

**Minutes**

DVD No. 109

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 6:00 P.M., on Monday, September 27, 2004. Mayor Peggy Dunn presided.

**Councilmembers present:** Jim Rawlings, Mike Gill, Louis Rasmussen, Scott Gulledege, James E. Taylor, Sr., Gregory Peppes.

**Councilmembers absent:** Gary Bussing, Debra Filla.

**Staff present:**

Scott Lambers, City Administrator  
Joe Johnson, Public Works Director  
Diane Binckley, Planning & Develop. Director  
Deb Harper, City Clerk  
Mark Andrasik, Info. Systems Director

Patty Bennett, City Attorney  
Brian Anderson, Park Supervisor  
Ben Florance, Chief, Fire Department  
Stephanie DeLoach, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

A motion was made by Councilmember Rasmussen, seconded by Councilmember Rawlings to approve the agenda. The motion carried following a unanimous vote of 5-0.

**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.**

Wayne Dillard, 12020 Wenonga Lane, outgoing President of the Oxford Hills Homes Association, expressed appreciation to the Fire Department for representation of the City at their last two meetings and for the demonstration of their equipment at the September 25, 2004 meeting.

**4. PROCLAMATIONS**

A proclamation acknowledging **October, 2004 as National Arts & Humanities Month**, was presented to Mary Tearney, Arts Council Chair. Mayor Dunn extended appreciation to Ms. Tearney and the Arts Council for their hard work over the years.

Ms. Tearney stated that the Arts Council was able to add 15 more events this year with the support of the Mayor and the Councilmembers. The Arts Council and the Parks and Recreation Department was able to offer four concerts in the courtyard this summer with sponsorship from Gold Bank and four Sunday evening concerts were held with sponsorship from Town & Country Bank. The Arts Council and the Parks & Recreation Department also hosted the Kansas City Ballet in Ironwoods Park. Other events scheduled were Tea with Shakespeare and a Jazz and Poetry Event with the Leawood Library. Banners have been placed down Mission Road establishing it as the corridor of the arts leading to Ironwoods Park. With assistance from Columbian Bank & Trust, every 3<sup>rd</sup> grader in the Leawood, Blue Valley & Shawnee Mission school districts will receive a dictionary.

Mayor Dunn presented Fire Chief Ben Florance with a proclamation acknowledging **October 3-9, 2004 as Fire Prevention Week**. Mayor Dunn thanked Fire Chief Florance for the work the Fire Department does for our public safety on a daily basis.

Councilmember Peppes arrived for the meeting at 6:08 PM.

**5. PRESENTATIONS/RECOGNITIONS - None**

**6. SPECIAL BUSINESS - None**

**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. 1009
- B. Accept minutes of the September 7, 2004, Governing Body Work Session meeting
- C. Accept minutes of the July 13, 2004 Historic Commission Meeting
- D. **Resolution No. 2297** approving and authorizing the Mayor to execute an Extension of Right-of-Way Maintenance Agreement in the amount of \$58,550.28, between the City and Corporate Lawn & Landscape, pertaining to right-of-way and median maintenance
- E. **Resolution No. 2298** accepting New Development Contributions for Siena, 1<sup>st</sup> Plat; Streets, storm sewers and Street Lights [GASB-34 Inventory]

A motion was made by Councilmember Rasmussen, seconded by Councilmember Peppes to approve the Consent Agenda. The motion carried by a unanimous vote of 6-0.

**8. MAYOR'S REPORT**

- A. Attended the Johnson County Economic Development Assembly at Johnson County Community College, hosted by Ingraam's Magazine and co-chaired by County Commission Chair Annabeth Surbaugh and Dr. Chuck Carlson of Johnson County Community College.
- B. Relayed appreciation from Mayor of Gardner, Carol Lehman to Jerry Snider, Cultural Arts Coordinator, for opening the Oxford Schoolhouse on a Sunday morning for her family. Her children's 90-year old grandmother walked daily to the Oxford Schoolhouse as a student and was very excited to be able to visit the schoolhouse.
- C. Attended the Leawood Chamber Board Meeting and they Board endorsed the passage of Bi-State II.
- D. Distributed a brochure to each Councilmember for The Leawood Foundation Brick Campaign and encouraged participation from everyone.
- E. Reminded the Council of the Walk As One event scheduled for Sunday, October 3, 2004 at 1:00 p.m. at the Liberty Memorial.

**9. COUNCILMEMBERS' REPORT - None**

**10. STAFF REPORT - None**

**COMMITTEE RECOMMENDATIONS**

**11. PLANNING COMMISSION**

- A. **Ordinance No. 2085 amending §16-2-10.3B, of the Leawood Development Ordinance [LDO] pertaining to Materials and Colors to allow vinyl soffits [Roll Call Vote] [Remanded to the Planning Commission from the May 17, 2004, Governing Body meeting]**

A motion was made by Councilmember Gill, seconded by Councilmember Rawlings to pass the ordinance. The ordinance passed following a unanimous roll call vote of 6-0.

- B. **Ordinance No. 2086 approving a Preliminary Site Plan for Country Club Bank, located within the Parkway Plaza Development on the northeast corner of 135<sup>th</sup> Street & Briar [Roll Call Vote] [from the August 24, 2004 Planning Commission meeting]**

Mayor Dunn stated that she would be recusing herself due to conflict of interest because she is a board member of Country Club Bank, and left the Council Chambers. The matter was turned over to Councilmember Gill as the Presiding Officer.

Diane Binkley stated that Stipulation No. 28 in the Staff Report [11.B.] is highlighted because Stipulation No. 10 states that a maximum of 40% of pavement may be allowed along the frontage of a street and a minimum of 60% of green space or structure is required. At the time of the Planning Commission meeting, the stipulation was not being met; therefore, Stipulation No. 10 was added for that requirement. Since that time, the applicant has revised their plans to meet the standard, but in doing so, the only way to revise was to require a deviation.

Councilmember Rasmussen asked if the two-story structure would adversely affect the appearance of the development. Ms. Binkley stated that based upon the original design, this preliminary plan is appropriate.

Ms. Binkley confirmed with Councilmember Taylor that this was a preliminary plan and a final plan would be submitted in the near future.

A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to pass the ordinance. The ordinance passed following a unanimous roll call vote of 6-0.

Mayor Dunn returned to the Council Chambers.

**12. OLD BUSINESS - None**

**13. NEW BUSINESS - None**

**14. OTHER BUSINESS - None**

**15. EXECUTIVE SESSION**

A motion was made by Councilmember Gullede, seconded by Councilmember Gill to recess into Executive Session to discuss a personnel matter for a period of one hour. The motion was approved by a unanimous vote of 6-0.

**ADJOURN**

The Governing Body reconvened at 7:30 p.m., followed by a motion by Councilmember Rasmussen, seconded by Councilmember Gill to adjourn. The motion was approved following a unanimous vote of 6-0.

There being no further business, the meeting was adjourned at 7:30 p.m.

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Debra Harper, CMC, City Clerk

Stephanie DeLoach  
Recording Deputy City Clerk