

Minutes

Audio Tape No. 583

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:00 P.M., on Monday, April 7, 2003. Mayor Peggy Dunn presided.

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

Councilmembers absent: Shelby Story.

Staff present:

Scott Lambers, City Administrator
Sid Mitchell, Police Chief
Joe Johnson, Public Works Director
Jeff Cantrell, Neighborhood Serv. Adm.
Diane Binkley, Planning & Develop Dir.
Kathy Rogers, Finance Director

Patricia A. Bennett, City Attorney
Ben C. Florance, Fire Chief
Chris Claxton, Parks & Rec. Dir.
Deb Harper, City Clerk
Emily Watson, Deputy City Clerk

191 **1. PLEDGE OF ALLEGIANCE**

233 **2. APPROVAL OF AGENDA**

Mayor Dunn stated items 14A and 15 would be continued to the April 21, 2003, Governing Body Meeting.

Councilmember Gill moved to approve the Agenda, seconded by Councilmember Taylor. The motion was approved unanimously.

257 **3. CITIZEN COMMENTS**

Mayor Dunn stated she would call on the citizen who requested to speak during the discussion of Item 6C under Special Business.

265 **4. PROCLAMATIONS**

Mayor Dunn declared April, 2003, as **Fair Housing Month**; April 6-12, 2003 as **Crime Victims' Week**; and May 4-5, 2003 as **Student Achievement Days; Showcasing Student Excellence**.

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

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6. SPECIAL BUSINESS –

- A. Resolution No. 1912 authorizing a Public Improvement Project at 135th Street between Nall and Briar, Briar south to 137th Street, 137th Street west to Nall Avenue and East to Roe Avenue, Nall Avenue between 135th & 139th Street and Roe Avenue at 135th and South of 137th Street, located within the City of Leawood, Kansas; providing for the issuance of General Obligation Bonds of the City pursuant to K.S.A. § 12-6a01 to provide funds to pay the costs thereof, and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; expressing the intent to reimburse costs of the project so incurred from proceeds of such Temporary Notes and General Obligation Bonds; and authorizing and approving certain related matters and actions [Cornerstone]**

Councilmember Gill moved for approval; Councilmember Rasmussen seconded the motion. Motion was approved by Councilmembers Dunn, Rasmussen, Rawlings, Gill, Bussing and Gullede. Councilmember Taylor recused himself, due to a conflict of interest.

- B. Authorization for utilization of Special Benefit District Financing for Parkway Plaza, located at 135th Street & Roe Avenue, for an amount not to exceed \$5.5 million, and that such authorization to be withdrawn if a Final Site Plan has not been approved and a Resolution of Intent has not been issued by the Governing Body on or before October 31, 2003**

Councilmember Taylor moved for approval; Councilmember Rasmussen seconded the motion. Motion was approved unanimously.

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- C. Authorization for Staff to prepare necessary documents to allow for the sale of alcoholic liquor in the City of Leawood**

Mr. Bill Wolff, 11581 Caenen, stated he owned the liquor store at 11841 Roe Avenue. He said that whatever the Council decided, he would be agreeable, in hopes that Sunday sales would prove profitable. His concern was that approval would prove to be a type of slippery slope, wherein eventually grocery stores would be allowed to sell liquor. He stated that would put him out of business.

Scott Lambers clarified the issue by stating the Council would be presented with a charter ordinance and two other ordinances, with one to allow Sunday sales for liquor stores and another for Sunday sales of 3.2 beer in grocery stores. The Council could then consider each ordinance individually.

Councilmember Rasmussen moved for approval; Councilmember Gill seconded the motion. The motion was approved with Councilmember Gullede casting the only dissenting vote. Councilmember Gullede stated he felt liquor purchases six days a week was sufficient.

- 388 **7. PUBLIC HEARING 2004-2008 Capital Improvement Program [C.I.P.]**
Mayor Dunn opened the public hearing on the 2004-2008 Capital Improvement Program, asking twice for any public comments. Hearing none, Councilmember Dunn moved to close the hearing, with a second from Councilmember Rasmussen. The motion passed unanimously.
- 420 **8. PRE-BUDGET PUBLIC HEARING 2004 Fiscal Budget**
Mayor Dunn opened the pre-budget public hearing on the 2004 Fiscal Budget, asking twice for any public comments. Hearing none, Councilmember Rasmussen moved to close the hearing with a second from Councilmember Taylor. The motion passed unanimously.
- 437 **9. 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 Nos. 969 & 970
 - B. Minutes of the March 17, 2003, Governing Body meeting
 - C. Minutes of the March 17, 2003, Governing Body Work Session meeting [Special Benefit District Financing]
 - D. Minutes of the March 17, 2003, Public Building Commission meeting
 - E. Minutes of the March 12, 2003, Governing Body Work Session meeting [C.I.P.]
 - F. Minutes of the March 10, 2003, Governing Body Work Session meeting [Roe Avenue between 124th & 135th Street]
 - G. Minutes of the March 12, 2003, Public Works Committee meeting
 - H. Minutes of the February 11, 2003, Historic Commission meeting
 - I. Approval of the Governing Body Goals & Objectives for 2003
 - J. Approve recommendation on sale of Public Building Commission Bonds
 - K. Approve payment in the amount of \$5,825, to Vance Awnings pertaining to the awning replacement at Aquatic Center, 10601 Lee Boulevard
 - L. Approve payment in the amount of \$6,657.66, to Aquatic Eco-Systems, pertaining to the Irrigation Lake located at City Park, 10601 Lee Boulevard
 - M. Approve purchase in the amount of \$5392.00, to Conrad Fire Equipment for the purchase of fire hose
 - N. Resolution No. 1913 approving a grant request in the amount of \$84,000.00, from the Assistance to Firefighters Grant Program to assist with the purchase of Breathing Apparatus units
 - O. Resolution No. 1914 approving and authorizing the City to participate in the Juvenile Accountability Incentive Block Grant [JAIBG] Program from July 1, 2003 through June 30, 2004 [JIAC]
 - P. Resolution No. 1915 approving and authorizing the Mayor to execute a Service Contract between the City and Corporate Lawn and Landscape Maintenance in the amount of \$53,493.78, pertaining to the mowing and trimming of traffic

- Q. Resolution No. 1916 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and David Basse, in the amount of \$1,300.00, pertaining to the May 9, 2003, Arts Council Event
- R. Resolution No. 1917 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Greencard, in the amount of \$800.00, pertaining to the May 16, 2003, Concert Series Performance
- S. Resolution No. 1918 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Oscar Polk Band in the amount of \$750.00, pertaining to the June 13, 2003, Concert Series Performance
- T. Resolution No. 1919 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Boomerz, in the amount of \$600.00, pertaining to the August 8, 2003, Concert Series Performance
- U. Resolution No. 1920 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Big John and the 39th Street Blues Band, in the amount of \$500.00, pertaining to the September 12, 2003, Concert Series Performance
- V. Resolution No. 1921 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Western Enterprises in the amount of \$20,000.00, pertaining to the July 4, 2003, Celebration at City Park, 10601 Lee Boulevard
- W. Resolution No. 1922 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Vinyard Entertainment Group, Inc., in the amount of \$3,727.50, pertaining to the July 4, 2003, Celebration at City Park, 10601 Lee Boulevard
- X. Resolution No. 1923 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Boomerz in the amount of \$850.00, pertaining to the July 4, 2003, celebration at City Park, 10601 Lee Boulevard
- Y. Resolution No. 1924 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Wind Wizards in the amount of \$250.00, pertaining to the July 4, 2003, Celebration at City Park, 10601 Lee Boulevard
- Z. Resolution No. 1925 approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Vince DeLaughter in the amount of \$1,000.00, pertaining to the July 4, 2003, Celebration at City Park, 10601 Lee Boulevard
- AA. Resolution No. 1926 approving a Final Site Plan and Final Plat, for Highlands Creek, 2nd & 3rd plat, located south of 143rd Street and east of Nall Avenue [**from March 25, 2003, Planning Commission meeting**]
- BB. Resolution No. 1927 approving a Final Site Plan [Wall Sign] for Crème de la Crème located at 4601 West 115th Street [**from March 25, 2003, Planning Commission meeting**]
- CC. Resolution No. 1928 approving a Final Site Plan for Associated Plastic Surgeons located south of 115th Street and east of Granada [**from January 28, 2003, Planning Commission meeting**]

- *DD. Approve hiring of Outdoor Education Supervisor for the Park & Recreation Department *[This is a 2003 Budgeted item]*
- *EE. Approve request to purchase vehicles for various city departments *[This is a 2003 Budgeted item]*

Councilmember Rasmussen moved for approval; Councilmember Gill seconded the motion. The motion was approved unanimously.

452 **10. MAYOR'S REPORT**

- A. Attended the Council of Mayors meeting last week.
- B. The art show opened at Gold Bank last Friday night with Councilmembers Bussing, Rawlings and Rasmussen, and Mr. Lambers attending. The Mayor advised Arts Council members Bette Geiger and Dick Horn would be retiring.
- C. The Mayor extended her appreciation for the Council attending all the recent special meetings, and reminded them of the special call for Executive Session on April 14, 2003, at 6:00 P.M., for a personnel matter.

1504 **11. COUNCILMEMBERS' REPORT**

A. Recommendation for Public Works Committee to review the street light illumination enhancement request in the Leawood South subdivision area

Councilmember Bussing stated the Public Works Committee had been contacted by the Leawood South subdivision homes association to review their street lighting. He recommended that the request be sent to the Public Works Committee for review.

Councilmember Rasmussen asked that the City Administrator and the Public Works Committee investigate the possibility of free engineering services being available for street light design for Leawood.

Councilmember Bussing moved to approve; Councilmember Taylor seconded the motion. The motion was approved unanimously.

B. Recommendation for Public Works Committee to consider selection of Consultants to perform Inspection Services, pertaining to the 119th Street & Mission Road Intersection Improvement Project [CIP # 159]

Joe Johnson commented that Continental did not have sufficient staff to administer nor the proper inspection certification on this project. The Public Works Department does not have the staff or the certification either. Approval by KDOT is required for federal aide.

Councilmember Rasmussen moved to approve; Councilmember Rawlings seconded the motion. The motion was approved unanimously.

755 **12. STAFF REPORT – None**

COMMITTEE RECOMMENDATIONS

- 759 **13. PARK & RECREATION ADVISORY BOARD**
[from the February 11, 2003 and March 11, 2003, Park & Recreation Advisory Board meetings]

Approve recommendation of street naming of Ironwoods Drive located within Ironwoods Park, 14701 Mission Road

Councilmember Taylor moved to approve; Councilmember Rawlings seconded the motion. The motion was approved unanimously.

- 776 **14. PLANNING COMMISSION**
[from February 25, 2003, Planning Commission meeting]
B. Ordinance No. 1984 approving a Special Use Permit [SUP] for a temporary building at the United Methodist Church of the Resurrection, located south of 137th Street and West of Roe Avenue [Roll Call Vote]

Councilmember Gill affirmed that the extension was for one year, through July 16, 2004.

Councilmember Gulledge moved to approve; Councilmember Gill seconded the motion. The motion carried with the following vote: Yea: Councilmembers Dunn, Rasmussen, Rawlings, Gill, Bussing, and Gulledge. Abstain: Councilmember Taylor, stating conflict of interest.

- 815 **16. NEW BUSINESS**
A. Resolution No. 1929 approving and authorizing the Mayor to execute a Construction Agreement between the City and Zimmerman Construction Company, Inc., in the amount of \$838,000, pertaining to the Fire Station No. 2 Improvement Project, at 12701 Mission Road [CIP # 150]

B.
Councilmember Rasmussen confirmed with City Attorney Patty Bennett that the contract as submitted conformed with what the Council had approved.

Councilmember Taylor moved to approve; Councilmember Bussing seconded the motion. The motion passed unanimously.

- 880 **17. OTHER BUSINESS – None**

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18. ADJOURN

There being no further business, the meeting was adjourned at 7:30 P.M.

Debra Harper, City Clerk

Emily Watson, Recording Deputy City Clerk