input from individuals and volunteers. It is important to be very sensitive to the neighbors. They have had previous discussions regarding the location and if there is a better location, they would entertain it.

Councilmember Bussing recalled previous comments on other locations; however, couldn't recall seriously reviewing them subsequent to the 1998 bond issue.

Councilmember Rasmussen took exception to Mr. Bussing's comment on the size and scope of the amphitheatre. It was graphically illustrated when people overwhelming approved it. The scope and location has not changed. They moved the stage as an attempt to reduce the noise level and lighting for people who moved into the area subsequent to the planning of the park.

Mayor Dunn suggested Mr. Rasmussen gather more information for another presentation at a future meeting.

Bill Ellwood, Chair of the Amphitheatre Steering Committee, stated they've never had a plan to expand the size of the facility and only wanted to enhance it. They want to broadcast the sound downward instead of out to help mitigate concerns.

**10. STAFF REPORT – None.**

**COMMITTEE RECOMMENDATIONS**

**11. PUBLIC WORKS COMMITTEE**

***[from the January 19, 2010, Public Works Committee meeting]***

Recommendation to delay installation of any temporary sidewalks along 143<sup>rd</sup> Street until 2015, or until 143<sup>rd</sup> Street is widened

Councilmember Gill noted this was a referral to the Public Works Committee from the Council to consider temporary sidewalks because of the delay in construction on 143<sup>rd</sup> Street. The committee held a meeting in January attended by residents that would be impacted. They received consensus to not install the temporary sidewalks.

A motion to delay installation of temporary sidewalks along 143<sup>rd</sup> Street was made by Councilmember Gill; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

**12. PARKS AND RECREATION ADVISORY BOARD**

***[from the February 9, 2010 Park & Recreation Advisory Board meeting]***

A. **Resolution No. 3348** approving and authorizing the Mayor to execute an Interlocal Agreement by and between Leawood, Johnson County Parks and Recreation Department, and the cities of Prairie Village, Mission, Merriam, Fairway, and Roeland Park pertaining to the SuperPass Program at the Aquatic Center, located at 10601 Lee Boulevard

A motion to approve the resolution was made by Councilmember Gill; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

B. **Resolution No. 3349** approving and authorizing the Mayor to execute a Letter of Understanding by and between Leawood, Johnson County Parks and Recreation Department, and the cities of Prairie Village, Mission, Merriam, Fairway, and Roeland Park pertaining to the SuperPass Program at the Aquatic Center, located at 10601 Lee Boulevard

A motion to approve the resolution was made by Councilmember Azeltine; seconded by Councilmember Gill. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

**13. PLANNING COMMISSION**

**[from the January 26, 2010 Planning Commission meeting]**

- A. **Resolution No. 3350** approving a Final Sign Plan for Leawood Stables, located at 3000 W. 135<sup>th</sup> Street (PC Case # 43-09)

Mayor Dunn asked for clarification of Planning Commission Stipulation No. 1. Community Development Director Richard Coleman confirmed that the stipulation should read “only one sign,” not “only one *new* sign.” They are allowed one monument sign in an Agricultural District [AG] and currently, there are two signs along 135<sup>th</sup> Street that will need to be removed.

Mayor Dunn noted this change would be an override of the Planning Commission and would need six votes for approval.

Councilmember Rasmussen asked if there was ever any record of these signs. He noted they had been there for several years and was concerned why they were trying to apply this law retroactively.

Mr. Coleman stated there were two new large signs placed without a permit and the applicant was cited. In an effort to compromise during the Planning Commission meeting, they recommended that the small signs remain and all other signs along 135<sup>th</sup> Street be removed to install one monument sign in keeping with the ordinance.

Mayor Dunn noted after listening to the DVD from the Planning Commission meeting, the applicant seemed very pleased with their recommendation.

A motion to approve the resolution with revised language in Stipulation No. 1 to read “only one sign” was made by Councilmember Bussing; seconded by Councilmember Gill. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

- B. **Resolution No. 3351** approving a Revised Final Site Plan for Leawood Plaza – Core First Bank and Trust, located at 12220 State Line Road (PC Case 10-10)

Mayor Dunn referred to Stipulation No. 1 from the Planning Commission and indicated the site plan had been revised to omit the proposed monument sign.

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Gill. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

**[from the February 9, 2010 Planning Commission meeting]**

- C. **Resolution No. 3352** accepting a Plat and Plan for Water One for the Nall Avenue Pumping Station and Reservoir, located on the northeast corner of 147<sup>th</sup> Street and Nall Avenue.(PC Case 05-10) [Roll Call Vote]

A motion to approve the resolution was made by Councilmember Gill; seconded by Councilmember Bussing.

Councilmember Rasmussen asked if it was possible to use the surface of the underground reservoir for park purposes. Mr. Coleman stated the applicant was amenable to allowing some passive use of the area. Mayor Dunn referred to Page No. 7 of the Staff Report noting the Parks and Recreation Department had expressed interest in this.

Mayor Dunn referred to the Planning Commission minutes regarding concerns from Mr. Pateidl with the elevations in the appearance of the building. She wanted to know what had been done to improve it.

David Egger, Black & Veatch Engineers, stated people had expressed during the public meetings that they didn't want to see the facility. After further discussion of the architecture, they attempted to make it as invisible as possible with trees for screening and setting it back from the street. They felt they should leave it as it was in the preliminary design. He indicated residents near 135<sup>th</sup> and Mission Road would be facing a significant loss in water pressure if they didn't move forward with this project soon.

Mayor Dunn asked if they could use any of the stockpile area to help screen it. Mr. Egger stated employees needed to have some visibility of the facility for security purposes and the stockpile would make it even less visible.

Mike O'Connell, Burns & McDonald Engineering Company, stated the stockpile would be used to balance out the grading of the site.

Councilmember Rasmussen confirmed with Mr. Coleman that per the agreement, Water One would maintain the landscaping.

Mr. Egger displayed several different views of the site and clarified for Mayor Dunn that the brick wall was approximately 8 1/2' feet tall. The fence is no longer located on top of the building; there will only be security fencing around the facility that will have the appearance of wrought iron.

Joe Gittemeier, 4601 West 87<sup>th</sup> Street, Prairie Village, stated his daughter recently purchased a home on the corner of Juniper Street and thought they wouldn't be able to see this building. He asked that additional trees and shrubs be planted for further screening. Mr. Egger stated they had attempted to screen it from view; however, the grade could have slightly changed in the final design from what they had originally seen.

Councilmember Bussing asked what they had planned for construction of the two reservoirs. Mr. Egger stated they plan to build the east side reservoir first and as demands grow, he estimated the west reservoir to be constructed in 2020.

Mayor Dunn confirmed with Mr. O'Connell that they planned to do some blasting and would do it in accordance with Leawood's requirements. There will be an option within the bidding for mechanical means of removal. As they met with residents, they preferred that the blasting be done quickly. Mayor Dunn asked that they be diligent in communicating with the residents when they are ready to begin.

Mr. O'Connell clarified for Mayor Dunn that the only fence style that will be used is an invincible style. There is a swing gate entrance designed to look similar to what is being used around the facility.

Councilmember Rasmussen clarified that their landscape design would remain in the City's record and wanted assurance they would be planting what was approved. Mr. Egger confirmed that the landscaping would not change and had not been diminished.

Mr. O'Connell confirmed that as part of the Planning Commission meeting, they were required to add additional landscaping along 147<sup>th</sup> and Nall. They met these requirements and submitted the plan to staff prior to the report Council had received.

Mr. Coleman confirmed for Councilmember Azeltine that they are meeting the landscaping requirements with 4" inch caliper trees. Mr. Egger confirmed they added a few larger trees as requested from some of the residents and were included in the landscape design.

Mr. Egger referred to comments regarding use of the site from the public and noted they were pleased there was going to be open green space. There should be ample opportunity for informal uses of the facility. From Water One's perspective, it would not be advisable to have organized public use of the site. It will not be fenced and there won't be any signs discouraging use. Additionally, it would become too complicated to have something more organized.

Councilmember Azeltine asked how they would handle improper use of the site. Mr. Egger thought as property owners, it would be Water One's responsibility unless it became a law enforcement issue.

The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

- D. **Ordinance No. 2437** amending § 16-2-7 of the Leewood Development Ordinance [LDO], entitled Table of Uses, pertaining to Reservoirs located with an R-1 Zoning District [PC Case # 07-10] [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Gill. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Filla absent).

**14. OLD BUSINESS** – None.

**15. OTHER BUSINESS** – None.

**16. NEW BUSINESS**

- A. **Ordinance No. 2436** authorizing the issuance and delivery of \$3,115,000 (amount subject to change) Principal amount of Taxable Transportation Development District [TDD] Special Obligation Bonds, Series 2010 [One Nineteen Transportation Development District Project] of the City of Leawood; authorizing execution and delivery of a Bond Trust Indenture and certain other documents in connection therewith; providing for the levy and collection of Special Assessments for the purpose of paying a portion of the principal and interest on the Bonds as they become due; and making certain covenants with respect thereto [Roll Call Vote]

Mr. Lambers stated the bonds were unable to be sold within the anticipated timeframe; therefore, no action was needed. They believed they could have a buyer within a few days. While timing is of the essence, he asked them to bring this to closure and execute it by Wednesday of this week in order to schedule a special Council meeting next Monday for approval of the bonds. Mr. Lambers was not optimistic this would happen so he advised them they could schedule a special Council meeting on March 29<sup>th</sup>. If they are unable to produce the documents in time for the agenda, they would bring this to closure at the April 5<sup>th</sup> Council meeting. They had indicated they were unable to place the bonds by this evening due to the uncertainty in the market.

Councilmember Azeltine asked if they could do an approval contingent upon successful placement rather than have a special City Council meeting. Mr. Lambers stated they wanted to have a parameters resolution approved by the Council, which would authorize him or the Mayor to execute the bond documents. He wanted the Council to be comfortable that all City requirements had been met.

Mayor Dunn noted they would have the option to phone in their vote if they are unable to attend the meeting on March 29<sup>th</sup>.

Mr. Lambers stated the only action needed from the Council this evening would be to schedule a special City Council meeting on March 29<sup>th</sup>.

A motion to schedule a special City Council meeting at 6:30 P.M., on March 29, 2010, for possible action on this item was made by Councilmember Bussing; seconded by Councilmember Gill. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

- B. Schedule a Governing Body Work Session on Tuesday, July 6, 2010, at 6:00 P.M., to Discuss Transient Guest Tax and Transportation Development District [TDD] financing for Park Place Improvement District [CIP # 80196]

A motion to approve the Work Session was made by Councilmember Gill; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

C. Presentation of Proposed Concept Plan for Future Civic Center Complex

Mr. Lambers stated as the Council was aware, they were in the process of selecting a consultant to prepare a Master Plan for the Justice Center site that would result in a Preliminary Site Plan for the building. Prior to meeting with the consultants, staff had reviewed the site and was recommending that the plan be expanded to encompass approximately 160 acres. They are proposing to create a Master Plan to capture all current and future assets. This would go through a review process to include several City committees for input of what could be included in the concept. It would return to staff for review, then to Council, and have public opportunity for comment to ultimately approve the Master Plan. The consultant would then proceed with the Preliminary Site Plan for the Justice Center. This entire complex is a proposed concept and the only project at this time is the Justice Center. As part of the proposal, the sports center, or gymnasium, is planning to be separated from the aquatic complex. The gym would have basketball and volleyball courts with restrooms; however, would not have locker room facilities. It should take six to nine months to go through the review process and then return to Council by the end of the year. The site plan review process would begin after the first of next year. There will be plenty of opportunity for open-ended dialogue throughout this process.

Councilmember Rawlings asked if this would delay construction of the Justice Center. Mr. Lambers indicated it could delay it approximately six months; however, he thought it was important to spend that time getting everyone in agreement of how they envision the layout.

Councilmember Azeltine confirmed with Mr. Lambers that after the process of the Master Plan, he would request that the Council "accept" it rather than "approve" it. Mr. Lambers confirmed that the projected cost of the Master Plan would be \$25,000-\$30,000, which includes the site plan process as well. The model would cost another \$5,000-\$10,000.

Councilmember Bussing asked what the limitations would be. Mr. Lambers stated the amount of land would limit what could be included and would need Council approval. Mr. Bussing thought they should have a strategic plan of what they would like to develop and then look to the committees for input on the components.

Mayor Dunn thought the items included were either existing or had been discussed and agreed that the committees shouldn't have the ability to present new ideas. She was considering this as a 30-year Master Plan. Mr. Lambers clarified that the Council would remain in charge of this project throughout its entirety with only input given from individuals.

A motion to accept the Concept Plan for the Future Civic Center Complex was made by Councilmember Gill; seconded by Councilmember Peppes.

Councilmember Rasmussen was concerned of holding all of this prime commercial property in perpetuity of the Concept Plan. He wanted to have a plan to facilitate the Justice Center and utilize the remaining property for commercial purposes. Mayor Dunn noted he was making an assumption that a commercial developer would come to the City with a proposal, and if so, she indicated the Governing Body would certainly entertain it.

Councilmember Gill pointed out that he moved to accept the Concept Plan in order to establish long-term strategic planning. Mr. Lambers clarified that the Preliminary Site Plan for the Justice Center and the traffic pattern between the two sites would be the only things moving forward at this time.

Mr. Lambers clarified for Councilmember Rasmussen that this plan would not incorporate any commercial use; however, it would not preclude it in the future.

Councilmember Azeltine was concerned this could have a chilling effect on keeping the door open for potential commercial development. Mr. Lambers indicated the intention for this was to be a municipal complex facility. Mr. Azeltine was also concerned of the delay to the Justice Center. Mayor Dunn felt they should move forward with the Justice Center planning and try to apply it in conjunction with reviews from the committees.

Mayor Dunn confirmed with Mr. Lambers that the Capital Improvement Project [CIP] had been revised to show that the design of the Justice Center would be in 2011.

Councilmember Rasmussen thought the primary purpose of acquiring this property was to accommodate the needs of the Police Department and wanted to layout the Justice Center immediately.

Councilmember Gill felt they should be able to move forward with the Justice Center as planned and still be able to incorporate some of this concept. Mr. Lambers didn't share the sense of urgency of the Justice Center and noted the consultants were still indecisive in the location of the building on the site. If the Council felt time was of the essence, they could proceed with the Preliminary Site Plan for the Justice Center and remove it from this process. Because of the acreage constraints, they are limited to what can be built in order to meet the requirements.

Mayor Dunn thought if they approved the Concept Plan this evening, they could discuss how to expedite things with the consultant during the April 5, 2010, Council meeting.

Councilmember Rasmussen stated the Council had originally authorized staff to do a design bid/build for a Justice Center and didn't want that plan jeopardized in any way. Mayor Dunn clarified that the consultant will include discussion of 117<sup>th</sup> and Roe, the current Justice Center site, and as an alternate, the current police facility for land planning purposes.

Councilmember Rawlings felt they had lost sight of their original intent to use this land for a Justice Center and didn't want it delayed. Mr. Lambers clarified that on April 5, 2010, they would select the consultant to do the Master Plan and Preliminary Site Plan for the Justice Center. The Master Plan process will delay construction by six months. If they do a Preliminary Site Plan for only the Justice Center on the site, the consultant could begin this process immediately, go to the Planning Commission within 60 days, and could return to the Council within 90-120 days.

Councilmember Gill withdrew his motion to accept the Concept Plan for the Future Civic Center Complex; seconded by Councilmember Peppes.

Councilmember Azeltine confirmed with Mayor Dunn they would have further discussion on this at the April 5, 2010, Council meeting.

**ADJOURN**

There being no further business, the meeting was adjourned at 9:50 P.M.

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Debra Harper, CMC, City Clerk

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Pam Gregory  
Recording Deputy City Clerk