

**Minutes**

Audio Tape No. 609

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, December 15, 2003. Mayor Peggy Dunn presided.

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

**Councilmembers absent : - None**

**Staff present:**

Scott Lambers, City Administrator  
Ben Florance, Fire Chief  
Sid Mitchell, Police Chief  
Jeff Cantrell, Neighborhood Serv. Admin.  
Diane Binckley, Planning & Develop. Dir.  
Colleen Browne, Human Resources Dir.  
Deb Harper, City Clerk

Patricia A. Bennett, City Attorney  
Joe Johnson, Public Works Director  
Chris Claxton, Parks & Rec Director  
Karl Weinfurter, Info Systems Specialist  
Kathy Rogers, Finance Director  
Emily Gleasure, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted that the Agenda had been amended with the continuation of Items "11B" and "13B" to the January 5, 2004 Governing Body meeting.

Councilmember Bussing made a motion to approve the remainder of the Agenda. Councilmember Gulledge seconded the motion, and it was passed unanimously, 8-0-0.

**3. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Lane, spoke in reference to Consent Agenda Item "7P," asking that the item be continued until after the first of the New Year.

99 **4. PROCLAMATIONS - None**

102 **5. PRESENTATIONS/RECOGNITIONS**

Mayor Dunn presented the **GFOA Award for Achievement for Excellence in Financial Reporting** to Kathy Rogers. Mayor Dunn extended her congratulations to the entire Finance Department for the fine work that they had done.

196 **6. SPECIAL BUSINESS - None**

200 **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. 989
- B. Accept Minutes of the December 1, 2003, Governing Body meeting
- C. Accept Minutes of the November 11, 2003, Public Works Committee meeting
- D. Accept Minutes of the October 30, 2003, IRONHORSE Advisory Board meeting  
*[continued from the December 1, 2003, Governing Body meeting]*
- E. Accept Minutes of the September 23, 2003, of the Arts Council meeting  
*[continued from the December 1, 2003, Governing Body meeting]*
- F. Mayoral appointment of citizen members to Gezer Region Sister City Committee
- G. Renewal of Cereal Malt Beverage [CMB] license for Osco Drug, located at 11729 Roe Avenue
- H. Renewal of Cereal Malt Beverage [CMB] license for Cosentino Price Chopper, located at 3700 West 95<sup>th</sup> Street
- I. Approve purchase in the amount of \$26,500.00 to Master's Transportation for the purchase of a Police Mobile Command Post
- J. **Resolution No. 2148** establishing the 2004 Fee Schedule for fees not specifically provided for in the Code of the City of Leawood, 2000, in accordance with the Open Records Act, K.S.A. § 45-215, et seq., and rescinding Resolution Nos. 1847, 1884, 1942 and 1996
- K. **Resolution No. 2149** adopting a revised Purchasing Policy previously adopted on October 6, 2003, and repealing Resolution No. 2107
- L. Approve Change Order No. 4, in the amount of \$2,869.00, to Zimmerman Construction Co., pertaining to Fire Station No. 2 Remodeling Project [CIP # 150]
- M. Approve Change Order No. 1, in the amount of \$3,456.00, to Sunflower Construction, Inc., pertaining to the Oxford Schoolhouse Renovation Project
- N. Approve Change Order No. 1, in the amount of \$15,194.56, and 3<sup>d</sup> and Final Payment in the amount of \$99,680.53, to Sea-O-Matic Paving, Inc., pertaining to the 2003 Residential Street Reconstruction Program
- O. **Resolution No. 2150** accepting Public Infrastructure Improvements located within Tuscany Reserve [137<sup>th</sup> & Pawnee, 138<sup>th</sup> & Canterbury and 135<sup>th</sup> & Pawnee]; and Pinnacle III
- P. **Resolution No. 2151** approving a Final Site Plan and Final Plat for Mission Farms, located at approximately 105<sup>th</sup> & Mission Road *[from November 25, 2003, Planning Commission meeting]*
- Q. **Resolution No. 2152** approving a Final Site Plan and Final Plat for Pinnacle Corporate Center IV, located north of 115<sup>th</sup> Street and west of Tomahawk Creek Parkway *[from November 25, 2003, Planning Commission meeting]*

- R. **Resolution No. 2153** approving Planning Commission's recommendation to adopt the 2003 Leawood Comprehensive Plan and map, in accordance with K.S.A. § 12-747 [*from June 24, 2003, Planning Commission meeting*]
  - S. Declare various equipment items from Park & Recreation Department as surplus property
  - T. Fire Department Monthly Report
  - U. Municipal Court Monthly Report
- \*\*Due to a Police Department computer conversion- the Monthly Police Reports will not be available until January 2004.***
- Councilmember Rasmussen asked that Item "7P" be removed for discussion. Councilmember Taylor asked that Items "7I," "7M," and "7R" be removed for discussion.

Councilmember Taylor made a motion to approve the remainder of the Consent Agenda. Councilmember Rasmussen seconded the motion, and the motion was approved unanimously, 8-0-0.

Councilmember Taylor questioned Chief Sid Mitchell in reference to Item "7I," the purchasing of a Police Mobile Command Post. In discussing the necessity for a Mobile Command Post, Chief Mitchell stated that there were often incidents in the City in which officers needed to remain long hours at a crime scene. By utilizing a Command Post, officers and other significant parties would be able to coordinate efforts and make plans in privacy, out of the public eye and out of the occasionally inhospitable climate. He stated the money would come from the existing Police budget (\$12,000.00) and from a fund of reimbursed money from a body armor purchase (\$14,000.00). Chief Mitchell stated there would be no expense for the internal communication system, with the exception of some wiring.

Councilmember Taylor made a motion to approve the purchase of the Mobile Command Post. Councilmember Story seconded the motion, and the motion was approved unanimously, 8-0-0.

Councilmember Taylor asked Chris Claxton what the total expenditure for the Oxford Schoolhouse (Item "7M"). Ms. Claxton stated it was approximately \$300,000.00 total. Councilmember Taylor questioned why it was being published as \$150,000.00 in the Council packets. Ms. Claxton replied that the renovation was \$150,700.00 with \$11,000.00 contingency. Councilmember Taylor asked how the project was being funded. Ms. Claxton stated there had been several sources: a grant from the Johnson County Heritage Trust (\$41,000.00); an obligation from the City (\$137,000.00); an Arts Council contribution (\$2,500.00); and a Leawood Foundation contribution (\$2,500.00). Councilmember Taylor stated the project was approximately \$80,000.00 short in funding. Ms. Claxton said that amount had been identified when the contract was approved. Scott Lambers confirmed the shortage would be paid with money from the General Fund.

Councilmember Taylor made a motion to approve the Change Order. Councilmember Rawlings seconded the motion.

Mr. Lambers confirmed with Mayor Dunn that a complete analysis report would be done after the project was completed, with a comparison made to the Overland Park schoolhouse. The Overland Park schoolhouse was a new construction facsimile of a historical building. Councilmember Taylor questioned how a comparison could be made between a renovation project and a new construction project. Mr. Lambers stated comparisons would be made between various aspects of each building, and acknowledging that Overland Park's building had been built in-house, providing savings in construction costs. He added that had the Oxford renovation not taken place, the City would not have been eligible for funds received for historical structures. Construction of new buildings did not qualify for that type of funding, and a funding comparison would be included in the report. Councilmember Taylor stated he felt that the cost of the renovation (\$200,000.00+) had been quite expensive for a 1,500 square foot building. Mayor Dunn indicated that many residents in the City valued historical preservation, and while it meant funding the project from the General Fund, this preservation would be a fine example of Leawood history.

The motion was approved unanimously, 8-0-0.

734

Mayor Dunn recused herself from the discussion of Item "7P," stating a conflict in interest, and left the Council Chambers. Councilmember Bussing acted as Presiding Officer.

Councilmember Rasmussen confirmed with Diane Binckley that the applicant sent letters out to the residents in adequate time prior to the Planning Commission meeting at the end of November to obtain feedback concerning landscaping. Ms. Binckley stated the Staff had heard that several residents had responded to the letters, indicating their preference for landscaping and berming near the parking lot area. She stated she believed that the wishes of the residents had been accommodated.

Councilmember Taylor confirmed with Ms. Binckley that a turnabout originally proposed on Mission Road was now planned to be a 5-lane road with a median. The fifth lane would be a turn lane into the development.

Councilmember Rasmussen made a motion to approve the Final Site Plan and Final Plat for Mission Farms. Councilmember Gullledge seconded the motion, and the motion was approved unanimously, 8-0-0. Mayor Dunn returned to the Council Chambers.

1009 Councilmember Taylor questioned Ms. Binckley concerning the colored map provided for Item "7R." He stated light blue areas were indicated at 143<sup>rd</sup> Street and Nall, and at 128<sup>th</sup> Street and State Line. The light blue color was intended to indicate institutional usage, but retirement homes were located at those sites. Ms. Binckley pointed out that the orange dashed line surrounding the light blue areas denoted such buildings.

Councilmember Taylor made a motion to approve the Resolution. Councilmember Dunn seconded the motion, and the motion was approved unanimously, 8-0-0.

1138 **8. MAYOR'S REPORT**

- A. The City Hall Holiday Lighting Ceremony took place December 2<sup>nd</sup>. The Mayor thanked Chris Claxton and her staff for their efforts. She also thanked Councilmember Bussing and Rawlings, the Leawood Singers, the Leawood Elementary 5<sup>th</sup> Graders, and the Leawood Stage Company for their participation.
- B. The Council of Mayors December Social was held December 3<sup>rd</sup>. Councilmembers Dunn, Rasmussen, Rawlings, Bussing, Gullede and Taylor attended.
- C. Attended the United Community Services annual meeting and breakfast. The 2003 Public Policy Platform was presented.
- D. Attended the Crescent Peace Society 's 2003 Eid Celebration Dinner and Awards Ceremony. This Society was founded by Leawood residents in 1996 with a mission of enhancing the understanding of the Muslim cultures. Kansas City Mayor Pro Tem, Alvin Brooks, was one of the guest speakers.
- E. Attended the Leawood Chamber Hall of Fame Awards luncheon. Volunteer firefighter Steve Anderson and Leawood community volunteer and journalist Barbara Unell were the two honorees.
- F. Attended the Leawood Employee Appreciation Luncheon December 12<sup>th</sup>. Mark Klein of the Planning Department was selected for honorable mention, and Brian Anderson of the Parks & Rec Department was awarded the 2003 Employee of the Year award.
- G. The *Kansas City Star* reported last month that over 100 members of the Jewish community from our area visited Israel last month to attend their General Assembly. While there, they had the opportunity to visit Leawood's Sister City, the Gezer Region.
- H. Announced the Leawood Chamber of Commerce Legislative Luncheon on January 5<sup>th</sup> at noon at the Hereford House. Councilmember should RSVP to the Mayor.
- I. Proposed that the annual Council Goal Setting session be held before the January 5<sup>th</sup> Governing Body Meeting at 5:30 P.M. Councilmember Taylor made a motion to poll the Council as to their availability for this and the alternate date of January 12<sup>th</sup>. Councilmember Story seconded the motion, and it was approved unanimously, 8-0-0.
- J. Wished the Councilmembers and Staff Happy Holidays and Happy New Year.

1591 **9. COUNCILMEMBERS' REPORT - None**

1596 **10. STAFF REPORT**

Mr. Lambers reminded those present that City employees did not take off President's Day this year in order to extend their Christmas holiday thru Friday, December 26<sup>th</sup>. All City offices will be closed December 25 and 26<sup>th</sup>.

Councilmember Gill recognized the fine work of the Public Works Street crew during the past two snowstorms. He stated he had received 10 positive calls and only 1 negative call from constituents.

1670 **COMMITTEE RECOMMENDATIONS**

**11. PLANNING COMMISSION**

*[from November 25, 2003, Planning Commission meeting]*

**A. Resolution No. 2154 approving a Final Site Plan for Cornerstone Buildings Nos. 4 and 5, located on the southeast corner of 135<sup>th</sup> & Nall Avenue**

Councilmember Taylor recused himself from the discussion due to a conflict in interest, and left the Council Chambers.

Councilmember Rasmussen made a motion to approve the Resolution. Councilmember Story seconded the motion.

Mayor Dunn questioned Ms. Binckley as to why this Item had not been placed on the Consent Agenda. Ms. Binckley stated the applicant had wanted to address the Governing Body concerning a request to replace the currently approved parking lot lighting fixtures. The Planning Commission was in support of Staff's position not to allow the change. Councilmember Bussing stated he would like to hear the applicant's complete overview as well as the justification for the change.

Henry Klover, Klover Architects, 10955 Lowell, applicant and Planner/Architect, gave a brief overview of the design of the project, as well as several of the stipulations that had been agreed upon. Mr. Klover then addressed the issue of changing the lighting fixtures stating that by doing so, it would save approximately \$100,000.00. He contended that few people look upward at the parking lot fixtures. The fixture he was recommending was not recognizably different from ground level than the approved one, and the money saved could be better utilized on the interior design that people could view.

Mayor Dunn asked Ms. Binckley if Staff, notwithstanding the cost of the project, had evaluated the lighting fixtures based upon those fixtures located in the City Hall parking lot. Staff felt the fixtures in the City's lot were much trimmer and attractive, with the other type being overwhelming and of a "shoebox"-like design.

2299 Councilmember Bussing confirmed with Ms. Binckley that the Planning Commission declined the drawing of the newly proposed fixture that Mr. Klover was suggesting tonight. Councilmember Gill discussed with Mr. Klover the fact that some interior courtyard design elements would need to be modified if the \$100,000.00 was allotted to the street lighting fixtures. Mr. Klover reiterated that the design of the new lighting fixture was only a two-inch height difference than from the one approved and not a shoe-box-shaped design Ms. Binckley had suggested.

Councilmember Bussing commented on the fact that the out parcels had 18-foot lighting fixtures compared to the 30-foot lighting fixtures elsewhere in the project. He confirmed with Mr. Klover that those fixtures would be changed as well. Mr. Klover admitted they would be a bit more obvious, but it was important to be consistent in the overall design of the project.

2569 Councilmember Bussing asked Ms. Binckley if the crosswalk issue as described on Page 4 of the Staff Report had been resolved. She indicated that they had. Councilmember Bussing stated he would be more inclined to approve a plan that had already been approved and endorsed by the Planning Commission. He stated he understood Mr. Klover's financial concerns, but would vote for the original lighting fixtures as recommended.

Councilmember Gill confirmed with Patty Bennett that it would take six votes to override the Planning Commission's recommendation.

Mayor Dunn asked Ms. Binckley what type of lighting fixtures were at Town Center Plaza. She replied she did not know the brand name but they were typical shoebox style fixtures. Ms. Binckley acknowledged that the fixtures Mr. Klover was requesting were trimmer than the style at Town Center Plaza.

2725 Councilmember Gill questioned Mr. Klover about the light properties of his requested fixtures. Mr. Klover stated the foot-candle wattage was the same.

Mayor Dunn asked for a vote on the motion by Councilmember Rasmussen. The vote was 7-1-0, with Councilmember Bussing opposing. He subsequently asked that his vote be changed to "Yea" after acknowledging his misunderstanding of the intent of the Resolution, and the Resolution for the Final Site Plan for Cornerstone Buildings Nos. 4 and 5 was approved unanimously, 8-0-0.

Councilmember Taylor returned to the Council Chambers.

**B. Resolution approving a Final Site Plan for Eckerd's Drug Store, located within Cornerstone, on the southwest corner of 135<sup>th</sup> Street & Briar –  
*CONTINUED TO THE JANUARY 5, 2004 GOVERNING BODY MEETING***

- 2864 C. **Ordinance No. 2038 rezoning from R-1 [Planned Single-Family Low Density Residential] to RP-2 [Planned Cluster Residential], Preliminary Site Plan and Preliminary Plat for Mission Reserve Annex located south of 151<sup>st</sup> Street and west of Mission Road [Roll Call Vote] [Companion Resolution]**

Councilmember Rasmussen made a motion to pass the Ordinance. Councilmember Taylor seconded the motion, and it passed unanimously, 8-0-0, with a Roll Call vote.

- 2926 D. **Resolution No. 2156 approving a Final Site Plan and Final Plat for Mission Reserve Annex located south of 151<sup>st</sup> Street and west of Mission Road**

Councilmember Rasmussen made a motion to approve the Resolution. Councilmember Taylor seconded the motion, and it was approved unanimously, 8-0-0.

- 2957 E. **Ordinance No. 2039 amending § 16-1-4 of the Leawood Development Ordinance [LDO], Public Utilities and Safety Uses, pertaining specifically to the placement of underground utilities [Roll Call Vote]**

Councilmember Taylor made a motion to pass the Ordinance. Councilmember Rawlings seconded the motion, and it passed unanimously, 8-0-0, with a Roll Call vote.

3007 12. **OLD BUSINESS - None**

3011 13. **NEW BUSINESS**

- A. **Resolution No. 2157 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.**

Councilmember Bussing asked if the first phase of \$2.2 million for this project could be borrowed at the current rate, and earmarked for use at a later time. He cited the probable increase in borrowing costs over the next three years. Mr. Lambers replied he would look into it and see how it would affect the City's standards. He pointed out that by doing so, the payments would be accelerated which would then necessitate an increase in the mill levy for the bond interest fund.

Councilmember Dunn publicly commented that the majority of residential streets that needed repair were in the older part of Leawood. He thanked the Governing Body and Staff for making a diligent effort to address the needs of Leawood North. Mayor Dunn stated it was also a big commitment on the part of the Governing Body and creative financing on the part of the Staff to be able to pursue this effort.

Councilmember Taylor made a motion to approve the Resolution. Councilmember Dunn seconded the motion, and the motion was approved unanimously, 8-0-0.

- B. Resolution finding as to the advisability and authorizing the construction of improvements to the intersection of 135<sup>th</sup> Street and Briar Street within the City of Leawood, Kansas, pursuant to K.S.A. § 12-16a01 et seq. [CIP # 193] – *CONTINUED TO THE JANUARY 5, 2004 GOVERNING BODY MEETING***

4549 **15. OTHER BUSINESS - None**

4552 **16. ADJOURN**

There being no further business, the meeting was adjourned at 8:37 P.M.

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Debra Harper, City Clerk

Emily Gleasure  
Recording Deputy City Clerk