

Minutes

DVD No. 122

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, May 16, 2005. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Scott Gulledge, Gary Bussing, Mike Gill, Lou Rasmussen, James E. Taylor, Sr., Gregory Peppes, and Debra Filla.

Councilmembers absent: None

Staff present:

Scott Lambers, City Administrator
Chief Ben Florance, Fire Department
Diane Binckley, P&D Director
Joe Johnson, PW Director
Christy Wise, Deputy City Clerk

Patty Bennett, City Attorney
Chief Sid Mitchell, Police Department
Chris Claxton, P&R Director
Deb Harper, City Clerk
Karl Weinfurter, IS Specialist

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted an amended agenda since the time of Council distribution. Item Nos. 11A and 11D will be continued to the June 6th Governing Body meeting.

A motion was made by Councilmember Rawlings, seconded by Councilmember Gill, to approve the agenda. The motion carried following a unanimous vote of 8-0.

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

• **National Police Week, May 12-16, 2005**

• **National Peace Officers' Memorial Day, May 15, 2005**

Mayor Dunn read and presented the National Police Week and National Peace Officer's Memorial Day proclamations to Police Chief Sid Mitchell.

• **National Trails Day, June 4, 2005**

Mayor Dunn read and presented the National Trails Day proclamation to Lindsey Youle, Special Projects and Events Supervisor of the Parks and Recreation Department. Ms. Youle announced that the National Trails Day Walk will take place on Saturday, June 4th at 9:00 AM with two starting points, Leawood City Park or 99th & Holmes.

• **National Public Works Week, May 15-21, 2005**

Mayor Dunn read and presented the National Public Works Week proclamation to Joe Johnson, Public Works Director.

• **Emergency Medical Services Week, May 15-21, 2005**

Mayor Dunn read and presented the Emergency Medical Services Week proclamation to Fire Chief Ben Florance.

5. PRESENTATIONS/RECOGNITIONS Kansas Preservation Alliance Award for Excellence to the Leawood Historic Commission

Mayor Dunn presented the Kansas Preservation Alliance Award for Excellence to Leawood Historic Commission members Beverly Hurley, Alice Hawk, and Barbara Holzmark.

6. SPECIAL BUSINESS

Leawood Chamber of Commerce Budget Presentation by Kevin Jeffries

Marsha Monica, Board Chairman of the Leawood Chamber of Commerce, gave a brief account of the Chamber's history. She stated that there has been a 10% growth in membership every year for the last five years. The Chamber of Commerce was recently honored by the Kansas House of Representatives, receiving a Certificate of Congratulations from State Representative Pat Colloton.

Kevin Jeffries, President and CEO, summarized the programs and community services provided by the Chamber of Commerce. Mr. Jeffries explained that the proposed 2006 budget includes funding for website enhancements and the production of a video which will showcase the City of Leawood.

Mayor Dunn attributed the Chamber of Commerce's success to great leadership and thanked Mr. Jeffries for his excellent efforts.

Councilmember Rasmussen extended appreciation to Mr. Jeffries for his initiative in undertaking the website and video projects.

Councilmember Gill commended the Chamber of Commerce for helping newcomers of Leawood get involved in the community.

Councilmember Taylor stated that he was mistaken for not supporting the Chamber of Commerce in the past. He saluted Mr. Jeffries and his efforts.

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. 1025B and 1026A
- B. Accept minutes of the May 2, 2005 Governing Body meeting
- C. Accept minutes of the April 12, 2005 Historic Commission meeting
- D. Accept minutes of the February 23, 2005 Ironhorse Advisory Board meeting
- E. Approve Renewal of Retail Liquor Store License for Wolff's Fine Wines & Spirits, located at 11841 Roe Avenue
- F. Approve bid request in the amount of \$ 21,657.00, to Turf Technology, pertaining to the purchase of Park and Recreation mowing/landscape equipment
- G. Resolution No. 2402 approving and authorizing the Mayor to execute an Addendum to that certain Independent Contractor Agreement dated July 19, 2004, in the amount of \$36,851.00, between the City and D Fence Gate, Rail & Fence Company, pertaining to the installation of a perimeter fence at IRONHORSE Golf Club
- H. Resolution No. 2403 approving a Temporary Permit to conduct the Taste of Leawood fundraising event on June 11, 2005, in accordance with Code § 3-216
- I. Resolution No. 2404 approving a 2nd amended 2006-2010 Capital Improvement Program [C.I.P.] for the City of Leawood, Kansas and repealing Resolution NO. 2389
- J. Certification of Costs for improvements to Roe Avenue, Nall Avenue and 137th Street [Church of the Resurrection] [CIP # 190]

- K. Certification of Costs for construction of Briar Street between 135th Street and 137th Street, construction of improvements to 135th Street from immediately east of Briar Street to Nall Avenue and construction of improvements to 137th Street between Briar Street and Nall Avenue [Church of the Resurrection] [CIP # 191]
- L. Certification of Costs for improvements to the intersection of 135th Street and Roe Avenue, [CIP # 194]
- M. Certification of Costs for 119th Street & Mission Road Intersection Improvement Project [CIP # 159]
- N. Resolution No. 2405 approving a Final Plat and Final Site Plan for State Line Office Building located south of 127th Street and west of State Line Road [*from the April 26, 2005 Planning Commission meeting*]
- O. Resolution No. 2406 approving a Final Site Plan for Ironhorse Centre - Lot 3 located on the southeast corner of 151st Street and Nall Avenue [*from the April 26, 2005 Planning Commission meeting*]
- P. Resolution No. 2407 approving a Final Site Plan for Ironhorse Centre - Lot 4 located on the southeast corner of 151st Street and Nall Avenue [*from the April 26, 2005 Planning Commission meeting*]
- Q. Police Department Monthly Report
- R. Fire Department Monthly Report
- S. Municipal Court Monthly Report

Councilmember Filla pulled Item No. 7B for discussion. Councilmember Taylor requested to pull Item Nos. 7J, 7K, and 7L. Councilmember Bussing requested to pull Item Nos. 7I and 7Q. Councilmember Gill moved to approve the remainder of the Consent Agenda, seconded by Councilmember Gullede. The motion was approved following a unanimous vote of 8-0.

- 7B. Accept minutes of the May 2, 2005 Governing Body meeting

Councilmember Filla stated that she would like for Page 9, paragraph 8 to reflect that Mr. Whitaker replied in the affirmative to her request for neighborhood participation regarding playground equipment and location. Councilmember Filla then moved to accept the minutes, seconded by Councilmember Taylor. The motion was approved following a unanimous vote of 8-0.

- 7I. Resolution No. 2404 approving a 2nd amended 2006-2010 Capital Improvement Program [C.I.P.] for the City of Leawood, Kansas and repealing Resolution No. 2389

Councilmember Bussing confirmed with City Administrator Scott Lambers that the project cost of \$773,825 for improvements to Gezer Park was an estimate. Councilmember Bussing expressed his concern that the development group for the park would restrict their planning based on this dollar amount. He would like to see the best design possible regardless of the cost. Mr. Lambers agreed with this comment and stated that the amount was only for purposes of establishing the fund. Councilmember Bussing moved to approve Item No. 7I, seconded by Councilmember Rawlings. The motion was approved following a unanimous vote of 8-0.

- 7J. Certification of Costs for improvements to Roe Avenue, Nall Avenue and 137th Street [Church of the Resurrection] [CIP # 190]
- 7K. Certification of Costs for construction of Briar Street between 135th Street and 137th Street, construction of improvements to 135th Street from immediately east of Briar Street to Nall Avenue and construction of improvements to 137th Street between Briar Street and Nall Avenue [Church of the Resurrection] [CIP # 191]
- 7L. Certification of Costs for improvements to the intersection of 135th Street and Roe Avenue, [CIP # 194]

Councilmember Taylor stated that he would recuse himself from these items due to a conflict of interest. Councilmember Gill moved to approve the three items, seconded by Councilmember Bussing. The motion carried following a unanimous vote of 7-0 (Councilmember Taylor recusing).

7Q. Police Department Monthly Report

Councilmember Bussing commented on the declining crime statistics shown in the report. He commended Police Chief Sid Mitchell and the Police Department on their excellent performances. Mayor Dunn echoed Councilmember Bussing's comments. Councilmember Bussing moved to approve Item No. 7Q, seconded by Councilmember Gullede. The motion carried following a unanimous vote of 8-0.

8. MAYOR'S REPORT

- A. Mayor Dunn presented the Council with the Salaam Shalom Celebration 2005 Plaque of Recognition and Appreciation for the extraordinary contribution that was made for the inaugural Salaam Shalom Celebration, which took place on January 30, 2005, at the Ironwoods Lodge. The plaque was earlier presented to the City of Leawood by the chairmen of the event.
- B. Attended Council of Mayors meeting in DeSoto, Kansas. Sheriff Frank Denning of the Johnson County Sheriff's Office presented statistics regarding the need to civilianize approximately 20% of formerly sworn jail positions in order to yield a significant cost savings. He also reported on the projected increase of beds needed for Johnson County inmates by 2025. Cindy Kemper, Director of Johnson County Environmental Department, spoke on the need for a new landfill by the year 2027. She also discussed the fact that the quality air standards had been re-attained with the continuing ozone reduction campaign. Alice Amrein, Transportation Director for Johnson County Transit, spoke on the I-35 Fixed Guideway and Alternative Analysis Update Study, which began October 2004 and will be complete November 2005. The report will review alternatives to gridlock and will update previously studied information such as commuter rail, light rail, additional express bus service, high occupancy vehicle lanes, and bus rapid transit. A media event on June 15th and 16th will involve driving a large bus on the shoulder or in the middle of I-35 during rush hour. Volunteers are needed for the event.

- C. Attended United Community Services breakfast. Jeff Ellis, Chairman of Johnson County United Way, addressed the new issue based funding adopted by the United Way. He stressed the poverty level increase in Johnson County from 2000 at 1/10 families to 2003 at 1/7 families. He reported an increase in non-English speaking students as well as a larger increase in dysfunctional families. Also discussed was the issue being faced by the school districts concerning an undocumented influx of populous who have unmet needs such as medical, dental, housing, and food because they are fearful to apply for services.
- D. Attended Council on Philanthropy Luncheon. Mayor Dunn extended congratulations to Joan and Steve Carter, Leawood residents and owners of Right Management Consultants, who were honored with the Business Philanthropists of the Year Award.
- E. Attended the community-wide Yom Haatzmaut Celebration at the Kehilath Israel Synagogue to celebrate Israel's Independence Day along with City Administrator Scott Lambers, Councilmember Gulledge, and Councilmember Filla.
- F. Attended the second bar mitzvah and 83rd birthday celebration for Sherman Dreiseszun, also at the Kehilath Israel Synagogue. Mr. & Mrs. Dreiseszun have been Leawood residents for over 45 years
- G. Attended the Brookewood Elementary DARE Graduation with Police Chief Sid Mitchell. Randy Wiler has done an excellent job with the program.
- H. Mayor Dunn expressed gratitude to Councilmember Gill for representing Leawood in her absence at the Nativity DARE Graduation.
- I. Mayor Dunn also extended appreciation to Councilmember Rawlings for attending the Shawnee Mission Education Foundation Celebration of Success. She congratulated Leawood resident Fred Logan for receiving the 2005 Patron Award for his work and diligent efforts on behalf of education in the Shawnee Mission School District.

9. COUNCILMEMBERS' REPORT - None

10. STAFF REPORT – None

COMMITTEE REPORTS

11. PLANNING COMMISSION

[from the April 12, 2005 Planning Commission meeting]

- A. Resolution approving a Final Site Plan and Final Plat for Villaggio of Leawood - West located south of 135th Street and east of Roe Avenue – ***Continued from the May 2, 2005 Governing Body - CONTINUED TO THE JUNE 6, 2005 GOVERNING BODY MEETING***

[from the April 12, 2005 Planning Commission meeting]

B. Ordinance No. 2102 approving a Preliminary Site Plan for Cornerstone - Plaza III located on the southwest corner of 135th Street and Briar within the Cornerstone development [Roll Call Vote]

Staff Comment: The City Administrator recommends that under Stipulation No. 6, the words 'as near as possible' be removed, so the sentence would read.... 'Cornerstone development, to restore the original concept of the pedestrian.....'

Councilmember Taylor stated that he would recuse himself from item Nos. 11B and 11C due to a conflict of interest, and he left the Council Chambers.

Nabil Haddad, restaurant owner, introduced the developers and architects associated with the project.

Ed Coon, architect, presented the site plans, floor plans and elevations of the proposed Plaza III restaurant.

Mayor Dunn requested to see the differences between the preliminary and final designs of the pedestrian corridor. Henry Klover, Klover Architects, compared the original and the new concept drawings. Mr. Lambers clarified that the concept of creating a large plaza area is lacking in direction for applicants due to vague language from the Planning Commission.

Mr. Klover answered for Councilmember Bussing that the width of the corridor between the Plaza III restaurant and building H is approximately 40-50 feet.

Mayor Dunn inquired about the last point made under staff comments, page 7 of the Staff Report which states, "the Planning Commission requested that the applicant use the patio along the northwest corner and the west side of the building for seating and not only as a spill over area for the rental rooms. This was not made a formal stipulation, but merely a request." Planning and Development Director, Diane Binckley, stated that she wanted to make the Governing Body aware of the discussion so that stipulation consideration could take place if it was felt to be an important component. Mr. Klover pointed out the west patio area in question and stated that outside restaurant seating is not planned at this time due to liquor licensing laws. In order to serve alcohol, the area would have to be fenced and gaited which is planned for the north patio. He stated that enclosure of the west patio could be added in the future if needed.

Councilmember Bussing confirmed with Mr. Klover that the added 10-15 feet between Plaza III and building H includes the patio area. Mr. Klover stated that the west patio would be used as common public space; however, since it is on the tenant's parcel, the tenant would be responsible for future fencing of this area upon approval of the developer.

Mr. Haddad stated that the west patio was not part of the original plan but was added at the request of the Planning Commission. Mayor Dunn confirmed with Mr. Haddad that the area would include seating and a trellis for the general public, but is not intended for dining purposes. Ms. Binckley added that the applicant has also accommodated the Planning Commissions' requests by adding an entrance on the north side of the building. She stated that the west patio area is intended to create more activity in the pedestrian plaza and reiterated that there was never a stipulation to require dining on the west patio.

Councilmember Rasmussen stated that the development has become far removed from the original concept. He questioned the intended purpose of building J. Mr. Klover stated that it is an internal retail building. Mike Hans of RED Development added that building J is an attempt to cover the back of building B so as to have a store front facing the courtyard. Councilmember Rasmussen made the point that the added building takes up most of the courtyard. Mr. Hans stated that with direction of the Council, alternative methods to cover the restaurant back could be explored.

Councilmember Gill confirmed with Ms. Binckley that a final site plan for building J has not been approved. He suggested eliminating building J in order to restore the pedestrian area. Ms. Binckley stated that if this were to occur, something still needed to be done with the back of building B and would require agreement from the developer.

Councilmember Gill confirmed with Mr. Klover that a better pedestrian area could be designed without the encumbrance of building J. It was reviewed that building J has not been approved nor is there a final plan or tenant. Mr. Lambers stated that there has been an approved stipulation associated with building B in that if there is not a building to cover the back of the restaurants within a certain amount of time, a wall must be constructed. Mayor Dunn verified the specific time frame in the stipulation to be 18 months.

Councilmember Gill questioned Mr. Haddad's intentions regarding the smoking ordinance. Mr. Haddad stated that there would be a smoking area, but customers coming in either entrance of Plaza III would not have to pass through the area.

With the exclusion of building J, Councilmember Filla questioned why the restaurants of building B would not be required to add entrances facing the courtyard in the same manner that Plaza III has been asked. Mr. Hans replied that it would not be feasible from a functional standpoint as the kitchen areas will be located on this side of the building. He further stated that the 18 month time frame for constructing a wall could be accelerated with the knowledge that another structure will never be built. He proposed that the area could be made very attractive with the combination of a wall and landscaping. Councilmember Filla suggested adding a coffee bar at the back of building B.

Councilmember Bussing asked Mr. Klover how building J evolved as it was not on the preliminary approved site plan of Cornerstone development. Via original and current site plan drawings, Mr. Klover explained the changing dynamics of the development due to the applicants specific building structure needs. He stated that building J was added to cover the back of Cheeseburger in Paradise and Bonefish Grill restaurants as well as expand the retail activity.

Ms. Binckley stated that the plan for Plaza III came after the tenants for building B were in place. With building A needing more space, the geometrics of the design were significantly altered and building J was added. Councilmember Bussing wanted clarification in that if buildings A and B were approved tonight, the approval was not extended to building J.

Ms. Binckley added that it was the Planning Commission's intent to have the courtyard reevaluated during preliminary approval so as to make the necessary changes for final approval.

Councilmember Rawlings confirmed with Ms. Binckley that building C has been approved with a final site plan. Councilmember Rawlings also suggested adding building J to the back of building C. Mr. Klover stated that there is already planned retail for the back of building C.

Councilmember Gill suggested continuing the item for two weeks in order to allow restoration of the pedestrian plaza area and address what needs to be done with the back of building B.

Mr. Lambers anticipated the need for the west patio area to be closed off in the future to allow for restaurant seating, causing a loss of common space. He suggested adding a stipulation requiring the removal of building J. In addition, for approval of building B, he recommended stipulating a permanent landscaped wall to provide a visual barrier of the back of the building.

Mr. Hans offered a point of clarification in that even though the space designated as a common area will belong to the restaurant owner, Mr. Haddad, he does not have the right to close it off or use the space for anything other than a common area. Mayor Dunn clarified with Mr. Hans that he was referring specifically to the west patio area as the north patio is intended for outdoor dining. Mr. Klover reminded that as this is a preliminary approval, they would be agreeable to work with Staff in restoring the plaza area upon final approval.

Councilmember Rasmussen stated that the current designs do not reflect what was envisioned for Cornerstone development and voiced his intent to vote against the project.

Mayor Dunn expressed her appreciation to the applicants for their willingness to remove building J in order to bring the courtyard closer to the original plan.

Councilmember Filla confirmed with Mr. Lambers that the patio on the west side of the restaurant will remain open. However, Mr. Lambers stated that future enclosure could occur in order to extend the banquet rooms and comply with the liquor laws. Mayor Dunn clarified that future fencing of the patio area would have to be approved by the Governing Body.

Councilmember Gulledge moved to pass the ordinance with a revision to Stipulation No. 6 by striking the words “as near as possible”, and with the addition of Stipulation No. 24 to omit building J from the site plan. Councilmember Gill seconded the motion.

Councilmember Gill emphasized the importance of the pedestrian areas. He also stated that this development has enormous potential and is very important to the area.

Councilmember Filla extended appreciation to Mr. Lambers for his aid in troubleshooting the problem areas of the plan.

Councilmember Bussing stated that he will continue to monitor the changes in the plan as compared to what was preliminarily approved.

Councilmember Rasmussen confirmed with Mr. Lambers that in the natural progression of enclosing the west patio, the Governing Body would be a party in approving the addition. Mr. Lambers stated that future smoking ordinances may also be a factor in precipitating a need for the outside dining areas.

The ordinance passed with the following 6-1 roll call vote: Yea: Councilmembers Gill, Filla, Bussing, Peppes, Rawlings, and Gulledge. Nay: Councilmember Rasmussen. (Councilmember Taylor recusing)

[from the April 26, 2005 Planning Commission meeting]

C. Resolution No. 2408 approving a Final Site Plan for Cornerstone - Cheeseburger in Paradise and Bonfish Grill located on the southeast corner of 135th Street and Nall Avenue within the Cornerstone development

Mike Hans of RED Development requested approval of the Bonfish Grill and Cheeseburger in Paradise restaurants. He stated that the main issue during preliminary planning was the water tower feature, which has been scaled down further in appearance to fit in with the development.

Councilmember Rasmussen clarified with Ms. Binckley that approval of this project will not include building J.

Mayor Dunn confirmed with Mr. Klover that by removing building J, there would be opportunity to improve the final plans in terms of opening up the courtyard; however, they are restricted in making other changes based upon the kitchen area locations.

Denise Valenta of WD Partners verified that they are in agreement with the stipulation regarding the water tower element. She stated that the water tower materials on this application are totally different than materials used at the Speedway restaurant. They have been working with Staff to ensure that material standards are met.

Councilmember Gill inquired if it would be possible to make the back of the buildings aesthetically pleasing for pedestrians. Mr. Klover answered that there were various options for making the area inviting, which he will now begin designing. He stated that the wall would match the height of the restaurants and be made attractive through landscaping and seating areas.

Ms. Valenta confirmed for Councilmember Filla that the entrance shown on the east side of the Bonefish Grill is to be used as an emergency exit only. She also identified the material used above the wainscot and brick on the south elevations as stucco for Councilmember Gill. Ms. Valenta and Ms. Binckley verified for Mayor Dunn that the material used for the future wall would not be 100% stucco but rather a mixture of materials.

Councilmember Rawlings asked to be shown the color scheme differences between the Leawood Cheeseburger in Paradise restaurant and the color photographs in the packet. Ms. Valenta displayed material samples and explained modifications that have taken place to the architecture of both restaurants. She stated that the railing around the water tower element will be salmon as opposed to the orange color shown in the photographs. She also stated that the railing would be more decorative in nature. The bright teal green on top of the water tower has been changed to a sage green in order to blend with the concrete tile material used for the roof.

Councilmember Rasmussen asked the location of the kitchen vents. Ms. Valenta replied that they would be hidden by the parapets of both restaurants. Councilmember Rasmussen stated his concern that fumes would go into the pedestrian area. Ms. Valenta stated that it would be an upward exhaust.

Councilmember Gullledge inquired if it would be possible to approve the item devoid of seeing plans for the wall. Mr. Lambers stated that Stipulation Nos. 6 and 7 would need to be amended in order to omit references of a future building. He also recommended adding language to Stipulation No. 7. He stated that the design could be agreed upon between Mr. Klover and Staff and would not necessitate approval from the Governing Body.

Councilmember Peppes confirmed with Mr. Klover that adding southern entrances would not be possible due to the location of the kitchen and service areas. Mr. Klover stated that he is hoping to come up with some exciting amenities for the pedestrian area.

Councilmember Gulledge moved to approve the resolution with the addition of the Staff recommended stipulation as No. 30; with the omission of references for a future building from Stipulation Nos. 6 and 7; and with the following added language to Stipulation No. 7: "A wall and extensive landscaping, approved by City Staff, that will screen the service corridor on the south side of Bonefish Grill and Cheeseburger in Paradise shall be erected." Councilmember Bussing seconded the motion.

Councilmember Gill established with Mr. Lambers that wall and landscaping designs would be held to high standards.

The motion was approved following a vote of 6-1 (Nay: Councilmember Rasmussen. Councilmember Taylor recusing).

[from the April 26, 2005 Planning Commission meeting]

- * D. Ordinance approving a rezoning for a portion of the property from SD-CR [Planned General Retail] to SD-O [Planned Office], Preliminary Site Plan and Preliminary Plat for the 135th and Mission development located on the northwest corner of 135th Street and Mission Road [Roll Call Vote] ***-THIS ITEM HAS BEEN CONTINUED TO THE JUNE 6, 2005 GOVERNING BODY MEETING***

Councilmember Taylor returned to the Council Chambers.

12. OLD BUSINESS

13. NEW BUSINESS

- A. Resolution No. 2409 amending and restating Resolution No. 2165, finding as to the advisability of and authorizing the improvement and construction of 133rd Street between Roe Avenue and the western city limit, Briar from 133rd Street South to 135th Street, 135th Street from the western city limit East to Roe Avenue and Roe Avenue between 133rd Street and 135th Street and other amenity features, located within the City of Leawood, Kansas, and accepting First Amended Petition for Improvement District, pursuant to K.S.A. § 12-16a01 Et Seq. [Parkway Plaza East/West CIP # 195] ***[Continued from the May 2, 2005 Governing Body meeting]***

City Attorney Patty Bennett stated that staff is recommending approval of this resolution as it has been established that the City's interests are well secured.

Councilmember Rawlings moved for approval with a second from Councilmember Rasmussen.

Councilmember Gill stated that he now has a higher comfort level with this issue and extended appreciation to Staff for making the requested inquiries. The motion carried following a unanimous vote of 8-0.

- B. Resolution No. 2399, ordering a public hearing to be held on June 6, 2005, at 7:30 P.M., or as soon thereafter as may be heard on proposed assessments for the Roe Avenue, Nall Avenue and 137th Street Improvement Project in the vicinity of Briar Street, 137th Street and 139th Street, and directing the City Clerk to publish notice thereof and provide written notice to owners of property of such assessments [CIP # 190] [Roe/Nall & 137th Street]

Councilmember Taylor stated that he would be recusing himself from item Nos. 13B, 13C, and 13D. He then left the Council Chambers. Councilmember Bussing moved for approval, seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0 (Councilmember Taylor recusing).

- C. Resolution No. 2400, ordering a public hearing to be held on June 6, 2005, at 7:30 P.M., or as soon thereafter as may be heard on proposed assessments for construction of Briar Street between 135th Street and 137th Street, construction of improvements to 135th Street from immediately east of Briar Street to Nall Avenue and construction of improvements to 137th Street between Briar Street and Nall Avenue, and directing the City Clerk to publish notice thereof and provide written notice to owners of property of such assessments [CIP # 191] [137th & Briar]

Councilmember Gill moved for approval, seconded by Councilmember Bussing. The motion carried following a unanimous vote of 7-0 (Councilmember Taylor recusing).

- D. Resolution No. 2401, ordering a public hearing to be held on June 6, 2005, at 7:30 P.M., or as soon thereafter as may be heard on proposed assessments for the 135th Street and Roe Avenue Improvement Project, and directing the City Clerk to publish notice thereof and provide written notice to owners of property of such assessments [CIP # 194] 135th & Roe turn lanes]

Councilmember Filla moved for approval, seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0 (Councilmember Taylor recusing).

- E. Resolution No. 2410 finding as to the advisability and authorizing the construction of improvements to Nall Avenue, 117th Street, Town Center Drive and Roe Avenue and construction of storm water improvements within the City of Leawood, Kansas; and accepting Petition for establishment of an Improvement District, pursuant to K.S.A. § 12-16a01 Et Seq. [Park Place CIP # 196]

Councilmember Taylor returned to the Council Chambers.

Councilmember Rasmussen moved for approval, seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

14. OTHER BUSINESS - None

ADJOURN

The meeting was adjourned at 9:45 P.M.

Debra Harper, CMC, City Clerk

Christy Wise
Recording Deputy City Clerk