

Minutes

Audio Tape No. 584

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 21, 2003. Mayor Peggy Dunn presided.

Councilmembers present: James E. Taylor, Sr., Jim Rawlings, Shelby Story, Gary Bussing, and Scott Gullledge, Louis Rasmussen.

Councilmembers absent: Patrick L. Dunn, Mike Gill

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	Chris Claxton, Parks & Rec. Dir.
Karl Weinfurter, Info. Systems Specialist	Colleen Browne, H.R. Director
Diane Binckley, Planning & Develop Dir.	Deb Harper, City Clerk
Kathy Rogers, Finance Director	Emily Watson, Deputy City Clerk

107 **1. PLEDGE OF ALLEGIANCE**

142 **2. APPROVAL OF AGENDA**

Mayor Dunn stated item 14E had been removed from the Agenda.

Councilmember Gullledge moved to approve the Agenda, seconded by Councilmember Rawlings. The motion was approved unanimously.

160 **3. CITIZEN COMMENTS**

Mr. Robert Sjolín, 3217 W. 82 Terrace, asked for the 2002 Ironhorse Golf Club’s operating results, and the 2003 projections. He asked that the Governing Body consider Leawood North for an illumination enhancement. Mr. Sjolín commented on the City of Leawood paying for the 133rd Street Improvement Project.

Mayor Dunn recommended that Mr. Sjolín come to City Hall to request the Ironhorse documents. Councilmember Taylor addressed Mr. Sjolín’s comments by stating that 133rd Street was being paid for by the area property owners and not the City. He also mentioned that historically, Leawood North and South shared design plans for street lighting, and that Leawood North could also go before the Public Works as Leawood South did and ask for an illumination enhancement for their neighborhood.

Mr. G. Gordon Thomas, 10317 Mohawk Lane, spoke on the Sunday sales of alcohol and also on the roofing ordinance that would be voted on later in the evening.

Vicky and Steve Scanlon, 2012 W. 96 Street, commented on the Stop Work Order at 2016 W. 96th Street.

- 683 **4. PROCLAMATIONS**
Mayor Dunn declared April 25, 2003, as **Arbor Day**; April 27-May 3, 2003 as **National Volunteer Week**; May 1, 2003 as **National Day of Prayer**; and May 11-17, 2003 as **Taiwan Heritage Week**.
- 700 **5. PRESENTATIONS/RECOGNITIONS – None**
- 703 **6. SPECIAL BUSINESS**
A. Presentation of 2002 Annual Audit
Mayor Dunn congratulated Kathy Rogers and the Finance Department on the early implementation of GASB 34 Program. Ms. Rogers introduced Dave Cochran of Cochran, Head and Co., P.A., the firm that had conducted the 2002 audit. Mr. Cochran gave a brief presentation of the audit findings.
- B. Resolution No. 1930 accepting the 2002 Comprehensive Annual Financial Report [Audit] for the City of Leawood, Kansas**
Councilmember Rasmussen moved for approval; Councilmember Story seconded the motion. The motion was approved unanimously.
- 950 **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. 971
 - B. Minutes of the April 7, 2003, Governing Body meeting
 - C. Minutes of the March 31, 2003, Governing Body Work Session [Special Benefit Financing]
 - D. Minutes of the March 24, 2003, Governing Body Work Session [Budget Assumptions]
 - E. Minutes of the March 11, 2003, Parks & Recreation Advisory Board meeting
 - F. Minutes of the March 11, 2003, Historic Commission meeting
 - G. Minutes of the February 27, 2003, IRONHORSE Golf Course Committee meeting
 - H. Minutes of the February 25, 2003, Arts Council Committee meeting
 - I. Mayoral Appointment for Governing Body Presiding Officers from May 2003 thru April 2004
 - J. Approve purchase in the amount of \$230,000, from Shawnee Mission Ford, pertaining to the purchase of 9 Police Department vehicles [*This is a 2003 budgeted item*]

- K. Approve purchase for an amount not to exceed \$17,539, from Raytown Dodge pertaining to the purchase of an Investigative Police Vehicle [*This is a 2003 budgeted item*]
- L. Approve purchase in the amount of \$17,536.00, from Shawnee Mission Ford, pertaining to the purchase of a Truck Cab & Chassis for IRONHORSE Golf Club
- M. Approve purchase in the amount of \$92,080, to Turf Professionals Equipment Company, for the purchase of golf course equipment
- N. Resolution No. 1931 approving and authorizing the Mayor to execute a Cooperation Agreement between the City and the Board of County Commissioners of Johnson County, Kansas, [BOCC] for the purpose of renewing participation in the Johnson County Urban County for participation in the Community Development Block Grant [CDBG] and Home Investment Partnerships [HOME] Programs, for the federal fiscal years 2004-2006
- O. Resolution No. 1932 adopting amended Policy for Reporting Requirements relating to public infrastructure in accordance with the criteria established by the Governmental Accounting Standards Board [GASB]
- P. Resolution No. 1933 designating Leawood City Hall Courtyard as a portion of the Leawood Community Center to conduct the Taste of Leawood fundraising event on May 31, 2003, in accordance with Code Section 3-207
- Q. Resolution No. 1934 approving and authorizing the Mayor to execute an Inter-local Agreement between Leawood and the City of Overland Park pertaining to the 95th Street Improvement Project between State Line Road and Windsor
- R. Resolution No. 1935 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$11,390.85, with S.E.C.T., Theatre Supplies, Inc., pertaining to community theater equipment and services for the Leawood Stage Company
- S. Resolution No. 1936 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$3,500, with Chestnut Fine Art Center, Inc., pertaining to the Leawood Stage Company's production on June 26-29, 2003
- T. Resolution No. 1937 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$3,200, with C. Richard Pond, pertaining to the Leawood Stage Company's production on June 26-29, 2003
- U. Resolution No. 1938 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$2,500, with Faith Hamilton-Trent, pertaining to the Leawood Stage Company's production on June 26-29, 2003
- V. Resolution No. 1939 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$1,200, with Robert Craig, pertaining to the Leawood Stage Company's production on June 26-29, 2003
- W. Resolution No. 1940 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$385, with A Great Entertainment Company, pertaining to the July 4, 2003, Celebration at City Park, 10601 Lee Boulevard

- X. Resolution No. 1941 approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$325, with the Kansas City Chiefs [KC Wolf], pertaining to the July 4, 2003, Celebration at City Park, 10601 Lee Boulevard
- Y. Resolution No. 1942 amending a fee, not specifically provided for in the Code of the City of Leawood, 2000, specifically for golf cart rentals and practice range fees
- Z. Police Department Monthly Report
- AA. Fire Department Monthly Report
- BB. Municipal Court Monthly Report

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

970 **8. MAYOR'S REPORT**

- A. Attended the Chamber of Commerce Breakfast that featured Eric Rucker, Chief of Staff, to Attorney General Phil Klein, who spoke on the Health Midwest transaction.
- B. Attended the ribbon cutting ceremony for Kounkel Chiropractic Office at Plaza Point.
- C. Congratulated Chief Ben Florence for receiving the professional designation of Chief Fire Officers, becoming one of only 214 of these designations internationally.
- D. Commented on the new Leawood banners [designed by Marica Putnam, Public Works] displayed throughout the community.
- E. A stream clean-up program was conducted by the 5th graders from Belinder School along Tomahawk Creek
- F. Announcement of the Arts Council concert featuring David Basse and the City Light Trio on May 9th

9. COUNCILMEMBERS' REPORT - None

10. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

1122 **11. PUBLIC WORKS COMMITTEE**

[from the April 9, 2003, Public Works Committee meeting]

- A. **Approve Public Works Committee recommendation of Olsson Associates, as Inspection Consultant pertaining to the 119th Street & Mission Road Intersection Improvement Project [CIP # 159]**

Councilmember Taylor moved to approve the recommendation. Councilmember Rasmussen seconded the motion. The motion passed unanimously.

B. Report on Public Works Committee consideration of request for street light illumination enhancement in the Leawood South subdivision area

Councilmember Bussing reported that the Public Works Committee had met to review the Leawood South Homes Association's request. The five items discussed by the Committee were outlined by Councilmember Bussing. The Committee recommended the property owners contact the Public Works Department to request a street light petition that the property owners would need to complete for the street light illumination upgrade request. The existing street lights owned by KCPL would be removed and new lights installed, at a cost of approximately 2.3 million dollars. A benefit district would be established to pay for this cost and assessed against the property owners. The establishment of the benefit district would require signatures of at least 51% of the Leawood South residents for approval.

Councilmember Taylor confirmed that should the Homes Association request additional light poles, the citizens would pay for the construction and the cost would not be borne by the City.

Councilmember Rawlings discussed the problem of low-wattage streetlights in Leawood South. Joe Johnson stated that all streetlights could use the 250-watt bulbs for more illumination, however, that would be an additional cost of approximately \$900 for each street light a year towards the lease payments to KCPL.

Councilmember Rasmussen stated he would be opposed to the creation of benefit districts for the purpose of street lighting. In previous years, this cost was included in the franchise fees and felt this shouldn't be an additional cost.

Councilmember Bussing moved to approve the Public Works recommendation. The motion was seconded by Councilmember Taylor. The motion passed by a unanimous vote.

1583 **C. Approve Public Works Committee Recommendation of an increase of \$260,000 pertaining to the JB-04-008 SMAC Project, from Lee Boulevard to State Line and between 103rd Street to I-435 Highway**

Councilmember Bussing stated this issue was brought to the Committee's attention by the consulting engineer advising there was a problem with 12 homes that are currently located in the flood plain. First recognized in the early 1990's, Continental Engineering suggested evaluating the cost of adding a berm (levee), and the affected homeowners have agreed to grant easements where necessary. Councilmember Bussing noted that funding for this increase is not currently budgeted by the City.

Councilmember Rawlings moved to approve; Councilmember Story seconded the motion. The motion passed unanimously.

1733 **12. PLANNING COMMISSION**

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

A. **Ordinance No. 1985** amending Section 16-2-10.3 of the Leawood Development Ordinance [LDO] pertaining to Materials & Colors as it relates to stone coated steel roofing *[Continued from the April 7, 2003, Governing Body meeting]* [Roll Call Vote]

Eric Garoutte, 9934 Floyd, of Horn Brothers Lifetime Roof Systems, Inc., 533 N. Lindenwood, Olathe, Kansas, stated they had asked for the revisions to § 16.2-10.3 of the LDO. A booklet was prepared and distributed to dispel any questions that were raised at the previous March 3, 2003, Governing Body meeting by another roofer contractor as to the use of stone coated steel roofing.

Mayor Dunn stated that Councilmember Dunn had previously asked that the standards set forth by the ICBA report be included in the ordinance. It was noted that Staff was supportive of the addition but it was not included. Diane Binckley stated that while it was not added, they would be an appropriate addition. However, this revision wasn't reflected in the final ordinance, because it was not included as a recommendation from the Planning Commission. Mr. Garoutte said he would not object to the ICBA standards being added.

Councilmember Taylor questioned the use of steel on replacement roofs and the possibility of mold developing. He also asked for an explanation of the steel roof warranty.

2021 Councilmember Bussing questioned if the Leawood Code Inspection process was sufficient to enforce this ordinance. Fire Marshall Gene Hunter responded that if the fire underlayment was applied properly, the inspection process would be sufficient. Chief Ben Florence stated steel roofing had a better fire rating than wood shakes.

Councilmember Bussing moved to approve the ordinance with the additional ICBO wording; Councilmember Story seconded the motion. A roll call vote was taken with the following results: Yea: Councilmembers Bussing, Story, Rawlings, and Gullede. Nay: Councilmembers Taylor and Rasmussen [4-2]. The motion failed the required 2/3 majority vote.

Mayor Dunn asked Ms. Binckley's opinion regarding the importance of including the ICBA standards. Ms. Binckley stated she felt the ordinance would be sufficient without the ICBA standards requirements included in the ordinance.

Councilmember Bussing then moved to approve the ordinance without the additional ICBA requirement. Councilmember Gulledge seconded the motion. A roll call vote was taken with the following results: Yea: Councilmembers Gulledge, Bussing, Story, and Rawlings. Nay: Councilmembers Rasmussen and Taylor [4-2].

Mayor Dunn asked Ms. Bennett if the vote of 4-2 was sufficient for passage. Ms. Bennett advised in the affirmative, stating it required a simple majority vote only.

Ms. Bennett then advised the vote would require a majority vote. Mayor Dunn advised she would vote in the affirmative, and the motion was passed by a 5-2 vote.

[from the April 8, 2003, Planning Commission Meeting]

2276 **B. Ordinance No. 1986 approving a preliminary site plan for Albers Medical Building, located within the Bi-State Business Park, south of 143rd Street and west of Overbrook [Roll Call Vote]**

Kent Bowers, architect, representing Albers Medical, gave a brief presentation on the office/warehouse combination located within the Bi-State Business Park..

Councilmember Taylor asked if an interactive meeting had been held with the area property owners. Mr. Bowers advised they had scheduled a meeting in Prairie Village, however no property owners attended.

Councilmember Taylor suggested that in the future interactive meetings be held within the City, to facilitate the attendance of residents in the immediate area.

Councilmember Rasmussen moved to approve the ordinance; Councilmember Gulledge seconded the motion. A roll call vote was taken with the following results: Yea: Councilmembers Gulledge, Taylor, Story, Rasmussen, Bussing, and Rawlings. The motion passed unanimously.

2630 **13. OLD BUSINESS**
Approve Change Order No. 11, in the amount of \$20,606.00, to Vanum Construction, Inc., pertaining to the Ironwoods Park Project [CIP # 116] [Continued from the April 7, 2003, Governing Body meeting]

Councilmember Taylor noted that he would oppose this Change Order on two points: [1] the cost for smoking receptacles which were against the smoking ordinance; and [2] the cost of the modification of the dormers which he felt was the obligation of the designer.

Councilmember Rasmussen moved to approve; Councilmember Gulledge seconded the motion. The motion passed 5-1, with Councilmember Taylor dissenting.

2690 **14. NEW BUSINESS**

- A. **Resolution No. 1943 approving and authorizing the Mayor to execute a Lease Agreement between the City and Gold Bank in the amount of \$272,000, pertaining to the leasing of golf carts**

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

- 2772 B. **Resolution No. 1944 accepting a Second Amendment to the Petition, amending and restating Resolution No. 1525, as amended and restated by Resolution No. 1638, finding as to the advisability of and authorizing the improvement and construction of 133rd Street from Mission Road to State Line Road [6,755 feet], pursuant to K.S.A. § 12-6a01 et seq [Special Benefit District Improvement Project] [CIP # 178]**

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

- 2800 C. **Approve Change Order No. 7, in the reduced amount of \$16,922.33, [12th & Final Pay Request in the amount of \$160,815.92] to Amino Brothers, pertaining to the 133rd Street Improvement Project [from State Line to Mission Road Special Benefit District Improvement Project] [CIP #178]**

Councilmember Story moved to approve; Councilmember Rasmussen seconded the motion. The motion passed unanimously.

- 3005 D. **Approve Change Order No. 7, in the reduced amount of \$65,479.32 [12th & Final Pay Request in the amount of \$53,929.72] to Amino Brothers, pertaining to the 133rd Street Improvement Project [from Mission Road to Roe Avenue Special Benefit District Improvement Project] [CIP # 179]**

Councilmember Rasmussen moved to approve; Councilmember Story seconded the motion. The motion passed unanimously.

- E. **Resolution approving and authorizing the Mayor to execute a Construction Agreement pertaining to the reroofing of the City Pool building, located at 10601 Lee Boulevard – THIS ITEM IS PULLED**

- 3028 F. **Schedule Governing Body meeting on May 12, 2003, at 7:00 P.M.
[This meeting is being tentatively scheduled for the rezoning of the Leawood Country Club property]**

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

15. OTHER BUSINESS

Scott Lambers, City Administrator, stated he concurred with Councilmember Taylor's earlier comment regarding holding interactive meetings with property owners in the City. He stated a policy would be developed to ensure all future interactive meetings would be held within the City limits.

3116 **16. ADJOURN**

There being no further business, the meeting was adjourned at 9:11 P.M.

Debra Harper, City Clerk

Emily Watson, Recording Deputy City Clerk