

Minutes

Audio Tape No. 576

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 3, 2003. Mayor Peggy Dunn presided.

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

Councilmembers absent: None

Staff present:

Scott Lambers, City Administrator	Patricia A. Bennett, City Attorney
Sid Mitchell, Police Chief	Ben C. Florance, Fire Chief
Joe Johnson, Public Works Director	Colleen Browne, H. R. Dir.
Jeff Cantrell, Neighborhood Serv. Adm.	Deb Harper, City Clerk
Diane Binkley, Planning & Develop Dir.	Emily Watson, Deputy City Clerk
Chris Claxton, Parks & Rec. Dir.	

145 **1. PLEDGE OF ALLEGIANCE**

160 **2. APPROVAL OF AGENDA**

Mayor Dunn requested Agenda Item #6 be moved up to Item #3 and the items renumbered thereafter. Councilmember Story moved to approve the revised the Agenda, seconded by Councilmember Gill. The motion was approved by a unanimous vote.

Mayor Dunn stated that Item #6, Special Business, would be continued to the March 17, 2003, Governing Body meeting.

Mayor Dunn entertained a motion to schedule an Executive Session on this matter for attorney/client privilege at 6:00 P.M. on March 10, 2003. The motion was made by Councilmember Dunn, seconded by Councilmember Rawlings. The motion was approved by a unanimous vote.

280 **3. CITIZEN COMMENTS - None**

280 **4. PROCLAMATIONS – None**

282 **5. PRESENTATIONS/RECOGNITIONS – None**

284 **6. SPECIAL BUSINESS - None**

288 **7. CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Approval of Appropriation Ordinance No. 967
- B. Minutes of the February 17, 2003, Governing Body meeting
- C. Minutes of the February 10, 2003, Governing Body Work Session meeting
- D. Minutes of the January 28, 2003, Arts Council meeting
- E. Minutes of the January 14, 2003, Historic Commission meeting
- F. Minutes of the January 14, 2003, Park & Recreation Advisory Board meeting
- G. Approve bid pertaining to the Fire Station No. 2 Improvement Project, at 12701 Mission Road [CIP # 150]
- H. Approve bid in the amount of \$ 20,358.00, from Mid-American Signal, Inc., pertaining to the traffic signals at 119th & Mission Road Intersection Improvement Project [CIP # 159]
- I. Approve 9th and Final Payment in the amount of \$5,000.00, to Seal-O-Matic Paving Company, pertaining to the 2002 Street Reconstruction Project
- J. Approve 10th and Final Payment in the amount of \$2,221.93, to Bucher Willis & Ratliff, pertaining to the City Wide Traffic Study
- K. Resolution No. 1899 approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Kansas City, Missouri, pertaining to the Resurfacing of State Line Road Project [119th Street – I-435 Highway]
- L. Resolution No. 1900 requesting Johnson County, Kansas, participation in the City's 5-Year Capital Improvement Program through the County's Assisted Road System [CARS] Program for 2004-2008
- M. Resolution approving a Final Site Plan for Town Center Plaza, Bravo Restaurant, located at 5005 W 117th Street

Councilmember Rasmussen asked that Item #7M be removed from the Consent Agenda. Councilmember Taylor asked that Item #7G be removed from the Consent Agenda.

Councilmember Dunn moved for the approval of the remaining Consent Agenda, seconded by Councilmember Gill. The motion was approved by a unanimous vote.

Councilmember Taylor asked City Administrator Scott Lambers how the bidding on the Fire Station Improvement Plan fit into the CIP Budget. Mr. Lambers reported the CIP Budget retained \$1,050,000 for construction, and the bid for the Fire Station came in at \$838,000, putting it well within the CIP Budget.

A motion from Councilmember Taylor, seconded by Councilmember Dunn to accept Item #7G was approved by a unanimous vote.

Councilmember Rasmussen voiced concerns approving the Final Site Plan for Bravo Restaurant, Item #7G, specifically the choice of exterior awnings. Planning and Development Director Diane Binkley advised a sample of the material for the awnings was not available nor was the applicant present. However, the awnings are to be installed by the same company that did the other Town Center awnings and are of the same quality. Ms. Binkley advised the Council that Bravo preferred not to install solid awnings as most of the other Town Center businesses had done, but to use the stripe awnings that they have used in their many other restaurant locations throughout the country.

A motion was made by Councilmember Gill to continue this Item to the March 17, 2003, Governing Body meeting, at which time the awning material and paint would be available as well as the applicant. The motion was seconded by Councilmember Gullede, and approved by a unanimous vote.

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8. MAYOR'S REPORT

- A. Attended the Corinth Elementary DARE graduation with Chief Mitchell. Mayor Dunn acknowledged Officer Wiler's exceptional job as DARE officer to the school's 6th graders.
- B. Spoke at the Leawood Lions' meeting along with Mr. Lambers this past week on City related issues.
- C. Participated on a panel for the Greater Kansas City Chamber of Commerce breakfast speaking on her role in Leawood.
- D. Attended the send-off for the Oxford Schoolhouse on March 1st.
- E. Attended the American-Taiwan Society Dinner with Elizabeth Chu on March 1st.
- F. Attended Dr. Seuss Day on March 3rd at Prairie Star Elementary and Children's Mercy South Hospital.
- G. Congratulated Leawood residents George and Floriene Lieberman who have been recognized by the Volunteer Center of Johnson County as 2003 Volunteers of the Year.

9. COUNCILMEMBERS' REPORT - None

10. STAFF REPORT – None

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11. PLANNING COMMISSION –

[from the January 28, 2003, Planning Commission Meeting]

- A. **Ordinance No. 1978** approving a Special Use Permit [SUP] for a sales trailer located at Villas of Whitehorse, north of 151st Street and east of Nall Avenue [Roll Call Vote]

Councilmember Gill stated the trailer as depicted is very unattractive, and asked for an additional stipulation to state the trailer frontage and landscaping should be to the reasonable satisfaction of the P & D Director, including, but not limited to, steps, skirts and window trimmings.

Councilmember Rasmussen made a motion to approve, seconded by Councilmember Gulledge. The motion to approve was passed with a unanimous roll call vote.

B. Ordinance No. 1979 approving a preliminary plat and preliminary site plan for Mission Reserve, 3rd Plat, located south of 151st Street and west of Mission Road [Roll Call Vote]

Daryl Marmon, 4290 W. 152nd Court, addressed the issue concerning screening between Mission Reserve and Guilford Downs subdivisions, which he stated had been worked out with the developer.

Councilmember Taylor made a motion to approve, seconded by Councilmember Gulledge. The motion to approve was passed with a unanimous roll call vote.

C. Ordinance No. 1980 rezoning from AG to RP-2, for Mission Reserve, 3rd Plat, located south of 151st Street and west of Mission Road [Roll Call Vote]

Councilmember Dunn made a motion to approve, seconded by Councilmember Gulledge. The motion to approve was passed with a unanimous roll call vote.

D. Ordinance No. 1981 rezoning from RP-4, to RP-2, for Mission Reserve, 1st and 2nd Plats, located south of 151st Street and west of Mission Road [Roll Call Vote]

Councilmember Gulledge made a motion to approve, seconded by Councilmember Taylor. The motion to approve was passed with a unanimous roll call vote.

E. Ordinance amending Section 16-2-10.3 of the Leawood Development Ordinance [LDO] pertaining to Materials & Colors as it relates to stone coated steel roofing [Roll Call Vote]

Councilmember Dunn addressed this issue as it pertains to the ICBO approving this type of roofing under certain conditions. It was suggested that the ordinance also include language that would approve stone coated steel roofing if it met ICBO standards.

Councilmember Dunn made a motion to approve the ordinance with the additional language to meet ICBO standards, seconded by Councilmember Gill.

Mr. Ruben Hinojosa, 2005 W. 120 Terrace, addressed the Council as a professional roofer and an installer of such roofing material. Mr. Hinojosa stated he felt it was not in the best interest of the City to approve this ordinance for the following reasons: (1) the structure would not be fireproof if the old roof was left on under the new steel roofing; (2) there would be a mold problem if the old roof was not cleaned off properly; and (3) the holding power of the nails would not be adequate to penetrate two layers of shake shingles and hit the rafters.

Councilmember Gill withdrew his second; the motion died for lack of a second.

Councilmember Story asked what the ICBO standards were as to preventing mold.

Councilmember Gulledge made a motion to continue the discussion to the Governing Body meeting on April 7, 2003, seconded by Councilmember Story. Mayor Dunn asked that the applicant be present at that meeting and that information be gathered as to what other cities in the area are doing in regard to using this roofing material.

Councilmember Gill asked Mr. Hinojosa if it was possible to remove mold from an existing roof before installing the steel roofing. Mr. Hinojosa replied it was very hard, but possible; that the deeper the roof, the harder it was to remove dampness that breeds mold. With homes being built tighter, the moisture is trapped inside from showering, cooking, etc., with no way to alleviate it. Without ventilating the roof properly, the environment is suitable for mold to grow in the heat.

The roll call vote was as follows: Yea: Councilmembers Gulledge, Bussing, Rawlings, Story, Rasmussen, Gill. Nay: Councilmembers Taylor and Dunn.

12. OLD BUSINESS – None

1931 **13. NEW BUSINESS**

- A. Approve Change Order No. 1, in the amount of \$23,959.02, to R.A. Knapp Construction, Inc., pertaining to the SMAC Project No. DB-04-015, located at 84th & State Line Road**

Councilmember Rasmussen made the motion for approval, seconded by Councilmember Gill. The motion passed unanimously.

- B. Approve Change Order No. 2, in the amount of \$28,573.65, to Holland Corporation pertaining to the Plaza Pointe Benefit District Project, located at 135th & Roe [CIP # 174]**

Staff Comment: This additional cost and the cost of this Benefit District is the responsibility of the Developer for the Plaza Pointe Development.

Councilmember Taylor made the motion for approval, seconded by Councilmember Gill. The motion passed unanimously.

- C. Approve Change Order No. 1, in the amount of \$4,028.00, to Sailors Group, pertaining to landscaping located at 135th Street & Roe Avenue [Plaza Pointe Development] [CIP # 174]**

Staff Comment: This additional cost is the responsibility of the Developer for the Plaza Pointe Development.

Councilmember Taylor made the motion for approval, seconded by Councilmember Dunn. The motion passed unanimously.

- D. Approve Change Order No. 10, in the amount of \$34,898.00, to Vanum Construction, Inc., pertaining to the Ironwoods Park Project, including \$3,442.00, pertaining to the Oxford Schoolhouse Project at Ironwoods Park, 14701 Mission Road [CIP # 116]**

Staff Comment: This Change Order will result in a net deduction of \$31,456 as a result of elimination of Change Order No. 6 for \$34,898 (fly ash) and a charge of \$3,442 (Oxford School foundation).

Councilmember Taylor made the motion for approval, seconded by Councilmember Story. The motion passed unanimously.

- E. Schedule Governing Body Work Session to be held on Monday, March 17, 2003, at 7:00 P.M., regarding Special Benefit District Financing Request**

Councilmember Rawlings made the motion for approval, seconded by Councilmember Gullledge. The motion passed unanimously.

14. OTHER BUSINESS – None

15. ADJOURN

There being no further business, the meeting was adjourned at 8:36 P.M.

Debra Harper, City Clerk

Emily Watson, Recording Deputy City Clerk