

Minutes

Audio Tape No. 559

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., on Tuesday, September 16, 2002. Mayor Peggy J. Dunn presided.

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

Staff present:

Scott Lambers, City Administrator	Joe Johnson, Public Works Director
Colleen Browne, Human Resources Director	David Ley, City Engineer
Diane Binckley, Planning & Development Dir.	Chris Claxton, Parks & Recreation Director
Patricia A. Bennett, City Attorney	Ben C. Florance, Fire Chief
Major Craig Hill, Police Department	Bob Sadler, Internet/WAN Specialist
Jeff Cantrell, Neighborhood Services Admin.	Deb Harper, City Clerk

1. PLEDGE OF ALLEGIANCE

304 **2. APPROVAL OF AGENDA**

A motion was made by Councilmember Rasmussen and seconded by Councilmember Gill to approve the agenda. The motion passed by a unanimous vote.

328 **3. CITIZEN COMMENTS**

Councilmember Rasmussen, 10111 Howe Drive, stated approximately 10 years ago the IRONHORSE Golf Course Advisory Board recommended the purchase of a \$50,000 pump to assist with a method to provide water to the golf course by using sewer effluent. With the current drought conditions, this pump has saved the city approximately \$1,000 - \$1,500 per day in watering expenses and wanted to compliment the Council in approving this expenditure.

Councilmember Gill stated another area golf course is currently spending \$30,000 per week in watering expenses to keep the greens and fairways in shape.

542 G. Gordon Thomas, 10516 Mohawk Lane, commented on the 1960's Supreme Court decision to overrule discrimination.

4. PROCLAMATIONS

Visual Arts Month, October, 2002

5. **PRESENTATIONS/RECOGNITIONS - None**

785 6. **SPECIAL BUSINESS**

- A. Resolution approving and authorizing the Mayor to execute a Revised Third Amendment to Annexation Agreement between the City and COR Development, LLC, [Cornerstone] dated July 16, 2001 [*Continued from the September 3, 2002, Governing Body meeting*]

Mr. Taylor advised he would recuse himself to avoid the appearance of a conflict of interest. Councilmember Gill motioned to approve the resolution, seconded by Councilmember Gulledge. The motion was approved unanimously, with one recusal.

840 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. 954
- B. Minutes of the August 26, 2002, Governing Body Work Session meeting [Stormwater Ordinance]
- C. Minutes of the September 3, 2002, Governing Body meeting
- D. Minutes of the September 3, 2002, Governing Body Work Session meeting [Recreational Vehicles]
- E. Minutes of the August 13, 2002, Parks & Recreation Advisory Board meeting
- F. Minutes of the July 25, 2002, IRONHORSE Golf Course Committee meeting
- G. Approve 3rd and Final Payment in the amount of \$11,750.00, to Schlagel & Associates, P.A., pertaining to surveying services for Plaza Pointe Benefit District
- H. Approve purchase in the amount of \$7,295.00, to KAW Valley Engineering, pertaining to surveying services for the 2003 Street Improvement Program
- I. Approve Pay Request in the amount of \$5,340.00, to Raytown Screen Printing, for Labor Day Run shirts
- J. **Resolution No. 1794**, appointing a local Freedom of Information Officer for the City of Leawood, providing for the Officer's duties, and repealing Resolution No. 1610
- K. **Resolution No. 1795**, authorizing the acceptance of a Deed of Dedication from Ronald E. Nelson, Trustee of the Ronald E. Nelson Living Trust, to the City for Pawnee Lane between 135th Street and 137th Street, pertaining to the Tuscany Reserve residential subdivision
- L. **Resolution No. 1796**, authorizing the acceptance of a Permanent Storm Sewer Easement and Temporary Construction Easement from Michael and Michel Schlup, pertaining to construction at Ironwoods Park, 14701 Mission Road

- M. **Resolution No. 1797**, approving and authorizing execution of a Consulting Engineering Agreement between the City and George Butler Associates, Inc., [GBA], for an amount not to exceed \$20,000.00, pertaining to the GASB34 Project
- N. Police Department Monthly Report
- O. Fire Department Monthly Report
- P. Municipal Court Monthly Report
- Q. **Resolution No. 1798**, approving and authorizing the Mayor to execute a Sanitary Sewer Easement, granting an easement from the City to Johnson County Unified Wastewater District [JCUWD] for property located at 14747 Mission Road [DeHaemers]

A motion was made by Councilmember Rasmussen, seconded by Councilmember Gill to approve the Consent Agenda. The motion carried by a unanimous vote.

882 **8. MAYOR'S REPORT**

- A. Mayor Dunn extended her thanks to the Police and Fire Departments for their participation and organization in the September 11th ceremonies. Councilmembers Story and Taylor were in attendance.
- B. Dedication of Fire Station No. 3, at 14801 Mission Road on September 11, 2002. Councilmembers Bussing and Rasmussen attended the dedication.
- C. Attended the Interfaith Council of Observance with Scott Lambers, City Administrator
- D. Attended the Johnson/Wyandotte County Council of Mayors on September 4, 2002, and passed the gavel to Westwood, Kansas Mayor
- E. Attended City Clerk, Martha Heizer's Retirement Party on September 5, 2002
- F. Attended the unveiling of the Freedom of Monument Project
- G. Expressed the City's condolences to the family of Jack Hern, Public Works employee, who was recently killed in a motorcycle accident
- H. Extended thanks and appreciation to Alice Hawk, for her exquisite work on the Leawood Historic display case located in the front lobby of the City Hall which presently contains memorabilia from the Mayor and Scott's recent trip to Israel
- I. Extended Happy Birthday wishes to City Administrator, Scott Lambers
- J. Reminder of the upcoming Leawood Starlight Thursday night

1233 **9. COUNCILMEMBERS' REPORTS**

Councilmember Dunn stated he, along with his son successfully completed their 3rd MLS 150 last weekend and appreciated everyone's support.

1275 **10. STAFF REPORT**

Mr. Lambers introduced Colleen Browne, the newly appointed Human Resources Director.

COMMITTEE RECOMMENDATIONS

1310 **11. PLANNING COMMISSION**

[from July 23, 2002, Planning Commission meeting]

- A. **Resolution No. 1799**, approving a preliminary site plan and preliminary plat for Christ Community Church, located at 14200 Kenneth Road [**companion ordinance**] *[Continued from the September 3, 2002, Governing Body meeting]*

A motion was made by Councilmember Gill, seconded by Councilmember Taylor to approve the resolution. Mayor Dunn stated there were additional stipulations added to this resolution that Ms. Binckley noted in her memo, dated September 16, 2002. The applicant has agreed to these additional stipulations. The motion passed unanimously.

- 1411 B. **Ordinance No. 1954**, approving a Special Use Permit [SUP] for Christ Community Church located at 14200 Kenneth Road [Roll Call Vote] *[Continued from the September 3, 2002, Governing Body meeting]*

Councilmember Gill made a motion to pass the ordinance. Again, Mayor Dunn stated there were additional stipulations added to this ordinance noted in Ms. Binckley's September 16, 2002, memo. The applicant has agreed to these additional stipulations. The motion was seconded by Councilmember Taylor and was passed unanimously by a roll call vote.

[from August 27, 2002, Planning Commission meeting]

- 1450 C. **Ordinance No. 1955**, approving Special Use Permit [SUP] for Covenant Chapel located at the northeast corner of 135th & Kenneth Road, pertaining to off-site signage [Roll Call Vote]

Staff Comment: *This is a SUP renewal for a two [2] year period.*

A motion was made by Councilmember Gill, seconded by Councilmember Gullede to pass the ordinance.

Councilmember Bussing asked about the signage requirements for the 135th Street corridor. Ms. Binckley stated this signage is not in compliance with permanent signage, however, this was done by a SUP to allow the applicant time to comply. Mr. Bussing asked that the applicant be notified of the specific signage guidelines for 135th Street Corridor. The motion unanimously passed by a roll call vote.

- 1565 D. **Resolution No. 1800**, approving a preliminary site plan for Compass Building of Plaza Pointe, Lot 6, located south of 135th Street and west of Roe Avenue

Councilmember Taylor stated his firm no longer has an involvement in this development, and would not have to recuse himself from this item. A motion was made by Councilmember Rasmussen and seconded by Councilmember Rawlings to approve the resolution.

Councilmember Gill asked if the occupants of the building are known. Ms. Binckley stated these are office suites. The resolution was approved by the following vote: Yea: Councilmembers Taylor, Rasmussen, Gill, Story, Dunn, Rawlings, Gulledge. Nay: Councilmember Bussing. Mr. Bussing stated he is opposed to this entire development because he feels it is not consistent with the spirit of the 135th Street Corridor guidelines.

- 1708 E. **Resolution No. 1801**, approving a preliminary site plan for Plaza Pointe, Lot 13, located south of 135th Street and west of Roe Avenue

A motion was made by Councilmember Rasmussen, seconded by Councilmember Gulledge to approve the resolution. Councilmember Gill asked what tenants would be occupying this building. Ms. Binckley advised this would be small retail. Dan Foster, Schlager & Associates, representing the developer, advised no tenants have been identified to date, however he would surmise it would be possibly a small ice cream shop or sandwich shop or something along those lines.

Councilmember Gill stated he has observed beer advertisement signs on the inside of the windows in another project in this general area. This is contrary to the spirit of the sign ordinance and asked if there were issues that needed to be addressed on this item so this would not be repeated. Ms. Binckley stated the Codes Enforcement Division could handle this problem with our current sign ordinance. Mr. Foster stated they are the Master Developer for the entire project. Unfortunately, when the building is sold, they no longer have any control over these types of issues. Councilmember Taylor stated he believed the deed restrictions would prohibit these types of signs. Mr. Foster stated that was correct, however it would be up to the business association, but further stated he would relay these concerns to the building owner.

The resolution was passed by the following vote: Yea: Councilmembers Taylor, Rasmussen, Gill, Story, Rawlings, Dunn, and Gulledge, Nay: Councilmember Bussing. Mr. Bussing stated his negative vote was for the same reason as in the previous Agenda Item # 11. D.

- 2007 F. **Resolution No. 1802**, approving Final Site Plan and Final Plat for United Methodist Church of the Resurrection [COR] located south of 137th Street and west of Roe Avenue

Ms. Binckley provided the Council with three additional stipulations, #26, 27 & 28. Ms. Binckley stated current stipulation No. 18, identifies the planting of 12 additional white pines. The Quail Crest Homes Association submitted plans to the Planning Department of where they wanted the pines planted on the north side of Quail Crest and this has been approved by the Planning Department. The Planning Commission requested that the applicant continue to work with the homes associations and residents adjacent to the church. Stipulation No. 26, as noted in Ms. Binckley's memo, dated September 16, 2002, be amended to read as follows:

26. The church agrees to work with the residents south of their property within the Quail Crest subdivision after installation of the berm and plantings, to insure that neither the asphalt parking lot, nor headlight beams will be seen from the first floor of the adjoining residences.

Additionally, there were some add-on alternatives that were discussed by the Planning Commission but were not specifically identified as stipulations. The tunnel and the reflective pool won't affect the general public, and were cost factors that would be determined by the church. The split-faced block material has been removed and will now be replaced with an architectural pre-cast panel. This change in material is identified in Stipulation No. 27. The park impact fee is outlined in Stipulation No. 28.

Councilmember Gill, based upon the additional stipulations, made a motion to approve the resolution. The motion was seconded by Councilmember Rasmussen.

Councilmember Story asked if the homeowners within the Quail Crest subdivision that would not be receiving any white pines as screening between their property and the applicant's property were included in the decision making process.

Councilmember Bussing asked a question regarding the assessment of the park impact fee. Ms. Binckley advised the applicant would not be assessed the park impact fee in this phase for the current sanctuary. They will be assessed in the next phase when they leave the sanctuary.

Mr. Doug Patterson asked for clarification regarding the headlight issue. Plantings will not be opaque when it comes to the beam of a headlight versus a splash light from a headlight. Ms. Binckley stated the intent is that if there is a vehicle that is stationary, that the headlight beams will not be going directly into the rear of the residences. If there happens to be a glow or an indirect glow, that will probably occur, because the plantings will not be opaque.

- 2529 Mr. Rob Moritz, 7030 Caenen Avenue, Shawnee, Kansas, stated he is not a resident of Leawood, nor a member of the Church of the Resurrection, however he praised the City of Leawood's standard of living and quality of life. Mr. Moritz is the owner of a network of city guides, which includes the LeawoodKansas.com, and enthusiastically promotes the City of Leawood on a nationwide level. Further adding, the City of Leawood is one of the most beautiful, prosperous cities in the country and stated the quality of area churches is one of the most important factor when residents relocate. This church is an example to the nation on many levels and America is paying attention to what is occurring in Leawood, and asked the Council approve this resolution.

Mr. Richard Dechant, 13808 Cedar, Quail Crest Homes Association President, asked that the additional white pines be approved in the landscaping screening plan.

Mayor Dunn complimented Reverend Adam Hamilton for his continued work with the neighbors along with Ms. Binckley for her efforts on this project.

Ms. Bennett stated one of the included items on this agenda item is for the approval of the final plat, which is subject to a de-annexation agreement. However, in order to keep this project moving, she suggested additional Stipulation Nos. 29 and 30 be added, stated as follows:

29. Acceptance and approval of the plat is conditioned on right-of-way in the property subject to the Annexation Agreement of July 16, 2001, as amended, be converted to an easement for public way and utilities.
30. Acceptance and approval does not prejudice, change or waive the rights of the parties to the Annexation Agreement, dated July 16, 2001, as amended.

Councilmember Gill stated he would amend his motion to include the above stated amendments. The second was reaffirmed by Councilmember Rasmussen, and was approved unanimously.

12. OLD BUSINESS- None

3102 **13. NEW BUSINESS**

- A. **Resolution No. 1803**, approving and authorizing the Mayor to execute an Agreement between the City and Reno Construction, in the amount of \$661,967.50, pertaining to the 2002 Arterial Rehabilitation Program

Staff Comment: There were a total of 8 bids, ranging from \$661,967 to \$1,222,347. Three of the bids were within \$8,200.

A motion was made by Councilmember Rawlings to approve the resolution. The motion was seconded by Councilmember Story and was approved unanimously.

- 3141 B. **Resolution No. 1804**, approving and authorizing the Mayor to execute a Construction Agreement between the City and Carrothers Construction in the amount of \$173,000, pertaining to the Sprayground at the Aquatic Center, 10601 Lee Boulevard

A motion was made by Councilmember Dunn to approve the resolution. The motion was seconded by Councilmember Gill and was approved unanimously.

- 3200 C. Approve Change Order No. 3, in the amount of \$77,315.00, to Bruner Contractor Company, pertaining to the Public Works Maintenance Facility, 14303 Overbrook

Councilmember Gill made a motion to approve the resolution, seconded by Councilmember Taylor. Mr. Taylor asked for a brief overview of the project. Joe Johnson stated this is the third and final Change Order for this project. The 2 previous change orders totaled \$183,362.58. With the original contract amount being \$4,081,578.00, this brings the contract amount to \$4,342,255.58, which is approximately \$50,000 under budget.

The motion was approved unanimously.

- 3337 D. Schedule Executive Session at 6:30 P.M., on Monday, October 7, 2002, to discuss personnel matter of non-elected personnel

A motion was made by Councilmember Dunn to approve the scheduling of the Executive Session. The motion was seconded by Councilmember Story and was approved unanimously, except for Councilmember Gill not seated for the vote.

3337 **ADJOURN**

There being no further business, the meeting was adjourned at 8:27 P.M.

Deb Harper, City Clerk