

**Minutes**

Audio Tape No. 488

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., Monday, June 5, 2000. Mayor Peggy J. Dunn presided.

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

Staff present: Richard J. Garofano, City Administrator; Julie Hakan, Director of Human Resources; Patricia A. Bennett, City Attorney; Sid Mitchell, Police Chief; Ben Florance, Fire Chief; Joe Johnson, Public Works Director; Diane Binckley, Planning Services Administrator; Kathy Rogers, Finance Director; Chris Claxton, Parks & Recreation Director; Mark Andrasik, Information Services; and Deb Harper, Paralegal.

**1. PLEDGE OF ALLEGIANCE.**

**2. APPROVAL OF AGENDA.** Kathy Rogers, Finance Director, requested the agenda be amended to reflect a resolution be added to amend the benefit district petition for College Boulevard; and a resolution to amend the Normandy Place benefit district petition, along with a contract change order for the Normandy Place Project. Councilmember Taylor moved to approve the agenda with the addition of these 2 matters placed on the agenda under Old Business, identified as Item # 9B and 9C, respectively. The motion was seconded by Mr. Story and the agenda was unanimously approved.

**3. ACCEPTANCE OF DONATION TO THE LEAWOOD FIRE DEPARTMENT FROM THE LEAWOOD WOMAN'S CLUB.**

The Leawood Woman's Club presented the Fire Department with a \$1,300 gift. Mrs. Penelope Medved was recognized by Fire Chief Florance and extended the City's appreciation to the Woman's Club for their continued generosity, hard work and devotion to their cause. The Woman's Club over the years has given over \$25,000 in donations to the Fire Department and all are warmly appreciated.

**4. PROCLAMATION.** The Mayor proclaimed June 14, 2000 as "Flag Day" and encouraged all to pause at 7:00 p.m. on this date for the 21<sup>st</sup> annual national reciting of the Pledge of Allegiance of the United States of America.

**5. CITIZEN COMMENTS.** Citizens were invited to speak to the Governing Body.

**6. CONSENT AGENDA.**

**A. Minutes of the May 15, 2000 Council meeting**

**B. Minutes of the May 15, 2000 Special Council meeting**

- C. Committee Reports**
  - 1. Arts Council meeting minutes of April 25, 2000**
  - 2. Contract Review Committee; May 10, 2000**
- D. Request for a septic tank in Strawberry Hill subdivision, Lot 2**
- E. Approve bid from Signature Landscape in the amount of \$8,830 for landscape beds and traffic islands on College Blvd., between State Line Road and Tomahawk Creek Parkway**

Mr. Taylor requested Item 6D be removed from the Consent Agenda for discussion. A motion was made by Mr. Dunn, seconded by Mr. Taylor, to approve the remainder of the consent agenda. The motion carried by unanimous vote.

Mr. Taylor advised the applicant requesting the septic tank is from out of state and in the process of building a residence. The Parks & Recreation Advisory Board has denied the applicant's request to connect to the public sewer system at this time due to the fact the plans for South Park have not been completed and the City could be faced with additional construction and replacement costs and could impede the future development if the sanitary sewer line connection was approved. The applicant has been contacted and advised of this information.

A motion was made by Mr. Taylor and seconded by Mr. Dunn to approve Item # 6D, and was unanimously carried.

**7. PLAN COMMISSION.**

- A. Resolution No. 1526 approving the request for rezoning from AG to R-1 and preliminary plat for Mission Prairie, approximately 141<sup>st</sup> and Mission Road.**

Mr. Dana Bowles, engineer with Kaw Valley Engineering, presented the request to the Council.

Mr. Taylor spoke of concerns regarding the stormwater plan and wants to ensure the plans meet all Public Works stormwater requirements. Mayor Dunn advised this concern would be addressed under the Planning Commission's Recommendations Stipulation # 11, wherein it states, in part, all plans would have to meet the City's requirements and approvals prior to the filing of the plat.

A motion was made by Mr. Bussing, seconded by Mr. Rawlings to approve the request. The motion was passed by unanimous vote.

- B. Ordinance No. 1865 rezoning from AG to R-1- Mission Prairie.**

A motion was made by Mr. Gullledge, seconded by Mr. Bussing, to pass the ordinance. The motion carried by a unanimous roll call vote.

- C. Resolution No. 1527 approving the final plat of Highlands Creek 1<sup>st</sup> Plat.**

Dr. Joe Waeckerle, 4601 W. 143 Street, area resident, advised he will support the plan provided all established criteria particularly velocity, volume, and erosion criteria that was agreed upon by affected downstream property owners would be adhered to in the final development plans and phases of the project.

Mr. Don Donahoo, Highlands Creek Developer, made the presentation. Mr. Donahoo advised, at the direction of the Council, that all adjoining property owners had been notified

regarding the desire to locate the detention basin to the more westerly location. Mr. Donahoo distributed an engineer's report that reflects the support of the plan that includes the new location of the detention basin. Mr. Donahoo also requested the waiving of the additional \$40,000 cost for the maintenance of the basin, due to the fact this basin will be dry and maintenance cost would be at a minimum. The \$30,000 that the developer has already placed into a fund would more than adequately cover the cost of the future maintenance of the dry bottom basin.

Mayor Dunn spoke regarding the Dr. McEnroe report that was distributed to the Council, specifically the statement in the report that the detention basin does not meet the design criteria and asked if Highlands Creek would have any objections to meeting the criteria stated in the McEnroe report. Mr. Donahoo stated modifications were made to the calculations due to density, etc., and would have no objections to meeting such criteria.

Scott Beeler, Esq., 9401 Indian Creek Parkway, representing Mr. and Mrs. Chris Wally, requested the plat be approved with the stipulation that the Wally's along with all affected property owners have the opportunity to review the design plan criteria as it relates to the detention basin.

After further discussion, Mr. Bussing made a motion, seconded by Mr. Gullede, to adopt the resolution to relocate the storm drainage area to the western location with a stipulation that all 3 interested parties [developer, city staff and engineer representing the home owners] must agree to the design criteria; in the event an agreement cannot be reached, the dispute shall be brought before the City Council for a decision; and the design criteria to be met would be the design criteria that was established when the project was originally approved.

Mayor Dunn also recommended a friendly amendment to the motion that the detention basin would be built in Phase I. Mr. Taylor recommended a further friendly amendment to the motion that the \$40,000 maintenance fee be waived. The motion carried by unanimous vote.

**8. MAYOR'S REPORT.** The Mayor reported on:

- a. Various DARE graduation ceremonies.
- b. Celebration hosted by Elizabeth Chu, Director General of the Taipei Economic and Cultural Office of Kansas City, of the inauguration of the President and Vice President of the Republic of China.
- c. Number of activities related to the celebration of the KC 150 event. The City of Leawood was recognized for their historic preservation plans for the Oxford School House.
- d. The Taste of Leawood event conducted on Saturday, June 3, 2000.
- e. The arrival of the Honorable Mayor Kuo-Hwa Lu of I-Lan, along with a 17 member delegation, from October 8-11, 2000.
- f. Recognition and appreciation of the Leawood Fire Dept. role in assisting in the Shawnee Fire Dept investigation of several fires that had occurred in Shawnee.
- g. Ironhorse Golf course featured on the front of KC Golf magazine and their revenues to date are up \$50,000 over budget.
- h. Thanks to Kathy Rogers for her assistance in getting questions answered the Council had regarding property reappraisals.
- i. The City of Leawood's July 4<sup>th</sup> celebration will be held at the park and will be simulcast over KFKF radio.

**9. OLD BUSINESS.**

**A. Schedule consideration of Fire Station No. 3 plan**

Ms. Bennett advised the Fire Station plan was tabled by the Council in February 2000, regarding the question of whether the current Fire Station plan was in conformity with the City's Comprehensive Plan. Staff requests this item be tabled to the July 3, 2000 Governing Body meeting to allow staff sufficient time to notice all property owners that the plan would be presented at the July 3<sup>rd</sup> meeting.

A motion was entertained by Mr. Taylor and seconded by Mr. Gill to continue this item to the July 3, 2000 Governing Body meeting. The motion carried by unanimous vote.

**B. Resolution requesting to amend the Normandy Place Benefit District petition.**

Mrs. Rogers, Finance Director, explained the 59 current property owners in Normandy Place subdivision had earlier requested the private streets located in their subdivision be donated to the City and become public streets. Prior to acceptance, the streets had to be milled and overlaid. While this was being conducted it was recently discovered most of the streets' base needs to be replaced, costing an additional \$198,000, which would also necessitate a Change Order to the original contract price from approximately \$153,356 to \$302,600.

Mr. William Chiles, 12816 Cedar, advised this additional cost places the homeowners in somewhat of a dilemma and requested a 2 week continuance of this resolution in order to provide sufficient time for him to advise affected Normandy Place property homeowners of this substantial cost increase.

After further discussion, a motion was made by Mr. Taylor, seconded by Mr. Story to continue this item to the June 19, 2000 Governing Body meeting. The motion carried by unanimous vote.

**C. Resolution requesting to amend the College Boulevard Benefit District petition.**

Mrs. Rogers, Finance Director, advised the original cost for this project was \$1.9 Million; \$1.2M would be the City's cost; with \$700,000 for the benefit district of which \$228,000 was to be used for burying underground lines. Subsequent to Governing Body approval, KCPL has estimated a change in cost from \$228,000 to \$440,000. This additional cost would not include the burying of conduit or relocating other utilities. The City's cost would increase from \$14,000 to \$400,000.

After further discussion, a motion was made by Mr. Rasmussen, seconded by Mr. Rawlings, to continue this item to the June 19, 2000 Governing Body meeting to allow sufficient time for Staff to obtain the correct amounts and compare the amounts to the original petition that was previously approved by the Council. The motion was carried by unanimous vote.

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**10. NEW BUSINESS**

**A. Approval of Appropriation Ordinance No. 892.** On motion by Mr. Bussing seconded by Mr. Story, the ordinance was unanimously approved by roll call vote.

**B. Charter Ordinance No. 34 relating to Deputy City Clerk position.** Ms. Bennett explained this charter ordinance would authorize the City to create a Deputy City Clerk position and allow this position the same powers and duties as the City Clerk in her absence. This ordinance would change the language in the City Code to parallel the statutory language in identifying this position as Deputy City Clerk instead of Assistant City Clerk. It is the desire to appoint Deb Harper, Paralegal, to act in this capacity. The charter ordinance would become effective 61 days after final publication.

Mr. Gullede left the chamber room.

On motion by Mr. Gill and seconded by Mr. Rawlings the Charter Ordinance was unanimously passed by roll call vote.

Mr. Gullede returned to the chamber room.

**C. Authorize agreement for engineering services for 2000 Bridge Inventory.**

A motion was made by Mr. Taylor, seconded by Mr. Dunn to authorize the engineering services agreement between the City and George Butler Associates, in the amount of \$7,500. The motion passed by unanimous vote.

**D. Request to terminate engineering services agreement for SMAC project DB-04-019, 91<sup>st</sup> Street to 93<sup>rd</sup> Street along Wenonga.**

Mr. Johnson advised the Public Works Department is requesting the contract with Bartlett & West be terminated, due to the delay of the final design and construction of the stormwater improvements. The City has determined it would be in the best interest of the residents to conduct the stormwater improvements and the street improvements at the same time. The street improvement project is scheduled for sometime next year. The preliminary design on this project has been accepted and approved by Johnson County. The County has agreed to reimburse the City's share of 25% of this project.

A motion was made by Mr. Gill and seconded by Mr. Dunn to terminate the agreement with Bartlett and West. Motion carried by unanimous vote.

**E. Consideration of support for Communities for Safer Guns Coalition.**

A motion was made by Mr. Gill, seconded by Mr. Gullede to pledge the City's support. The motion carried by the following vote: Yea: Councilmembers Rasmussen, Gill, Story, Dunn, Mr. Rawlings, and Gullede; Nay: Councilmembers Bussing and Taylor.

Mr. Taylor stated he didn't think this was an issue the City should become involved with; it's a matter for other governing agencies to involve themselves with.

Mr. Bussing stated he felt this issue was more complex than the resolution implies and not certain the resolution will have any positive effect and is opposed to resolutions that are not effective.

**F. Executive Session regarding attorney-client privilege.** A motion was made by Mr. Dunn and seconded by Mr. Taylor for the Council to recess into executive session at the conclusion of the meeting for a period not to exceed 30 minutes. The motion was carried by unanimous vote.

The public meeting was recessed at 10:15 p.m. and the Council convened into executive session.

**11. OTHER BUSINESS**  
None

**12. ADJOURN**

The Council returned to regular session at 10:45 p.m. There were no votes or other binding action taken during executive session. There being no further business, the meeting was adjourned.

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Martha Heizer, City Clerk

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Deb Harper, Recording Clerk