

**Minutes**

Audio Tape No. 507

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 4800 Town Center Drive, at 7:30 p.m., on Monday, March 19, 2001. Mayor Peggy J. Dunn presided.

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

**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  
Martha Heizer, City Clerk

Ben C. Florance, Fire Chief  
Diane Binckley, Planning/Develop. Dir.  
Jeff Cantrell, Neighborhood Serv. Admin.  
Sarah Hilton, Admin. Services Manager  
Lisa Wetzler, Asst. City Attorney  
Karl Weinfurter, Info. Systems Specialist  
Deb Harper, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

1015 **2. APPROVAL OF AGENDA**

Item 10.B. regarding the Web Site Calendar of Events and Item 10.C. regarding the status of the noise ordinance were added. The agenda as amended was approved unanimously on motion by Councilmember Rasmussen, and seconded by Councilmember Rawlings.

**3. PROCLAMATION**

The Mayor proclaimed the second week in May 2001 as "Taiwan Heritage Week."

1080 **4. CITIZEN COMMENTS**

Richard Khoury, 11912 Pawnee Lane, Chairperson of the Leawood Chamber of Commerce Board of Directors, thanked the Governing Body for their continued strong support of the Chamber.

1115 **5. 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. 913
- B. Minutes of the March 5, 2001, Governing Body meeting
- C. Minutes of the February 13, 2001, Parks & Recreation Advisory Board meeting
- D. Minutes of the February 13, 2001, Historic Commission meeting
- E. Minutes of the March 7, 2001, Strategic Spending Committee meeting
- F. Minutes of the March 14, 2001, Strategic Spending Committee meeting
- G. Departmental Reports
- H. 2000 Municipal Court Year-end Report
- I. Approve Request to Purchase [13] in-car Police laptop computers in the amount of \$18,937
- J. Approve purchase of Kansas City Wizards Soccer tickets in the amount of \$20,750 for Soccer Program Awards
- K. Approve and authorize execution of Lease Agreement between the City and ISO, in the amount of \$38,640, for additional copy machines and the buy-out of one copy machine in the amount of \$2,500
- L. Resolution No. 1594 adopting a Retention/Disposition Policy for municipal records for the City of Leawood, Kansas, and repealing previous policies

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

1125

**6. SPECIAL BUSINESS**

- A. **Discuss telecommunication & cable franchise ordinance, establishing regulations for the use of the rights-of-way to construct, operate, and/or maintain communications systems and cable systems, establishing required terms for granting communications and cable services franchises, and establishing compensation for such use of the rights-of-way**

Councilmember Bussing stated this ordinance is somewhat complex and confusing. Based upon comments made by several telecommunication providers that attended the public hearing immediately preceding this Governing Body meeting, suggested an additional work session be scheduled to allow time for staff and the providers to possibly reach a compromise on some provisions within the draft ordinance, and additional time for all councilmembers to further review and discuss this ordinance. After further discussion, Councilmember Bussing entertained a motion to schedule a work session at 6:00 P.M. on April 2, 2001. The motion was seconded by Councilmember Rawlings. The motion carried by a unanimous vote.

- 1995            **B.     First of Three Readings:     An ordinance granting to American Fiber Systems, Inc., a franchise authorizing the right to construct, operate, and maintain a communications system using the rights-of-way in the City of Leawood, Kansas**

Amy Gilcrest, American Fiber Systems, [AFS] advised AFS was eager to have this ordinance passed and looked forward to working with the City of Leawood.

The Mayor advised the second reading of this Franchise Ordinance will be conducted on April 2, 2001, and the third and final reading will be on April 16, 2001, taking effect 61 days from final passage.

2050    **7.     MAYOR'S REPORT**

- ??     Attended Council of Mayors meeting- discussion regarding Senate Bill 306; the Juvenile Intake and Assessment Center will be funded entirely by the County beginning in 2003; and the possibility that funding may be cut from Project Impact
- ??     Attended the Urban Politics Class with Councilmember Gill and Mayor French
- ??     Attended the KCADC meeting
- ??     Attended the United Way annual meeting and encouraged councilmembers and staff participation
- ??     Commented on KC Star article regarding the fast increase in population in the State of Kansas over the last 10 years

Councilmember Bussing asked for clarification regarding the City's position on Senate Bill 306. Mayor Dunn stated the unanimous position of not only Leawood, but all municipalities located within Johnson and Wyandotte Counties is one of opposition. The City's position has been made clear to the Legislature.

**8.     OLD BUSINESS**

- 2295            **A.     Contract Change Order # 1 with The Peridian Group for an amount not to exceed \$30,000 regarding the Storm Sewer Survey Project**

A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to approve the Change Order. The motion was carried by unanimous vote.

- 2320            **B.     Request to amend insurance requirements from \$10M to \$5M for construction contract between the City and Bruner Construction Company pertaining to the Public Works Maintenance Facility, 14303 Overbrook**

A motion was made by Councilmember Taylor, seconded by Councilmember Rasmussen to approve the insurance requirements.

Joe Johnson, Public Works Director, stated the subcommittee for this project had recommended the \$10M requirement. Subsequently, the design/build contractor was selected and the construction cost estimates were reduced. This would be a \$1,500 savings to the City.

Councilmember Gulledge stated the cost savings of \$1,500 is not substantial enough to change the requirement from \$10M to \$5M and is opposed to the amendment.

After further discussion, the motion was passed by the following vote: Yea: Councilmembers Taylor, Rasmussen, Story, Rawlings and Bussing; Nay: Councilmember Gulledge.

2545           **C.     Staff Report update on Wilshire landscaping and irrigation costs pertaining to the 133<sup>rd</sup> Street Benefit District Project**

Councilmember Gulledge stated the homes association did meet and requested the residents be sent a notice regarding the April 2, 2001 meeting. Councilmember Gulledge also asked for clarification regarding the maintenance cost estimates. Chris Claxton advised the first estimate [approximately \$5,000] was just for mowing. Subsequently, more maintenance was included, which dramatically increased the cost estimate to approximately \$29,400.

After further discussion, it was determined this item will be discussed further at the April 16, 2001 Governing Body meeting, provided the homes association has had sufficient time to meet and review the information.

**9.     NEW BUSINESS**

2845           **A.     Request for Permit from Overland Park South Rotary Club to sell newspapers on street corners on April 6, 2001 [Kansas City Day]**

A motion was made by Councilmember Rasmussen, seconded by Mr. Taylor to approve the request.

Chief Mitchell advised the police department views this type of activity as a danger not only for the person[s] selling the papers, but also for the motorists that are traveling through these intersections. Most of these intersections have been classified as high accident intersections. Placing pedestrians in these intersections diverts drivers' attention and creates a hazardous condition.

Proponents for the Overland Park Rotary Club stated this has been a metro-wide event for the last 14 years and raises a large sum of money for local charities. The specific intersections the paper sellers will be located are: 95<sup>th</sup> & State Line; 103<sup>rd</sup> & State Line; 103<sup>rd</sup> & Lee Boulevard; 117<sup>th</sup> & Roe; 119<sup>th</sup> & Roe; 119<sup>th</sup> & Tomahawk; 119<sup>th</sup> & Mission; 127<sup>th</sup> & Roe; 127<sup>th</sup> & Mission; 135<sup>th</sup> & State Line; Carondolet & State Line; 95<sup>th</sup> & Lee Boulevard; and 119<sup>th</sup> & State Line.

The motion to approve the permit carried by unanimous vote.

- 3120           **B.     Ordinance No. 1886, authorizing the improvement of a certain section of Lee Boulevard, a main trafficway, between 103<sup>rd</sup> and 105<sup>th</sup> Street; providing for issuance of General Obligation Improvement Bonds to pay the costs thereof pursuant to K.S.A. § 12-689; the issuance of temporary notes pending the issuance of said bonds; expressing the intent to reimburse costs of the project so incurred from proceeds of general obligation bonds; and authorizing and improving certain related matters and actions**

A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to pass Ordinance No. 1886. The motion carried unanimously by a roll call vote.

- 3207           **C.     Resolution No. 1595, authorizing and providing for the issuance and delivery of temporary notes for the State Line, Phase IV Project [137] in the principal amount of \$200,000, to provide temporary financing of the cost of improvement**

A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to approve Resolution No. 1595. The motion carried by a unanimous vote.

- D.     Resolution No. 1596, authorizing and providing for the issuance and delivery of temporary notes for the Fire Station No. 3 Project [151] in the principal amount of \$300,000, to provide temporary financing of the cost of improvement**

A motion was made by Councilmember Taylor, seconded by Councilmember Rasmussen to approve Resolution No. 1596. The motion carried by a unanimous vote.

- E.     Resolution No. 1597, authorizing and providing for the issuance and delivery of temporary notes for the Public Works Complex Project [156] in the principal amount of \$1,400,000, to provide temporary financing of the cost of improvement**

A motion was made by Councilmember Rawlings, seconded by Councilmember Rasmussen to approve Resolution No. 1597. The motion carried by a unanimous vote.

- F.     Resolution No. 1598, authorizing and providing for the issuance and delivery of temporary notes for the 119<sup>th</sup> Street and Mission Road Intersection Improvement Project [159] in the principal amount of \$200,000, to provide temporary financing of the cost of improvement**

A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to approve Resolution No. 1598. The motion carried by a unanimous vote.

- G. Resolution No. 1599, authorizing and providing for the issuance and delivery of temporary notes for the Lee Boulevard from 103<sup>rd</sup> Street to 105<sup>th</sup> Street Improvement Project [177] in the principal amount of \$1,100,000, to provide temporary financing of the cost of improvement**

A motion was made by Councilmember Rawlings, seconded by Councilmember Rasmussen to approve Resolution No. 1599. The motion carried by a unanimous vote.

- H. Resolution No. 1600, authorizing and providing for the issuance and delivery of temporary notes for the 133<sup>rd</sup> Street from Mission Road to State Line Improvement Project [178] in the principal amount of \$700,000, to provide temporary financing of the cost of improvement**

A motion was made by Councilmember Taylor, seconded by Councilmember Rasmussen to approve Resolution No. 1600. The motion carried by a unanimous vote.

- I. Resolution No. 1601, authorizing and providing for the issuance and delivery of temporary notes for the 133<sup>rd</sup> Street from Roe Avenue to Mission Road Improvement Project [179] in the principal amount of \$400,000, to provide temporary financing of the cost of improvement**

A motion was made by Councilmember Gulledge, seconded by Councilmember Taylor to pass Ordinance No. 1601. The motion carried by a unanimous vote.

- J. Ordinance No. 1887, authorizing the issuance and delivery of temporary notes of the City of Leawood in the principal amount of \$4,300,000 to provide temporary financing of the cost of certain public improvement projects within the City of Leawood, Kansas**

A motion was made by Councilmember Taylor, seconded by Councilmember Rasmussen to pass Ordinance No. 1887. The motion carried unanimously by a roll call vote.

## **10. OTHER BUSINESS**

### **A. Schedule 2 Governing Body work sessions**

Mayor Dunn requested a work session be scheduled regarding the Police Needs Task Force on April 16, 2001, from 6:00 P.M. to 7:30 P.M. A motion was so made by Councilmember Story, seconded by Councilmember Rasmussen and passed unanimously.

3390

A second work session was requested to be scheduled on May 7, 2001, from 6:00 P.M. to 7:30 P.M., regarding a Capital Improvement Project [CIP] discussion. A motion was so made by Councilmember Gulledge, seconded by Councilmember Rasmussen, and passed unanimously.

3495           **B.       Website calendar of events**

Councilmember Gulledge wanted to thank Staff for all of their work in making this information available and for placing these events on the website.

3530

**C. Status report on revised Noise Ordinance**

Councilmember Bussing advised that Overland Park, with the assistance of a noise expert, is developing some standards for revisions to their noise ordinance, and asked if Staff had had an opportunity to share information with them. Patty Bennett, City Attorney, advised we have been in contact with Overland Park and understood their ordinance is scheduled to be approved at their next council meeting.

**ADJOURN.** There being no further business, the meeting was adjourned at 8:55 P.M.

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Martha Heizer, City Clerk

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Deb Harper, Recording Clerk