

**Minutes**

DVD No. 110

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, October 18, 2004. Mayor Peggy Dunn presided.

**Councilmembers present:** Jim Rawlings, Mike Gill, Louis Rasmussen, Scott Gullede, James E. Taylor, Sr., Gregory Peppes, Gary Bussing and Debra Filla.

**Councilmembers absent:** None

**Staff present:**

Scott Lambers, City Administrator  
Joe Johnson, Public Works Director  
Diane Binckley, Planning & Develop. Director  
Colleen Browne, Human Resources Director  
Deb Harper, City Clerk

Patty Bennett, City Attorney  
Chris Claxton, Park & Recreation Director  
Ben Florance, Chief, Fire Department  
Sid Mitchell, Chief, Police Department  
Karl Weinfurter, Info. Systems Specialist

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted that Agenda Items 11A and 11B have been continued to the November 15, 2004, Governing Body meeting, at the applicant's request. A motion was made by Councilmember Gullede, seconded by Councilmember Rawlings to approve the agenda. 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.**

Mr. Bob Sjolín, 3217 W 82<sup>nd</sup> Terrace, made comments regarding housing density.

Mr. G. Gordon Thomas, 10516 Mohawk Lane, made comments on the upcoming election.

**4. PROCLAMATIONS- None**

**5. PRESENTATIONS/RECOGNITIONS    *2003 Life Safety Achievement Award to the Leawood Fire Department***

Mayor Dunn congratulated Chief Florance on receiving this award. Mr. Jack Alexander, Interim Kansas State Fire Marshall, presented the Award to Chief Ben Florance. Mr. Alexander commented on the exemplary work and the commitment of the entire fire department to fire prevention and fire safety. Chief Florance accepted the award and recognized several Fire Fighters in the audience, who had just returned from extinguishing a house fire. Chief Florance also asked for a Moment of Silence for the tragic residential fire fatality that occurred on Saturday, in Olathe, resulting in the death of 5 members of the Orr family.

**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 Nos. 1010 & 1011
- B. Accept Minutes of the September 20, 2004, Governing Body meeting
- C. Accept Minutes of the September 27, 2004, Governing Body meeting
- D. Accept Minutes of the August 26, 2004, IRONHORSE Advisory Board meeting
- E. Accept Minutes of the July 27, 2004, Arts Council meeting
- F. Accept Minutes of the September 24, 2004, Stormwater Management Committee meeting
- G. Acceptance of Health Insurance Benefits renewal for City Employees
- H. Resolution No. 2299, amending the City Special Benefit District Policy, previously adopted on May 3, 2004, and repealing Resolution No. 2222
- I. Resolution No. 2300, approving and authorizing the Mayor to execute a Grant Agreement in the amount of \$1,000, between the City of Leawood and the Board of County Commissioners of Johnson County, Kansas [BOCC] through the Johnson County Heritage Trust Fund providing financial assistance for a Leawood Historic Commission Project [Historic Map/Brochure Project]
- J. Resolution No. 2301, approving the 2005 Human Service Recommendation Report [United Community Services-USC] and the City of Leawood's participation for an amount not to exceed \$7,200.00
- K. Resolution No. 2302, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$ 1,938,957.30, between the City and Continental Construction, pertaining to Private Amenities located within the Public Easement for the Parkway Plaza Project, located at 135th & Roe [CIP # 195]
- L. Resolution No. 2303, approving and authorizing the Mayor to execute an Engineering Agreement in the amount of \$129,000, between the City and Larkin Group, Inc., pertaining to the design of three non-SMAC Stormwater Projects

- M. Resolution No. 2304, approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the City of Overland Park, pertaining to the Nall Avenue Improvement Project [between 135th Street and 143rd Street] [CIP # 139]
- N. Resolution No. 2305, approving and authorizing the Mayor to execute a Right-of-Way Maintenance Agreement between the City and Parkway Plaza, LLC, pertaining to the Parkway Plaza Development located at 134<sup>th</sup> Street west of Roe Avenue [CIP # 195]
- O. Resolution No. 2306, approving Village of Camden Woods, 67<sup>th</sup> Plat located south of 143rd Street and west of Kenneth Road *[from the September 28, 2004, Planning Commission meeting]*
- P. Resolution No. 2307, approving Village of Camden Woods, 68<sup>th</sup> Plat located south of 143rd Street and west of Kenneth Road *[from the September 28, 2004, Planning Commission meeting]*
- Q. Resolution No. 2308, approving Village of Camden Woods, 69<sup>th</sup> Plat located south of 143rd Street and west of Kenneth Road *[from the September 28, 2004, Planning Commission meeting]*
- R. Resolution No. 2309, approving LeaBrooke, 3<sup>d</sup> Plat located at approximately 148th Street and Kenneth Road *[from the September 28, 2004, Planning Commission meeting]*
- S. Resolution No. 2310, approving a Final Site Plan for Cherry Creek monument signs located at 129th Street and Mission Road *[from the September 28, 2004, Planning Commission meeting]*
- T. Resolution No. 2311, approving a Final Site Plan for Seville Home located south of 135th Street and east of Nall Avenue within the Cornerstone development *[from the September 28, 2004, Planning Commission meeting]*
- U. Resolution No. 2312, approving a Final Site Plan to approve the design guidelines, final landscape plans and corner features for Parkway Plaza development located north of 135th Street and west of Roe Avenue *[from the September 28, 2004, Planning Commission meeting]*
- V. Resolution No. 2313, approving a Final Site Plan for Parkway Plaza Condominiums - First Phase located north of 135th Street and west of Roe Avenue *[from the September 28, 2004, Planning Commission meeting]*
- W. Declaration of Surplus Property [Fire Department]
- X. Police Department Monthly Report
- Y. Fire Department Monthly Report
- Z. Municipal Court Monthly Report

Councilmember Taylor asked that Agenda Item 7M and 7T be pulled. Councilmember Gill asked that Agenda Item 7H be pulled. Councilmember Filla asked that Agenda Item 7V also be pulled. A motion was made by Councilmember Rasmussen, seconded by Councilmember Gulledge to approve the remainder of the Consent Agenda. The motion carried by a unanimous vote of 8-0.

- H. Resolution No. 2299, amending the City Special Benefit District Policy, previously adopted on May 3, 2004, and repealing Resolution No. 2222

Councilmember Gill confirmed with Scott Lambers that the only change being made was the timing of when the application is filed. Mr. Lambers stated the City is approaching the self-imposed maximum limit for SBD financing and only applications that have made it through the final plan process should be considered. A motion was then made by Councilmember Gill seconded by Councilmember Taylor to approve the resolution. The motion carried by a unanimous vote of 8-0.

- M. Resolution No. 2304, approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the City of Overland Park, pertaining to the Nall Avenue Improvement Project [between 135th Street and 143rd Street] [CIP # 139]

Councilmember Taylor confirmed with Scott Lambers and Joe Johnson that the payment of \$750,000 to the City of Overland Park is separate and that this money is being held in reserve and will be paid in the near future, if not already. A motion was then made by Councilmember Taylor, seconded by Councilmember Gill to approve this agreement. The motion carried by a unanimous vote of 8-0.

- T. Resolution No. 2311, approving a Final Site Plan for Seville Home located south of 135th Street and east of Nall Avenue within the Cornerstone development [*from the September 28, 2004, Planning Commission meeting*]

Councilmember Taylor stated he would be recusing himself from this item. A motion was made by Councilmember Gullede, seconded by Councilmember Gill to approve the resolution. The motion carried by a vote of 7-0-1, with Councilmember Taylor recusing.

- V. Resolution No. 2313, approving a Final Site Plan for Parkway Plaza Condominiums - First Phase located north of 135th Street and west of Roe Avenue [*from the September 28, 2004, Planning Commission meeting*]

Councilmember Filla confirmed with Diane Binckley, Planning & Development Director, that the previously identified Stipulation No. 8 regarding landscaping had been removed and replaced with a new stipulation. A motion was made by Councilmember Filla, seconded by Councilmember Gill to approve the resolution. The motion carried by a unanimous vote of 8-0.

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

- A. Mayor Dunn extended her appreciation to those in attendance at the Walk-As-One Event, held at Liberty Memorial, on Sunday, October 3, 2004. Along with Leawood, this event was co-chaired by the cities of Gladstone and Kansas City, Missouri; with approximately 1,000 people participating.

- B. Mayor Dunn, along with several Councilmembers just returned from a Sister City Trip to I-Lan, Taiwan, and extended her appreciation to Colleen Browne, Human Resources Director, for all of the organization involved in this trip; and also extended thanks to Mayor Lu, for his and the City of I-Lan's gracious hospitality that was extended to the delegation. Councilmembers Rawlings, Bussing, Rasmussen and Filla, who were a part of the delegation, echoed the Mayor's appreciation and agreed the trip was successful and eventful.

Councilmember Filla stated she would like to congratulate Mayor Dunn on being the recipient of the annual 2004 ATHENA Award, which recognizes exemplary leadership, service, courage, wisdom, commitment and professional development of others, especially woman. This award will be presented to Mayor Dunn on October 26, 2004, by the Greater Kansas City Chamber of Commerce and KCUMB.

**9. COUNCILMEMBERS' REPORT - None**

**10. STAFF REPORT**

*[from the September 24, 2004 Stormwater Management Committee meeting]*

Committee Recommendation regarding drainage concerns at Brookwood Elementary School, 103<sup>rd</sup> & Wenonga

A motion was made by Councilmember Rasmussen, seconded by Councilmember Rawlings to approve the Committee's recommendation for the improvement to the stormwater drainage system concerns at Brookwood Elementary School to extend the City's stormwater system to tie into the school's system, and approve funding in the amount of \$95,000 for construction in 2006.

Councilmember Bussing asked if these funds would come from stormwater funds or Pay-As-You-Go [PAYGO] type funding. Mr. Johnson stated the funding would be looked at in 2006. Councilmember Rasmussen also commented that when this item was originally brought before the Council, he suggested that both the Stormwater Committee and the Public Works Committee be included in this process, because there could be associated costs for rebuilding the road on Cherokee. The motion carried by a unanimous vote of 8-0.

**COMMITTEE RECOMMENDATIONS**

**11. PLANNING COMMISSION**

*[from the September 28, 2004, Planning Commission meeting]*

- A. Ordinance approving a rezoning from AG [Agriculture] to SD-CR [Planned General Retail], SD-O [Planned Office] and RP-3 [Planned Cluster Attached Residential District], Preliminary Plat and Preliminary Site Plan for Villaggio West located south of 135th Street and east of Roe Avenue [Roll Call Vote] –  
**CONTINUED TO THE NOVEMBER 15, 2004 GOVERNING BODY MEETING, AT THE REQUEST OF THE APPLICANT**

- B. Ordinance approving a rezoning from AG [Agriculture] to SD-NCR [Planned Neighborhood Retail] and RP-4 [Planned Apartment Residential District], Preliminary Plat and Preliminary Site Plan for Villaggio East located south of 135th Street and west of Mission Road [Roll Call Vote] ***CONTINUED TO THE NOVEMBER 15, 2004 GOVERNING BODY MEETING, AT THE REQUEST OF THE APPLICANT***

**12. OLD BUSINESS - None**

**13. NEW BUSINESS**

- A. Schedule a Special Call Joint Governing Body and IRONHORSE Advisory Board Work Session on Monday, November 15, 2004, at 5:30 P.M., to discuss IRONHORSE Golf Course

A motion was made by Councilmember Gill, seconded by Councilmember Filla to approve the Special Call meeting.

Mayor Dunn asked if there was going to be sufficient time to discuss this issue, due to the fact that this meeting would be followed by the regularly scheduled 7:30 PM Governing Body meeting. Mr. Lambers stated the IRONHORSE Business Plan has already been approved by the Council, and this meeting was scheduled to allow for the golf course performances to be completed and to look at the comparison(s) between the Management Company's efforts and the Business Plan. This would allow sufficient time for the Council, if desired, to make any changes to the Business Plan for 2005. However, it may be necessary to schedule a subsequent work session to complete this task.

Councilmember Rasmussen asked that the material be made available as soon as possible so it can be reviewed by all Councilmembers prior to the meeting. Mr. Lambers stated the Business Plan covers the time frame from January through October, and the material can be distributed a week prior to the scheduled meeting. The motion carried by a unanimous vote of 8-0.

**14. OTHER BUSINESS - None**

**ADJOURN**

There being no further business, the meeting was adjourned at 8:15 PM.

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Debra Harper, CMC, City Clerk