

**Minutes**

DVD No. 277

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, April 2, 2012. Mayor Peggy Dunn presided.

**Councilmembers present:** Debra Filla, Carrie Rezac, Jim Rawlings, Julie Cain, James Azeltine, Lou Rasmussen and Gary Bussing

**Mayor/Councilmembers absent:** Councilmember Andrew Osman

<b>Staff present:</b> Patty Bennett, City Attorney	Joe Johnson, PW Director
Chief John Meier, Police Dept	Chris Claxton, P&R Director
Interim Chief Steve Duncan, Fire Dept	Lovina Freeman, HR Director
Jack Reece, Info Systems Technician	Deb Harper, City Clerk
Richard Coleman, Comm. Dev Director	Pam Gregory, Assistant City Clerk
Dawn Long, Finance Director	

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

- Addition of Item No. 9 – Councilmembers Report from Councilmember Cain – Referral to Stormwater Committee

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

**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.**

**4. PROCLAMATIONS**

**Giblin House, 14014 Kenneth Road,  
Leawood Historic Structure**

Mayor Dunn read the proclamation into the record.

**Public Safety Telecommunicators' Week,  
April 8-14, 2012**

Mayor Dunn proclaimed the week of April 8-14, 2012, as Public Safety Telecommunicators' Week in honor of men and women whose diligence and professionalism help keep our City and citizens safe.

**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. Accept Appropriation Ordinance Nos. 2012-10, 2012-11, and 2012-12
- B. Accept minutes of the March 19, 2012 Governing Body meeting
- C. Accept minutes of the March 19, 2012 Governing Body Work Session
- D. Accept minutes of the February 21, 2012 Parks and Recreation Advisory Board meeting
- E. Approve issuance of Temporary Alcohol Permit to conduct The Taste of Leawood Fundraising Event on Saturday, June 9, 2012, in accordance with Code § 3-216
- F. Approve Bid in the amount of \$17,085.00, from Kranz of Kansas City, for the purchase of [1] one-ton Chassis Service Body
- G. Approve Bid in the amount of \$157,092.00 from American Equipment Company for the purchase of [2] truck chassis mounted hooklift loader system with single axle; [2] 10' snow plows; and [2] 6-yard material spreaders
- H. Approve Bid in the amount of \$100,273.00 from American Equipment Company for the purchase of [1] truck chassis mounted hooklift loader system with tandem axle; [1] 12' snow plow; 9-yard material spreader; and dump body
- I. Approve Bid in the amount of \$4,622.00 from American Equipment Company for the purchase of [1] material spreader
- J. Approve Bid in the amount of \$5,945.00 from American Equipment Company for the purchase of [1] 8' snow plow
- K. Approve Bid in the amount of \$22,453.00 from American Equipment Company for the purchase of [1] 1-ton chassis animal control body
- L. Approve 3<sup>rd</sup> and Final Pay Request in the amount of \$6,292.00 to Kaw Roofing pertaining to the roof replacement on the Salt Dome located at the Public Works Facility, 14303 Overbrook Road [Project # 74045]
- M. **Resolution No. 3777** calling for a pre-budget Public Hearing to be heard on Monday, April 16, 2012, on the 2013 Fiscal Budget for the City of Leawood, Kansas
- N. **Resolution No. 3778** approving and authorizing the Mayor to execute a Third Amendment to that certain Right-of-Way Maintenance Agreement dated April 6, 2009, in the amount of \$42,549.12, between the City and Kansas Land Management, LLC, pertaining to mowing and trimming of traffic medians and right-of-way [ROW] maintenance

- O. **Resolution No. 3779** approving and authorizing the Mayor to execute an Inter-local Agreement and Letter of Understanding by and among the City of Leawood and cities of Fairway, Merriam, Mission, Prairie Village, Roeland Park, and the Johnson County Parks and Recreation District, pertaining to the SuperPass Program at the Leawood Aquatic Center, located at 10601 Lee Boulevard
- P. **Resolution No. 3780** approving and authorizing the Mayor to execute an Addendum to that certain Inter-local Agreement dated October 18, 2010, between the City of Leawood and the City of Prairie Village pertaining to the usage of the 800 MHz police radio system [Harris Corporation, f/n/a M/A-COM Private Radio Systems, Inc.,]
- Q. **Resolution No. 3781** approving and authorizing the City Administrator to give Notice of Cancellation of that certain Amendment to Maintenance Agreement dated November 21, 2011, between the City and Harris Corporation [f/n/a M/A-COM Private Radio Systems, Inc., pertaining to the maintenance of police radio equipment
- R. **Resolution No. 3782** approving a Final Sign Plan for Hallbrook Office Center – Ascend Learning, located at 11161 Overbrook Road (PC Case # 36-12) *[from the March 27, 2012 Planning Commission meeting]*
- S. Declaration of surplus property; Parks and Recreation property

Mayor Dunn pulled Consent Agenda Item No. 7R for a separate vote.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

- 7R. **Resolution No. 3782** approving a Final Sign Plan for Hallbrook Office Center – Ascend Learning, located at 11161 Overbrook Road (PC Case # 36-12) *[from the March 27, 2012 Planning Commission meeting]*

Mayor Dunn requested to be recused due to the appearance of a conflict of interest. Councilmember Carrie Rezac presided.

A motion to approve Item No. 7R was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

Mayor Dunn rejoined the meeting.

## 8. MAYOR'S REPORT

- A. Attended a Leawood Chamber of Commerce ribbon cutting ceremony for Oliver's Pizza, located at 135<sup>th</sup> and Roe in the Parkway Plaza Development. Mayor Dunn wished them great success.

- B. Attended Johnson County Commission Chair Ed Eilert's State of the County Address and luncheon, sponsored by the Johnson County Chambers' Public Policy Council. Mayor Dunn was joined by Councilmembers Lou Rasmussen, Jim Rawlings, James Azeltine and Julie Cain. Also in attendance were City Administrator Scott Lambers, Public Works Director Joe Johnson, Human Resources Director Lovina Freeman, Finance Director Dawn Long and Interim Fire Chief Steve Duncan. There were many success stories shared by Chairman Eilert as well as a focus on his continuing budget challenges.
- C. Attended the retirement celebration for Deputy Fire Chief Randy Hill honoring his 31 years of service to our community. Mayor Dunn thanked Deputy Chief Hill for his work and wished him great success with all of his future endeavors. Thanks to Interim Fire Chief Steve Duncan for organizing a very nice event.
- D. The Jewish Federation had a student delegation during this past week. Mayor Dunn thanked Gezer Sister City Co-Chairs Julie Cain and Andrew Osman, and the Gezer Sister City Committee for assisting and hosting one of the days of their visit. This was a great event both at Gezer Park and Ironwoods Park. Thanks to Chris Claxton and her great team for all of their work on the breakfast to make it special and the challenge course activities that were greatly enjoyed. Councilmembers Jim Rawlings and James Azeltine also joined them for part of the festivities. All 7 students were 16 years old and told Mayor Dunn their week had been the most amazing of their life. They look forward to hosting Leawood students in the future as well. Mayor Dunn read a letter from Mayor Peter Weiss that was presented to her at the Hyman Brand Hebrew Academy by Gezer Regional Council resident Hanna Levi.
- E. Attended the Leawood Parks and Recreation Easter Egg Hunt along with several thousand children and families who "located" 20,000 eggs in Leawood City Park. The Leawood Kiwanis Club served lunch and a great time was enjoyed by all. Special thanks to Parks and Recreation Director Chris Claxton, Superintendent of Recreation Kim Curran and their entire team for doing such a great job.
- F. The Leawood Stage Company will be presenting "Titanic the Musical," on Friday, April 13 and Saturday, April 14 at 8:00 P.M., and on Sunday, April 15 at 2:00 P.M. at the Lodge at Ironwoods Park. The cost is \$5.00 per person.
- G. Reminder to vote on Election Day, Tuesday, April 3. This is one of our greatest privileges.

**9. COUNCILMEMBERS' REPORT – COUNCILMEMBER CAIN**

Referral to Stormwater Committee regarding Merry Lea Farms, Lot 7, located at 140<sup>th</sup> and Mission Road

Councilmember Cain reported she was contacted by a reputable, long-standing builder in Leawood regarding a stormwater issue on Lot 7 in Merry Lea Farms, located at 140<sup>th</sup> and Mission Road.

A motion to refer this issue to the Stormwater Committee for review was made by Councilmember Cain; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

**10. STAFF REPORT** Richard Coleman, Community Development Director  
*[From the February 6, 2012 Governing Body meeting meeting]*  
Follow-up report on Illumination for massage therapy establishments

Community Development Director Richard Coleman reported after the request by Councilmember Osman to review the Massage Establishment Ordinance, staff surveyed local municipalities regarding outcalls and found some cities do not regulate this and some allow outcalls to other businesses and require a log book. After review, staff recommended no change in the City's ordinance pertaining to outcalls and they continue to not allow outcalls on a general basis and to remain only as a medical necessity. After review of the ordinance concerning lighting, staff determined the lighting standard of 40-foot candles was taken directly from the 1999 ordinance when massage therapy was listed under "adult entertainment." Staff felt some reduction in the lighting level would not compromise safety or security; however, Mr. Coleman requested they continue this for further review.

A motion to affirm staff's recommendation of no change in the ordinance pertaining to outcalls and continue the lighting portion to the May 21, 2012, Governing Body meeting for further review was made by Councilmember Filla; seconded by Councilmember Rezac.

Councilmember Azeltine suggested they continue this entire review since this was requested by Councilmember Osman.

Councilmember Filla amended her motion to continue review of the ordinance to the May 21, 2012, Governing Body meeting; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

**COMMITTEE RECOMMENDATIONS**

**11. PLANNING COMMISSION**

*[From the October 25, 2011 Planning Commission meeting]*

- A. Ordinance amending Section 16-4-9 of the Leawood Development Ordinance [LDO], Fences and Walls, pertaining to fences constructed on top of a deck (PC Case # 119-11) ***Continued From The November 21, 2011, March 5, 2012 and March 19, 2012 Governing Body Meetings -- [Roll Call Vote] CONTINUED TO THE MAY 21, 2012 GOVERNING BODY MEETING***

*[From the February 22, 2011 Planning Commission meeting]*

- B. Resolution approving a Final Sign Plan for Ranchmart – U.S. Bank, located north of 95<sup>th</sup> Street and east of Mission Road (PC Case #18-11) ***Continued From The March 21, 2011, March 5, 2012, and March 19, 2012 Governing Body Meetings - CONTINUED TO THE APRIL 16, 2012 GOVERNING BODY MEETING***

*[From the February 28, 2012 Planning Commission meeting]*

- C. Resolution approving a Revised Final Plan for Park Place – Building F Expansion Roof Screen, located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue (PC Case # 30-12) ***Continued from the March 19, 2012 Governing Body meeting - CONTINUED TO THE APRIL 16, 2012 GOVERNING BODY MEETING***

[From the February 28, 2012 Planning Commission meeting]

- D. Ordinance approving a 2-year extension of a Special Use Permit [SUP] for STC Five, L.L.C., for the continued use of a wireless communication tower and associated equipment located north of 135<sup>th</sup> Street and west of Briar, Leawood, Johnson County Kansas (PC Case # 18-12) ***Continued From The March 19, 2012 Governing Body Meeting - CONTINUED TO THE APRIL 16, 2012 GOVERNING BODY MEETING [Roll Call Vote]***
- E. Ordinance approving a 2-year extension of a Special Use Permit [SUP] for Verizon Wireless [VAW] LLC, d/b/a Verizon Wireless [Verizon Wireless] for the continued use of wireless communication antennae and associated equipment located north of 135<sup>th</sup> Street and West of Briar, Leawood, Johnson County, Kansas (PC Case #19-12) ***Continued From The March 19, 2012 Governing Body Meeting - CONTINUED TO THE APRIL 16, 2012 GOVERNING BODY MEETING [Roll Call Vote]***
- F. Ordinance approving a 2-year extension of a Special Use Permit [SUP] for New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility [AT&T Mobility] for the continued use of wireless communication antennae and associated equipment located north of 135<sup>th</sup> Street and west of Briar, Leawood, Johnson County, Kansas (PC Case #20-12) ***Continued From The March 19, 2012 Governing Body Meeting - CONTINUED TO THE APRIL 16, 2012 GOVERNING BODY MEETING [Roll Call Vote]***
- G. Ordinance approving a 2-year extension of a Special Use Permit [SUP] for Cricket Communications, Inc., [Cricket] for the continued use of wireless communication antennae and associated equipment located north of 135<sup>th</sup> Street and west of Briar, Leawood, Johnson County, Kansas (PC Case #21-12) ***Continued From The March 19, 2012 Governing Body Meeting - CONTINUED TO THE APRIL 16, 2012 GOVERNING BODY MEETING [Roll Call Vote]***
- H. Ordinance approving a 2-year extension of a Special Use Permit [SUP] for Sprint Nextel Corporation [Sprint Nextel] for the continued use of wireless communication antennae and associated equipment located north of 135<sup>th</sup> Street and west of Briar, Leawood, Johnson County, Kansas (PC Case #22-12) ***Continued From The March 19, 2012 Governing Body Meeting - CONTINUED TO THE APRIL 16, 2012 GOVERNING BODY MEETING [Roll Call Vote]***
- I. Ordinance approving a 2-year extension of a Special Use Permit [SUP] for T-Mobile Central LLC [T-Mobile] for the continued use of wireless communication antennae and associated equipment located north of 135<sup>th</sup> Street and west of Briar, Leawood, Johnson County, Kansas (PC Case #23-12) ***Continued From The March 19, 2012 Governing Body Meeting - CONTINUED TO THE APRIL 16, 2012 GOVERNING BODY MEETING Roll Call Vote]***

J. Ordinance approving a 2-year extension of a Special Use Permit [SUP] for Clear Wireless LLC [Clearwire] for the continued use of wireless communication antennae and associated equipment located north of 135<sup>th</sup> Street and west of Briar, Leawood, Johnson County, Kansas (PC Case #24-12) ***Continued From The March 19, 2012 Governing Body Meeting - CONTINUED TO THE APRIL 16, 2012 GOVERNING BODY MEETING Roll Call Vote***

12. **OLD BUSINESS** - None

13. **OTHER BUSINESS** - None

14. **NEW BUSINESS** - None

**ADJOURN**

There being no further business, the meeting was adjourned at 7:50 P.M.

---

Debra Harper, CMC, City Clerk

---

Pam Gregory  
Recording Assistant City Clerk