Mayor Ed Eilert called the Overland Park City Council meeting to order at 7:35 p.m. The following members were present, constituting a quorum:

Mr. George Kandt; Mr. Byron C. Loudon; Mr. Jim Hix; Mr. Thomas C. “Tim” Owens; Dr. Jay F. Lehnertz, Ms. Marcia A. Gilliland, Mr. Neil S. Sader, Mrs. Terry Happer Scheier, and Mr. Terry Goodman. Mr. Carl R. Gerlach, Council President, was absent (excused).

Also present were: Mr. John M. Nachbar, City Manager; Mr. Bob Watson, City Attorney; Mr. Bob Jones, Director of Human Resources; Mr. James Cox, Director of Parks and Recreation; Mrs. Kristy Stallings, Director of Finance, Budget and Administration; Mr. John Douglass, Police Chief; Mr. Bob Lowry, Director of Public Works; Mr. Bart Budetti, Senior Assistant City Attorney; Mr. Ken Rodney, Director of Information Technology; Mrs. Lori Knadle, Assistant City Manager; Mr. Mike Santos, Senior Assistant City Attorney; Mr. Sean Reilly, Manager, Communications; Ms. Penny Postoak, Assistant City Manager; Mr. Brian Shields, City Traffic Engineer; Mr. Dan Koenig, President, Overland Park Chamber of Commerce; Mr. Brad Cooper, Kansas City Star; Mr. Rob Roberts, Overland Park Sun; and Ms. Pamela Blaszyk, Recording Secretary. Approximately 25 persons were in the audience.

PLEDGE OF ALLEGIANCE

Mayor Eilert led the audience in the Pledge of Allegiance.

PUBLIC HEARING

PETITION FOR EXCLUSION OF LAND FROM THE BOUNDARIES OF THE CITY – Vicinity of the northeast corner of 167th Street and Nall.

City Attorney Bob Watson stated that the applicant, Mr. Clay Blair, had applied for the de-annexation of a small sliver of land located at the northeast corner of 167th Street and Nall. The southern City limit in the area runs east and west along the section line that would be the centerline of 167th Street, if there were such a street. However, 167th Street is not projected in the City’s major street plan. The applicant is in the process of developing a subdivision that is located almost entirely to the south of the City limits within unincorporated Johnson County, with the exception of the small sliver of land that is approximately one-tenth of an acre. This small portion of land is located to the north of the City limits and is in Overland Park. This piece of land would be part of the right-of-way of a street that would provide an access into this subdivision. The Board of County Commissioners is considering the applicant’s development proposal and they have suggested to the applicant that he discover if the City would be willing to de-annex that small piece of land. This matter was presented to the Community Development Committee last month. That Committee asked the applicant various questions about the project and the de-annexation application. The City’s Law Department advised the Committee not to make a recommendation on the application. Instead, the Committee directed that the statutorily required public
hearing be scheduled for tonight before the Governing Body to receive any public input on this proposed de-annexation.

In 1996, in connection with another de-annexation request, the Council adopted a de-annexation policy which consisted of six criteria that would be applied to the de-annexation request. After having reviewed these criteria, the City Planning staff noted that the City would be responsible for the maintenance of this small sliver of street if the de-annexation does not occur. They also cited a number of street construction and right-of-way management issues that would have to be resolved with the county if the street is not located entirely within the county. The Planning staff concluded that it would be preferable for the entire subdivision, including this sliver of street, to be in the unincorporated county.

Mr. Watson understood that in addition to this de-annexation issue, the applicant has a number of other issues to work out with Johnson County before a decision can be made at the county level regarding this development proposal. It may take several months to resolve those other issues. Meanwhile, the City will not want to approve this de-annexation request only to have the development proposal be denied at the county level. Therefore, following the public hearing this evening, the Council will have the option of denying this de-annexation application by passing a motion to that effect. On the other hand, if the Council is inclined to approve the de-annexation request, rather than passing an ordinance de-annexing the property at this time, the individual Councilmembers might express their support or opposition regarding this proposal. The Council could then pass a motion to schedule the consideration of a de-annexation ordinance at the Council’s regular meeting on March 10, 2003. In the interim, the applicant will have time to work out the remaining issues with the Board of County Commissioners. Mr. Watson noted that all the applicant needed at this point was an expression of support or opposition from the Council.

Mr. Frank Dean, indicated that he was representing the applicant, Clay Blair Services Corporation.

Mayor Eilert asked Mr. Dean to clarify the schedule that he was facing with the Board of County Commissioners with this request. Mr. Dean replied that they are scheduled to have a meeting with the county on December 19, 2002, to vote on this issue. They have already received a unanimous vote of approval from the Township Zoning Board. The proposed subdivision is a continuation of the existing Wilderness Valley development located to the north of the section line. This development is adjacent to the Blue River floodplain so they have some complex issues to address with the county. The most extenuating of those conditions is obtaining an additional LOMR (letter of map revision) from FEMA. That process could take six months to achieve. In addition, there are approximately 20 other stipulations involving design details for their wetland mitigation bank that would also extend onto this property. The county originally asked the applicant to go to the City first to have this small sliver of land de-annexed and then to bring the application to them. However, it would not be practical to de-annex this piece if the applicant could not secure the county approval as there would then be an odd boundary left over for the City.

Mayor Eilert asked if Mr. Dean agreed with the time period that was outlined by Mr. Watson. He suggested that the consideration of the de-annexation ordinance could be scheduled for February. If they were not ready at that time to go forward, the item could be continued. Mr. Dean replied that they are requesting a hearing before
the county in March 2003. With a project of this nature, it is possible that there will be delays. They may ultimately have to ask for additional time. At this point, that seems to be a realistic time frame. Mayor Eilert clarified that it was unlikely that they would be ready to begin the development in February.

Mayor Eilert opened the public hearing regarding this request. As no one came forward to speak, the hearing was closed. Mayor Eilert clarified that there was a consensus of the Council to favor this request, contingent upon the approval of the project by the county.

Mr. Byron C. Loudon moved to schedule further consideration of the petition for the exclusion of land in the vicinity of the northeast corner of 167th Street and Nall, during the March 10, 2003, City Council meeting, subject to the approval of this request by the Johnson County Board of Commissioners.

Mayor Eilert recognized some members of the Shawnee Mission West government class.

MAYOR ED EILERT

NEW APPOINTMENT TO THE PLANNING COMMISSION:

Kim Sorensen – Term 12/8/02 – 12/8/05

REAPPOINTMENTS TO THE CONVENTION AND TOURISM COMMITTEE:

Richard Carrothers – Term 1/1/03 to 12/31/04
Jack Curtis – Term 1/1/03 to 12/31/04
Link Kittrell – Term 1/1/03 to 12/31/04
David Lindstrom – Term 1/1/03 to 12/31/04
David Lovetere – Term 1/1/03 to 12/31/04
Richard Merkel – Term 1/1/03 to 12/31/04
Brad Wiens – Term 1/1/03 to 12/31/04

NEW APPOINTMENTS TO CONVENTION AND TOURISM COMMITTEE:

George Camalier – Term 1/1/03 to 12/31/04
Mike Prekel – Term 1/1/03 to 12/31/04
Judy Hohn – Term 1/1/03 to 12/31/03

Mr. Thomas C. “Tim” Owens moved to approve the referenced appointments and reappointments. The motion was seconded by Mrs. Terry Happer Scheier, and carried with a vote of 9 to 0.

COUNCIL PRESIDENT CARL R. GERLACH

REPORT FROM COMMITTEE-OF-THE-WHOLE MEETING HELD DECEMBER 9, 2002;