

**Minutes**

DVD No. 167

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, June 18, 2007. Mayor Peggy Dunn presided.

**Councilmembers present:** Gary Bussing, Gregory Peppes, Jim Rawlings, Lou Rasmussen, Debra Filla, James Azeltine, Mike Gill, and Scott Gullledge.

**Mayor/Councilmembers absent:** None.

**Staff present:**

Scott Lambers, City Administrator  
Chief John Meier, Police Department  
Chief Ben Florance, Fire Department  
Joe Johnson, Public Works Director  
Mark Klein, Asst. to the Planning Director  
Deb Harper, City Clerk  
Jack Reece, IS Specialist

Patty Bennett, City Attorney  
Captain Dale Finger, Police Department  
Kathy Rogers, Finance Director  
Chris Claxton, P&R Director  
Jeff Joseph, Senior Planner  
Christy Wise, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn informed that the agenda will also include a report from Councilmember Rawlings as Item No. 9A. A continuance to the July 16<sup>th</sup> Governing Body meeting for Item No. 14C has also been requested by the developer.

A motion to approve the agenda with the noted changes was made by Councilmember Peppes; seconded by Councilmember Azeltine. 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.**

Jeff Alpert, Park Place Developers, LLC, 6201 College Boulevard, stated appreciation for the diligence demonstrated by City Administrator Scott Lambers and Staff in preparing the Development Agreement for the use of a transient bed tax [Item No. 14C].

He explained that the continuance request is due to the fact that he has not had an opportunity to meet with his attorney and financial advisors in order to properly review the terms of the agreement. Although there has been a strong sense of urgency associated with completion of the agreement, the continuance to July 16<sup>th</sup> will still allow the development to stay on schedule.

**4. PROCLAMATIONS**

**Helen Keller Deaf-Blind Awareness  
Week, June 24-30, 2007**

Mayor Dunn declared June 24-30, 2007, as Helen Keller Deaf-Blind Awareness Week. The proclamation has been mailed to the appropriate recipient.

**Leawood Baptist Church; 50<sup>th</sup>  
Anniversary [1957-2007]**

Mayor Dunn read and presented the proclamation to Pastor Michael McKinney of Leawood Baptist Church.

Pastor McKinney thanked the Governing Body for recognizing the church on its 50<sup>th</sup> Anniversary. He relayed that a wonderful celebration took place over the weekend, where all of the charter members were presented with gifts from the City of Leawood.

Mayor Dunn congratulated Pastor McKinney and wished the church much continued success.

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

**6. SPECIAL BUSINESS**

- A. **PUBLIC HEARING:** Proposed Assessments pertaining to the burying of power lines along 135<sup>th</sup> Street, Villaggio Transportation Development District [TDD], [CIP # 80452]

Mayor Dunn opened the public hearing for comment. As there were no individuals present to speak on the matter, a motion to close the public hearing was made by Councilmember Rasmussen; seconded by Councilmember Gill. The motion carried following a unanimous vote of 8-0.

- B. Ordinance No. 2242, levying assessments on lots, pieces and parcels of property located in the City of Leawood, Kansas, for the purpose of paying for the cost of improvements pertaining to the burying of power lines along the south side of 135<sup>th</sup> Street, Villaggio Transportation Development District [TDD], [CIP # 80452] [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The ordinance passed with the following unanimous roll call vote of 8-0: Yea: Councilmembers Azeltine, Rasmussen, Peppes, Filla, Rawlings, Gill, Gullledge, and Bussing. Nay: None.

- C. **PUBLIC HEARING:** Permanent Easement Vacation located at 14604 Juniper, Highlands Creek 4<sup>th</sup> Plat, Lot 74, located within the City of Leawood, Johnson County, Kansas

Mayor Dunn declared the public hearing open. With no one present to speak, a motion to close the public hearing was made by Councilmember Gullede; seconded by Councilmember Gill. The motion was approved following a unanimous vote of 8-0.

- D. Ordinance No. 2243 vacating a Permanent Easement located at 14604 Juniper, Highlands Creek 4<sup>th</sup> Plat, Lot 74 located within the City of Leawood, Johnson County, Kansas

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Gill. The ordinance passed with the following unanimous roll call vote of 8-0: Yea: Councilmembers Bussing, Gullede, Rawlings, Peppes, Filla, Gill, Azeltine, and Rasmussen. Nay: None.

- E. Resolution No. 2834 approving and authorizing the Mayor to execute an amended Inter-local Agreement between the City of Leawood, Kansas and the City of Prairie Village, Kansas, pertaining to the use of land located at Somerset and Lee Boulevard in Prairie Village and Leawood, Kansas, for the installation and maintenance of the Public Art Piece known as 'Porch Lights' – ***CONTINUED FROM THE JUNE 4, 2007 GOVERNING BODY MEETING***

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Filla. The resolution was approved following a unanimous vote of 8-0.

## 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. 1079C and 1080A  
B. Accept Minutes of the June 4, 2007 Governing Body meeting  
C. Accept Minutes of the May 18, 2007 Park and Recreation Advisory Board meeting  
D. Accept Minutes of the April 4, 2007, Stormwater Management Committee meeting  
E. Approve renewal of Cereal Malt Beverage [CMB] license for Price Chopper #500 located at 13351 Mission Road  
F. Approve renewal of Microsoft Licensing coverage in the amount of \$35,439.80, between the City and Microsoft Corporation via Software House International, Inc., pertaining to the yearly license renewal

- G. Approve City Equipment Bids: 2007-9 Leaf Collector (Public Works) Key Equipment \$29,504.00; Bid 2007-11 Compact Excavator (Parks) Coleman Equipment \$48,549.00; Bid 2007-12 Aerial Device Body (Parks) Drake-Scruggs \$90,792.00; Bid 2007-07 CO-OP Bid Chassis (Parks) KCR International \$56,069.00; and Bid 2007-13 Trailer (Parks) Victor L. Phillips Co. \$5,710.00
- H. Approve purchase in the amount of \$22,630.00, from Turf Professionals Equipment Company pertaining to golf course maintenance equipment
- I. Resolution No. 2835 calling for a Public Hearing on Monday, August 6, 2007, to consider the 2008 fiscal budget for the City of Leawood, Kansas
- J. Resolution No. 2836 approving and authorizing the Mayor to execute an Inter-local Agreement between Board of County Commissioners of Johnson County [BOCC] and the City pertaining to the Stormwater Drainage Improvements at 153<sup>rd</sup> & Rosewood-Brittany Woods Subdivision and Iron Horse Golf Club; NC-04-001
- K. Fire Department Monthly Report
- L. Municipal Court Monthly Report
- M. Police Department Monthly Report

On motion of Councilmember Filla, seconded by Councilmember Gill, the Consent Agenda was approved following a unanimous vote of 8-0.

## **8. MAYOR'S REPORT**

- A. Attended the Council of Mayors meeting, which was held at the Sylvester Powell Jr. Community Center in Mission, Kansas, where the second biannual meeting with Johnson and Wyandotte County Legislative Delegates occurred. Discussion took place regarding items that were part of their legislative matters over the course of the latest session. The delegates concurred with a remark that this was one of their most congenial and productive sessions. Attending as a special guest, Kansas City, Missouri Mayor Mark Funkhouser provided an update on his new role and stated that he would like to be invited to future meetings. Leawood will host the next Council of Mayors meeting at the Lodge in Ironwoods Park with the new president of Johnson County Community College, Dr. Terry Calaway, serving as guest speaker.
- B. Attended the State of Caring Luncheon in Johnson County, which was cosponsored by United Way of Johnson County and United Community Services. A presentation was given on *Navigating the Future: Setting the Course 2007-2011*, which outlined areas of focus including economic wellbeing, health and wellness, lifelong learning, and safety. A number of awards were given with Dolores Furtado receiving the Distinguished Public Service Award for her years as an elected County Commissioner.
- C. Mayor Dunn again congratulated the Leawood Baptist Church on their 50<sup>th</sup> Anniversary. She encouraged councilmembers to peruse the distributed history booklet.

- D. Attended the annual "Taste of Leawood" event along with Councilmembers Filla, Gill, and Bussing, Finance Director Kathy Rogers, and Fire Chief Ben Florance. The 550 guests included some state legislators, County Commissioner Chairwoman Annabeth Surbaugh, Insurance Commissioner Sandy Praeger, Senator John Vratil, and State Representative Pat Colloton. Mayor Dunn congratulated Leawood Chamber of Commerce President Kevin Jeffries, his staff, the Chamber Board of Directors, and the City Staff for the very well-done event, which included cuisine from 19 restaurateurs.
- E. Mayor Dunn expressed appreciation to Councilmember Gullede for representing her at the St. Michael the Arch Angel groundbreaking ceremony for their new church.

## 9. COUNCILMEMBERS' REPORT

- A. Councilmember Rawlings' report – Dissolve Building Permit Task Force

As Chair of the Building Permit Task Force, Councilmember Rawlings reviewed that the group first met over 18 months ago. Along with Councilmember Filla, the committee was comprised of representatives from homeowners associations [HOAs], the building/remodeling profession, the Planning Commission, and City Staff. A total of eight HOAs are now involved in the intended purpose and outcome of the committee, which was to allow HOAs the opportunity to review submitted plans of remodels prior to the issuance of a building permit. The process is working very well for the eight participating HOAs that represent over two-thirds of the Leawood population.

The committee also discussed and had great concerns with height and massing issues in residential areas. The Planning Commission is now studying these issues and will report their findings to the City Council for further action if necessary. The final meeting of the task force included discussion of stormwater issues caused by the disturbance of ground related to the remodeling of residential property. There are no current standards, restrictions, or guidelines set in place for this problem; therefore, the issue has been referred to the Stormwater Management Committee for recommendation.

As the original mission of the Building Permit Task Force has been accomplished, Councilmember Rawlings moved to dissolve the committee until further recommended action from Mayor Dunn. The motion was seconded by Councilmember Bussing.

Mayor Dunn voiced her deep appreciation to Councilmember Rawlings for his leadership in chairing the Building Permit Task Force, to Councilmember Filla for her service, and to the entire group for their participation in what was originally estimated to be only a six-month venture.

The motion was approved following a unanimous vote of 8-0.

**10. STAFF REPORT**

- A. City Administrator Scott Lambers' report – Update on height and massing requirements in the Leawood Development Ordinance [LDO]

Mr. Lambers stated members of the Planning Department held a Work Session with the Planning Commission, where consensus was obtained in terms of dealing with the issue of calculating height for residential remodels and reconstructions. The meeting lasted several hours and was extremely productive. The next step will be to address the issue of massing over the course of several meetings. The first meeting will take place at the home of Planning Commissioner Dennis Reynolds followed by a tour of reconstructed homes in north Leawood. A subsequent meeting will be scheduled to further discuss the massing issue.

**COMMITTEE RECOMMENDATIONS**

**11. PLANNING COMMISSION**

*[From May 22, 2007 Planning Commission Meeting]*

- A. Ordinance No. 2244 approving a Special Use Permit [SUP] for a Temporary Sales Trailer for Axis Lofts at Park Place, located north of 117th Street and east of Nall Avenue [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Gill.

Jeff Alpert of Park Place Developers, LLC, 6201 College Boulevard, reviewed the site plan drawing for the requested onsite temporary sales trailer. The trailer will service a residential component to the development, Axis Lofts, and will be located directly northeast of the public square. Approval for the four-story wood constructed building with underground parking will be requested within the next 60 days. The SUP request is for a standard prefabricated wood-sided trailer. A signage request will be forthcoming following completion of the design process. The landscaping will entail what has already been approved for the overall Park Place Development.

Mr. Alpert pledged to Councilmember Rasmussen that the installation of the trailer will be nice, clean, and professional.

Mayor Dunn noted that the SUP request is limited to one year and asked if this timeframe will be sufficient. Realistically, Mr. Alpert stated up to 15 months may be necessary as the intent is to move sales activity into the main building once construction is complete. A renewal of the SUP will be requested at the end of the one-year term if necessary.

The ordinance passed with the following unanimous roll call vote of 8-0: Yea: Councilmembers Azeltine, Rasmussen, Gill, Filla, Rawlings, Peppes, Bussing, and Gulledge. Nay: None.

**12. OLD BUSINESS – None.**

**13. OTHER BUSINESS – None.**

**14. NEW BUSINESS**

- A. Resolution No. 2837 authorizing the improvement of a certain section of State Line Road, a main trafficway, at the intersection of 128<sup>th</sup> Street within the City of Leawood; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689 and for the issuance of temporary notes of the City pending the issuance of said Bonds; and 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 [CIP # 80400]

A motion to approve the resolution was made by Councilmember Gill; seconded by Councilmember Filla.

Councilmember Rasmussen asked if would be possible to utilize equipment from a certain unnecessary traffic signal along State Line Road (at approximately 107<sup>th</sup> Street) to build the proposed improvements. Public Works Director Joe Johnson informed that the signal was installed and financed by the City of Kansas City, Missouri. It is highly unlikely that they will agree to remove the signal as it is utilized by customers of a nearby bank.

Mayor Dunn clarified that the City of Leawood did not participate in any of the funding for the traffic signal in question.

Councilmember Bussing confirmed with Mr. Johnson that it was always intended to bond the project, which has been in the Capital Improvement Program [C.I.P.] for many years.

The motion carried following a unanimous vote of 8-0.

- B. Resolution No. 2838 determining it necessary and advisable and ordering the resurfacing and repair of certain residential streets or portions thereof within the City of Leawood, Kansas pursuant to K.S.A. § 12-614 et seq. [CIP # 80208]

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Peppes. The motion was approved following a unanimous vote of 8-0.

- C. Resolution approving and authorizing the Mayor to execute a Development Agreement between the City and Park Place Partners, LLC., for use of transient guest tax for construction of a third garage located within the Park Place Development – ***CONTINUED TO THE JULY 16, 2007, GOVERNING BODY MEETING***

**ADJOURN**

The regular meeting adjourned at 8:05 P.M. and the Governing Body reconvened into Work Session until 9:15 P.M.

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Debra Harper, CMC, City Clerk

Christy Wise  
Recording Deputy City Clerk