

**Minutes**

Audio Tape No. 527

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 Monday, October 1, 2001. Mayor Peggy J. Dunn presided.

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

**Staff present:**

Scott M. Lambers, City Administrator  
Patricia A. Bennett, City Attorney  
Diane Binckley, Planning/Develop. Dir.  
Craig Hill, Police Major  
Mark Andrasik, Info. Services Dir.  
Deb Harper, Deputy City Clerk

Kathy Rogers, Finance Director  
Julie Hakan, Human Resources Director  
Ben C. Florance, Fire Chief  
Jeff Cantrell, Neighborhood Serv. Admin.  
Joe Johnson, Public Works Director

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

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Items 8.A, B, & C were removed from the agenda and continued to the October 15, 2001, Governing Body meeting. Item 11.A. regarding an amendment to the annexation agreement between the City and COR Development, LLC, pertaining to property at 135<sup>th</sup> Street and Nall Avenue (Cornerstone), and Item 11.B., an update on road construction projects, were added to the agenda. On motion of Rasmussen, seconded by Gill, Council unanimously approved the agenda as amended.

**3. PROCLAMATIONS**

The Mayor proclaimed October 2001 as “The Month of the Young Adolescent,” and October 7-13, 2001, as “Fire Prevention Week,” presenting the proclamation to Fire Chief Florance.

672 **4. SPECIAL BUSINESS**

- A. **Third and Final Reading: Ordinance No. 1916 granting to and authorizing to Qwest Communications Corporation, a Franchise Agreement authorizing the right to construct, operate, and maintain a communications system using the rights-of-way in the City.**

On motion of Rasmussen, seconded by Rawlings, Council unanimously passed the ordinance on roll call vote.

- 790 **B. Approving and authorizing the execution of a Public Land Use Agreement between the City and Qwest Communications Corporation to install and maintain communications fiber optic cable within existing conduit.**

On motion of Rasmussen, seconded by Dunn, Council unanimously approved the agreement.

808 **5. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Rd., commented on increased taxes, and asked why citizens couldn't request removal of certain items from the Consent Agenda for discussion.

1202 **6. 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. Appropriation Ordinance No. 928
- B. Minutes of the September 17, 2001, Governing Body meeting
- C. Minutes of the August 23, 2001, Golf Course Committee meeting
- D. Minutes of the September 12, 2001, Strategic Spending Committee meeting
- E. Renewal of Data Access & License Agreement with Johnson County, Kansas, to allow the City to share AIMS (Automated Information Mapping Systems) information created by the County, integral to the City's Geographic Information System; the City to pay the County \$6,993.04 for the period October 22, 2001, to October 21, 2002
- F. Professional Consultant Services Agreement with Terra Technologies in the amount of \$29,810 in connection with SMAC Project DB-04-015 (84<sup>th</sup> & State Line Rd.)
- G. Right-of-Way [ROW] Maintenance Agreement with White Horse Development, LC, for White Horse 4<sup>th</sup> Plat at approximately 148<sup>th</sup> & Nall Ave., to allow the developer to install certain amenities in the public right-of-way (underdrains within the islands and beneath the pavement), and setting forth the developer's responsibilities for maintaining the amenities
- H. Interlocal Agreement with the Johnson County Board of Commissioners for participation in the 2002 County Assistance Road System [CARS] Program for the State Line Road [I-435 to 133<sup>rd</sup> Street] Improvement Project

- I. Interlocal Agreement with the Johnson County Board of Commissioners for participation in the 2002 County Assistance Road System [CARS] Program for the 95<sup>th</sup> Street [State Line Road to the western City limits] Improvement Project
- J. Interlocal Agreement with the Johnson County Board of Commissioners for participation in the 2002 County Assistance Road System [CARS] Program for the Roe Avenue [Tomahawk Creek Bridge to 132<sup>nd</sup> Street] Improvement Project
- K. Interlocal Agreement with the Secretary of Transportation [Kansas Department of Transportation-KDOT] in connection with the 119<sup>th</sup> Street & Mission Road Intersection Improvement Project [CIP #159], allowing the City to receive federal funds in the amount of \$1 Million
- L. Engineering Agreement with Bucher Willis & Ratliff Consulting Engineers [BWR] in the amount of \$667,573 for the design of the Roe Avenue Improvement Project between 124<sup>th</sup> Street and 135<sup>th</sup> Street [CIP #110]
- M. Agreement & Release between the City and Larkin Group, Inc., regarding the replacement of the fountain pump in the Courtyard of City Hall
- N. Resolution No. 1637 Relating to Benefits Obtainable by Cities under Program for Federal Aid on Highway Construction, in connection with the administration of the 119<sup>th</sup> Street & Mission Road Intersection Improvement Project
- O. Accept Deed of Dedication to the City from Patricia L. Wetzel for a tract of land [Lot 483, Leawood; 8927 High Drive] in connection with the 2000 Street Improvement Program
- P. Purchase of (7) 2002 Ford Crown Victoria police patrol cars from Shawnee Mission Ford in the amount of \$115,839.99 through co-op purchase agreement for the Metro area
- Q. Declaration of surplus property – various old computer equipment [Information Systems] to be sent to auction
- R. Declaration of surplus property – 6 police vehicles to be traded in toward the purchase of new patrol cars (see Item 6.P.) – four (4) 2000 Ford Crown Victorias, VIN 3912, 3913, 3914, 3915; and two (2) 1996 Ford Crown Victorias, VIN 6383 and 3666

Items 6.P. and 6.R. were removed for discussion. On motion of Rasmussen, seconded by Gill, Council unanimously approved the remainder of the Consent Agenda.

6.P & R. Councilmember Taylor wanted to see more accountability as to the number of police cars the City was purchasing and why it was purchasing them, and more accountability as to the method the City used to receive proposals. Major Hill explained that the Police Department went with all other county agencies to the one dealer selected because of the tremendous discount received. On motion of Taylor, seconded by Rasmussen, Council unanimously approved Items 6.P. and 6.R.

1630

**7. MAYOR'S REPORT**

- ?? Recent State Line Link Mayors meeting at the Kansas City Star's Editorial Review Board at which Mayors identified areas of collaboration, common endeavors and interests
- ?? Recent Northeast Johnson County NAACP appreciation reception at the Johnson County Museum of History for those involved in a recent Freedom Fund Banquet
- ?? Recent groundbreaking for the St. Michael of the Archangel Church and School
- ?? Leawood Stage Company's annual fund-raiser Saturday, October 6, 2001, 7:30 P.M., City Hall Community Center

**8. PLAN COMMISSION RECOMMENDATIONS**

*[from August 28, 2001, Plan Commission meeting & September 26, 2001, BZA meeting]*

- A. Ordinance amending § 4-1 of the Leawood Development Ordinance pertaining to Accessory Uses. *[Continued from September 4, 2001, Governing Body meeting]* CONTINUED TO THE OCTOBER 15, 2001, GOVERNING BODY MEETING.**
- B. Ordinance amending § 4-2 of the Leawood Development Ordinance pertaining to Prohibited Uses. *[Continued from September 4, 2001, Governing Body meeting]* CONTINUED TO THE OCTOBER 15, 2001, GOVERNING BODY MEETING.**
- C. Ordinance amending § 8-10 of the Leawood Development Ordinance pertaining to Architecturally Attached structures. *[Continued from September 4, 2001, Governing Body meeting]* CONTINUED TO THE OCTOBER 15, 2001, GOVERNING BODY MEETING.**

*[from September 25, 2001, Plan Commission meeting]*

1832

- D. Approve Plan Commission recommendation regarding street connection to Hills of Ironhorse subdivision from Blackthorne Estates, located at approximately 154<sup>th</sup> Street & Cherokee. *[Tabled from September 4, 2001, Governing Body meeting]***

Planning Director Binckley described staff's discussions with the City of Overland Park and the developer of Blackthorne Estates about adding another exit out to Mission Road from the Blackthorne Estates subdivision. A street would be allowed directly to the east of Bell Drive going into the Ironhorse Golf Course, however, the plat of Blackthorne Estates encompassing that area had already been filed at the County, therefore, the developer wasn't willing to consider eliminating the lot that he had at that location in order to construct an additional exit out of his

subdivision. Staff recommended the consideration of an emergency access as opposed to leaving the connection, and the Plan Commission subsequently recommended the vacation and removal of Cherokee Road south of 154<sup>th</sup> Street to the Leawood City limits and that the City allow for an emergency access, grass pavers or emergency access gate being two options for the access. A paver system (including the removal of Cherokee) would cost approximately \$40,000, while a gate system would range between \$2,000-7,000. The Hills of Ironhorse Homes Association agreed that they would maintain a paver system. There was discussion about not removing Cherokee but simply vacating the right-of-way and building a gate system. There was discussion about the Hills of Ironhorse Homes Association being asked to pay the \$2,000 for a gate that the City would install.

Councilmember Taylor urged that the Plan Commission consider either a private street or lane with a gate. He moved to remand the matter to the Plan Commission for their consideration of that recommendation and all alternatives discussed, and that the City Administrator be given an opportunity to meet with representatives from Overland Park and the developer of Blackthorne Estates to ascertain if there was an option for another access off of Mission Rd. into Blackthorne Estates, seconded by Gill. Ron Philgreen, 3604 W. 153<sup>rd</sup> St. in Hills of Ironhorse, reiterated the residents' strong feelings that Cherokee not be opened into Blackthorne Estates due to the increase in traffic and danger for the children living in the area. Motion carried unanimously.

4150 **9. OLD BUSINESS**

- A. Approve Change Order No. 2 with Merit General Contractors, Inc., in the amount of \$13,859.00, in connection with the construction of Fire Station No. 3 [148<sup>th</sup> & Mission Rd.]**

Councilmember Taylor asked that the architect make presentations at Council meetings on future change orders. He believed it was part of the architect's contract to make those presentations, but if the architect planned to charge the City extra for them, he wanted a letter of explanation. On motion of Rasmussen, seconded by Gill, Council unanimously approved the change order.

4500 **10. NEW BUSINESS**

- A. Appointment of voting delegates to National League of Cities conference in Atlanta, December 4-8, 2001.**

On motion of Story, seconded by Gill, Council unanimously appointed Councilmember Dunn as the voting delegate.

- 4850 **B. Resolution No. 1638 amending and restating Resolution No. 1525 regarding the advisability and authorization of the improvement and construction of 133<sup>rd</sup> Street from State Line Road to Mission Road, pursuant to K.S.A. § 12-6a01, et seq., and accepting amended petition.**

Adopted unanimously on motion of Gill, seconded by Dunn.

- 5164           **C.     Resolution No. 1639 amending and restating Resolution No. 1524 regarding the advisability and authorization of the improvement and construction of 133<sup>rd</sup> Street from Mission Road to Roe Avenue, pursuant to K.S.A. § 12-6a01, et seq., and accepting amended petition.**

Adopted unanimously on motion of Gill, seconded by Taylor.

- 5244           **D.     Acceptance of Deed of Dedication, Right-of-Way Grant, Permanent Drainage Easement, and Temporary Construction Easement, from Naomi J. Jameson Trust, for property located within the 133<sup>rd</sup> Street Benefit District from Mission Road to Roe Avenue.**

On motion of Taylor, seconded by Rawlings, Council unanimously accepted the documents.

- 5289           **E.     Approve participation with the City of Overland Park in the shared construction costs for traffic signals at the intersection of Tomahawk Creek Parkway & Roe Avenue.**

The Plan Commission approved the 2002-2006 CIP with this additional project, and Public Works agreed with the installation of the signals. The estimated cost for design and construction was \$130,000, Leawood to pay half. Public Works Director Johnson said there had been 9 accidents at the intersection since 1999 and 5 to date in 2001. Councilmember Taylor didn't feel the signals were justified, questioned the level of service F (an unsatisfactory standard) as indicated in a letter from Overland Park. Councilmember Rasmussen didn't feel that a 50/50 split on the costs was a fair allocation; he didn't see any reason why Leawood should pay any more than 25% considering the geography of the area if the signals were justifiable, and he would need more proof that the signals were justified. Councilmember Gill said there were no identifiable Leawood residents who used Tomahawk Creek Parkway between 119<sup>th</sup> St. and Roe Ave. Mr. Johnson said that level of service F didn't have anything to do with who lived where, but spoke to the number of vehicles that approached the intersection east to west or west to east.

Councilmember Rasmussen moved that the City not participate in the shared construction cost with the City of Overland Park, seconded by Gill. Motion carried; Rawlings, Story, Gill, Rasmussen, Taylor in favor; Bussing, Dunn opposed. Mr. Dunn said that the City's professional staff had recommended the project, and there were already problems with north and south traffic through the corridor. Mr. Bussing generally agreed with Mr. Dunn, and the City needed to find ways to partner with Overland Park.

6361           **11.   OTHER BUSINESS**

- A.     Approve and authorize execution of an Amendment to the Annexation Agreement between the City and COR Development, LLC, pertaining to**

**annexation of property located at 135<sup>th</sup> Street and Nall Avenue, to allow the filing of the plan application no later than October 16, 2001.**

Councilmember Taylor recused himself to avoid the appearance of a conflict of interest. On motion of Gill, seconded by Rasmussen, Council approved the Amendment; Bussing, Rawlings, Dunn, Story, Gill, Rasmussen in favor; Taylor recused.

**B. Update on scheduled Public Works street projects.** Public Works Director Johnson gave a report on Lee Boulevard (103<sup>rd</sup>-105<sup>th</sup>), High Drive (cul-de-sac north of 103<sup>rd</sup> St.), Cherokee Lane in north Leawood, and 119<sup>th</sup> St. (Roe Ave.-State Line Rd.)

7105 **ADJOURN.** There being no further business, the meeting was adjourned at 9:10 P.M.

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Martha Heizer, City Clerk