

January 2, 1973

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Tuesday, January 2, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Conklin, H. C. Evans, Bruns, W. E. Evans, Judd.

The invocation was given by Councilman W. E. Evans.

#1160

Presentation of Mayors' Christmas Tree Bowling Tournament Check: Dick Johnson, representing King Louie Ranchmart and the Greater Kansas City Bowling Proprietors Association, presented to Mayor Ballard a check made payable to the Leawood Scholarship Fund in the amount of \$455.15, representing the Leawood portion of proceeds from the 1972 Mayors' Christmas Tree Bowling Tournament. Mayor Ballard explained that in the past the Leawood Scholarship Foundation had left selection of the recipient to the Student Aid Office at Kansas University, and that last year the scholarship money went to Helen Tyler, 2515 W. 83rd Terrace, and Larry Weinstein, 3800 West 97th Street.

#1205

Councilman Bruns moved for a change in the agenda to consider at this time any matter a member of the audience might wish to discuss; seconded by Councilman Judd. Motion carried.

#1210

Visitors: Dick Johnson, Stuart C. Johnson, Mark Hochanadel.

Stuart Johnson referred to an article from The Kansas City Star quoting the City Attorney. Mr. Johnson objected to Mr. Winn's speaking for the Governing Body relative to the noise ordinance. Mr. Johnson also objected to the handling of an accident in front of his home in which a shrub was destroyed.

#1251

Minutes: On motion by Councilman Bruns, seconded by Councilman Aalbregtse, the minutes of the meeting of December 18, 1972, were approved as submitted.

#### REPORTS

#1258

Treasurer: There was no formal report because the meeting was so near the first of the year. Mr. Hansel reported the City wound up the year with a surplus of around \$300. On motion by Councilman Bruns, duly seconded, the report was approved.

#1269

Municipal Judge: Judge Cope's report was approved on motion by Councilman Judd, seconded by Councilman W. E. Evans.

#1273

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman W. E. Evans, seconded by

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Councilman Brunns. Councilman Brunns urged councilmen to examine the new rescue car. Chief Toman said the total fire loss for the year was approximately \$98,000 under the previous year, and that the purchase order had been issued for the new pumper.

#1291

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Brunns.

#1295

Public Works Department: Mr. Yelton's written report was submitted. At Mayor Ballard's request, Mr. Yelton gave a verbal report on the recent ice storm. Mr. Yelton said removal from the streets was inhibited because (1) it was ice and not snow, (2) the snow removal budget was spent in early 1972 and the salt and calcium chloride had leached from the stockpile of sand in open storage, (3) the extraordinarily long cold period, and (4) repairs to equipment. He said chips off the streets were used on the gravel roads in the southern part of the City. There was discussion of the snow removal problem, including depth of snow before crews begin to plow, speed of operation of the plow, and the advisability of keeping men on duty on a 24-hour basis in emergency. A citizen complaint concerning a dangerous place on Lee Boulevard at about 92nd Street was discussed. Mayor Ballard recommended this spot be on the priority list for next year's street repair program. The report was approved on motion by Councilman Judd, seconded by Councilman Aalbregtse.

#1460

Budget & Finance: No report.

Intergov't. Coop. & Community Affairs: No report.

Ordinance: Councilman Brunns stated further changes were being made to the ordinance establishing a Civil Service Commission and it was not ready for first reading.

Parks: Mr. Yelton reported all the money remaining in the Park budget had been spent for the purchase of a lawn mower and grass seed.

#1482

Plan Commission: No report.

Proposed Rezoning by Kansas City, Missouri - 95th and State Line: Councilman Judd stated he had received a number of calls from residents of Leawood concerning a second hearing by the Kansas City Board of Zoning Appeals on January 9th to consider an exception to zoning for a Mellody-McGilley funeral home on the southeast corner of 95th and State Line. He said Leawood's Plan Commission Chairman had written a letter reminding Kansas City that the two cities had agreed to cooperate on matters of mutual interest. Councilman Judd moved that the City Clerk be instructed to write the Board of Zoning Appeals of Kansas City, Missouri, to the effect

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that the Leawood City Council feels that granting such zoning in the State of Missouri would adversely affect property values in Leawood, Kansas, and the Council would appreciate their not granting the exception which would be required to put the funeral home at that location; seconded by Councilman Conklin. Mayor Ballard suggested the Kansas City Board would be more concerned about a comment to the effect that the proposed use was incompatible with the residential nature of the area immediately across the street. Motion carried.

#1540

Public Works Commission: Mayor Ballard stated he had contemplated continuing as Chairman of the Public Works Commission until May, 1973, primarily because of the 95th Street issue and the various problems associated with it. He said Don Yelton, Phil Kline and he would try to formulate a plan on the storm drainage area to present to the Council in sufficient time so that the issue would be clear prior to the election concerning the funding of the widening of 95th Street. He said he hoped to document the present run-off and the run-off with the street widened.

#1584

Public Safety Commission: Mayor Ballard requested that the Public Safety Commission make a recommendation to the Council on responsibility of the Commission after adoption of the proposed Civil Service ordinance. Councilman Judd requested an executive session at the termination of regular business to consider the lease agreement on police cars which were to have been delivered January 1. The report was approved on motion by Councilman Bruns, seconded by Councilman Conklin. Motion carried.

Sanitary Sewer Commission: No report.

MAYOR'S REPORT: No report.

OLD BUSINESS

#1607

Report from Insurance Committee: Councilman W. E. Evans reported the Committee had met and considered several items, including the possibility of replacing CAPERS with a better program. He read a letter from the City Attorney indicating that it would take 60 to 90 days to get an opinion from the Attorney General, that the Attorney General would probably be reluctant to make a ruling in the City's favor, and unless he does so the City must stay with CAPERS. Mr. Winn suggested the matter be called to Senator Bennett's attention for possible legislative action, and recommended it would be best to proceed at least for a half year with CAPERS. Chief Toman urged that the City settle either on CAPERS or a private plan and not switch around. He said if it were found the City could get out of CAPERS, he hoped the employees would not lose their 4% contribution, and asked that the Council consider the loss of CAPERS carryover benefits with employment change from municipality to municipality in Kansas. Councilman W. E. Evans reported

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#1740

the Insurance Committee would suggest to the Council that a \$1,000,000 umbrella policy (at a cost of \$675) or a \$2,000,000 umbrella policy (cost estimated at \$950) be included in the City's insurance. Councilman W.E. Evans regretted the loss of Jim Stanley from the Insurance Company because he had moved from the area. Councilman W. E. Evans moved that the Council authorize the Mayor to sign the extension of \$250,000 major medical benefits to the employees' policy with Travelers, Group Policy No. GA 850138, at no additional cost to the City or to the employees; seconded by Councilman Bruns. Motion carried. Councilman W. E. Evans moved that the City continue its present miscellaneous articles floater policy with American States at \$116.00 premium; seconded by Councilman Aalbregtse. Motion carried.

#1747

#1760

Councilman W. E. Evans moved that the City's theft and burglary policy on equipment remaining in the building be continued as is at the rate of \$157.00; seconded by Councilman Bruns. Motion carried. Councilman W. E. Evans asked for instruction from the Council concerning the umbrella policy. Councilman H. C. Evans requested that the Insurance Committee prepare a written chart of the City's present coverages and the Committee's recommendation regarding each. A motion by Councilman Judd that additional insurance companies be contacted relative to an umbrella policy was withdrawn. Councilman Aalbregtse then moved that the Council authorize the Insurance Committee to protect the City with all necessary haste with an umbrella policy of \$1,000,000 in the most economical manner. There was discussion that the \$1,000,000 was in addition to the present liability coverage of \$300,000. Motion was seconded by Councilman Bruns, and carried. There was discussion concerning a line item in the budget for this expenditure. Councilman H. C. Evans recommended that it be charged to line item 104-4. The Council agreed that a week would be reasonable time for the investigation of rates by the Insurance Committee.

#1850

#1949

Report from Building Committee: Councilman Conklin discussed the Committee's recommendations that (1) John Granstedt be authorized to proceed with revised plans, (2) Mr. Granstedt be paid for the additional work, and (3) Pending the City Attorney's opinion, the City negotiate with the low bidder rather than putting the building out for bids again. Councilman W. E. Evans suggested that the citizens might be willing to tax themselves for a more beautiful building. Councilman Conklin said it was the Committee's recommendation, due to certain other pending expenditures within the City requiring election, that it would be best to go ahead with the police building as planned and at some future date citizens might be more receptive to the additional administrative wing. Mr. Hansel pointed out that the recreation commission and budget lid elections carried by very narrow margins. City Attorney Winn recommended that all the bids be rejected as being in excess of the engineer's estimate. Mayor Ballard requested that the City Attorney submit a written opinion concerning the City's right to negotiate

#2045

after all the bids are rejected. There was discussion that the opinion include whether the engineer's estimate would apply to a negotiated contract.

#2113

Councilman Conklin moved that the Council authorize John Granstedt to proceed with revised plans and specifications for the police-courts building; seconded by Councilman Bruns. Motion carried. Councilman Conklin moved that the Council reject all bids as previously received on the police building for the City of Leawood; seconded by Councilman H. C. Evans. Motion carried.

#2117

#2121

Councilman Conklin moved that, pending legal opinion, the architect be authorized to negotiate with the low bidder, Pitman Construction Company, for a price for the police building to be presented to the Council at its February 5th meeting; seconded by Councilman Bruns. Motion carried. Following discussion, Councilman Conklin moved that the Building Committee be authorized to prepare for Mr. Granstedt a contract for the revisions to the police building on the basis of time and material not to exceed \$9,000; seconded by Councilman Bruns. Motion carried. Mr. Hansel pointed out that the increase in architect's fee would increase the total cost of the building.

#2235

Funding for Police-Courts Building: Councilman H. C. Evans distributed and explained a sheet on funding for the police-courts building listing sources of revenue and items in the 1973 budget which were already available or which could be delayed if additional money were needed for the building. The financing was discussed and of the items listed, it appeared that the City had authority to spend \$281,029 plus 1973 revenue sharing funds which may not be received in time for the police building.

NEW BUSINESS

#2340

Recommendation for Annual Audit: It was determined that this had been done at an earlier meeting.

#2350

Request for Permission to Distribute Information - TeleCable: Councilman H. C. Evans explained the request of TeleCable of Overland Park for permission to hang plastic bags on door-knobs containing a rate card and installation information with a return card attached, and a follow-up doorknob hanger two weeks later. There was discussion of availability of mailing lists, and the need to be consistent in not allowing doorknob distribution for policing reasons. Councilman H. C. Evans moved that the proposal submitted be rejected and that TeleCable be requested to submit an alternative proposal; seconded by Councilman Bruns. Motion carried. There was discussion that the City should cooperate with TeleCable and that the newsletter addressograph list might be furnished TeleCable.

#2398

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- #2435 Request for Authority to Lease Automobile for City Administrator/Director of Public Works: Deferred until a solution be reached on leasing of police cars.
- #2440 Appropriation Ordinance: No. 311A in the amount of \$32,697.66, providing for payment of certain claims against the City, was approved on motion by Councilman Bruns; Councilman W. E. Evans abstained.
- #2449 Councilman Judd moved for an executive session to discuss the problems arising from non-compliance with contract for leasing of police cars. The motion was amended to also include discussion of security, the councilmanic seat vacancy, maintenance, an employee discharge, and a hiring; seconded by Councilman Bruns. Motion carried.
- #2478 The Council adjourned to executive session at 9:53 p.m.  
The Council returned to regular session at 10:59 p.m. The same councilmen were present.  
Employee Status Forms: On motion by Councilman Bruns, seconded by Councilman Judd, the following rate increase was approved:  
Frances Farrar, from \$410 to \$425 per month, effective January 1, 1973.  
On motion by Councilman Bruns, seconded by Councilman Judd, the release of Jennie June Dougan, effective December 29, 1972, was approved.
- #2496 On motion by Councilman Bruns, seconded by Councilman W. E. Evans, the following employment was approved:  
Nancy J. Oestreicher, as soon as practical, at the rate of \$400 per month.
- #2505 Leasing of Police Cars: Councilman Judd moved to terminate the agreement with Friendly American Motors if on or before 9:00 a.m. Friday, January 5, 1973, said firm had not rectified its non-performance under its agreement with the City of Leawood to furnish police vehicles by January 1, 1973; seconded by Councilman Bruns. Motion carried.
- #2524 Councilman Judd moved to authorize the Mayor to contract with Midway Leasing for lease of police vehicles as per specifications if on or before 9:00 a.m. January 5, 1973, delivery had not been taken on vehicles pursuant to agreement with Friendly American Motors, and further subject to the Chief of Police determining an emergency to exist because of lack of police vehicles; three automobiles to be furnished by Midway Leasing no later than Friday, January 5, 1973, other cars to be delivered per specifications in bid; seconded by Councilman H. C. Evans. Motion carried.

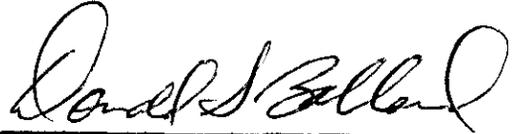
January 2, 1973

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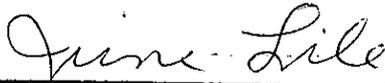
There was discussion concerning the date for the adjourned Council meeting in view of a January 15th hearing on Tomahawk Reservoir by the Corps of Engineers. Councilman H. C. Evans moved that the date for the adjourned meeting be established as January 22, 1973; seconded by Councilman Aalbregtse. Motion carried.

#2630

At 11:10 p.m., on motion by Councilman W. E. Evans, seconded by Councilman Bruns, the meeting adjourned to Monday, January 22, 1973, 7:30 p.m.



Mayor



Council Reporter

Attest:



City Clerk



January 22, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p. m. on Monday, January 22, 1973, in the City Hall, 9615 Lee Boulevard. Roll call was answered by Councilmen Aalbregtse, H. C. Evans, Eddy, Judd.

In the absence of both the Mayor and the President of the Council, Councilman H. C. Evans moved that Councilman Judd act as President of the Council and preside at the meeting; seconded by Councilman Aalbregtse. Motion carried.

Councilman W. E. Evans entered the meeting at the completion of the motion.

Councilman Judd took the chair. The invocation was given by Councilman W. E. Evans.

#13

Appointment of Councilman, Ward 1: Councilman Eddy reported that it was the consensus of the committee consisting of the Mayor, President of the Council and himself as the remaining councilman in Ward 1, to submit for approval the name of D. A. N. Chase, 8005 Manor Road, as Councilman, Ward 1. Councilman Eddy reviewed Mr. Chase's qualifications. Councilman Eddy moved that D. A. N. Chase be appointed as Councilman, Ward 1, to fill the unexpired term of Donald S. Ballard (elevated to the position of Mayor); seconded by Councilman H. C. Evans. Motion carried unanimously. Councilman Judd requested that the City Clerk notify Mr. Chase that he would be sworn in at the next Council meeting.

#40

Minutes - Meeting of December 28, 1972: On motion by Councilman H. C. Evans, seconded by Councilman W. E. Evans, the minutes of the meeting of December 28, 1972, were approved as submitted.

#42

Minutes - Meeting of January 2, 1973: On motion by Councilman H. C. Evans, seconded by Councilman Aalbregtse, the minutes of the meeting of January 2, 1973, were approved as submitted.

Visitors: Member of the Press: Bob Savino.

OLD BUSINESS:

#45

Application for Cereal Malt Beverage License - Gates & Sons Barbeque: City Attorney Winn stated the application had been made in the name of John W. Stevens, 8317 High Drive; that the applicant had been investigated and no problems found; and that the application was properly filled out and the fee paid. On motion by Councilman W. E. Evans, seconded by Councilman Aalbregtse, the application was approved.

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#58

Request for Authority to Lease Car for Director of Public Works-City Administrator: Councilman Eddy requested that the matter be deferred to the next meeting since the Chairman of the Public Works Committee was not present.

#68

Report on Tax Rates in Johnson County: City Treasurer Hansel noted that a report in the Kansas Government Journal revealed that Leawood had the lowest total mill levy of any city in Johnson County. He distributed copies of the tabulation.

#83

Sidewalk at Somerset Drive and Lee Boulevard: Councilman Eddy inquired about progress on his request that something be done to make the sidewalk safer at Somerset and Lee Boulevard. The matter was discussed and Councilman H. C. Evans moved that the matter be submitted to the Public Works Committee and that they be requested to submit a recommendation to the Council at the next meeting, one which hopefully the Public Safety Commission would also have reviewed and be in agreement with; seconded by Councilman W. E. Evans. Councilman Judd requested that Public Works delineate the boundary between Prairie Village and Leawood at that intersection. Motion carried.

#130

Report from Insurance Committee: Councilman W. E. Evans reported a letter had been received from Haas-Wilkerson stating that the City would be protected under the umbrella policy for damage caused by blasting. Councilman W. E. Evans suggested that specific wording in blasting permits be reviewed by the City Attorney. Councilman W. E. Evans reported that police officers called in from other cities in the event of an emergency would be covered. He said a number of policies for the \$1,000,000 umbrella had been reviewed, and that he had bound the insurance with Great American at an annual premium of \$675, the lowest bid. He said he felt a \$2,000,000 umbrella was more than the City really needed and the additional premium was tremendous. Councilman W. E. Evans reported the City already had the minimum underlying limits for the umbrella coverage.

NEW BUSINESS:

#158

Coordination with Homes Associations - Clean Up after Ice Storm: Councilman Judd stated he had had numerous calls relative to the number of branches that were down and when the City was going to pick up the branches. He said it was his understanding that the homes associations were out a few days after the ice storm and the big branches down within the rights-of-way had been picked up. He said the homes associations had taken the position that their responsibility ended with the clean up from the rights-of-way, and they could not be responsible for any additional limbs from other parts of yards. Councilman Judd asked if the Public Works Department could consider dispatching a truck to pick up branches people might get out to the edge of the street. Councilman Eddy said he did not feel this was basically a City Government function. Mr. Yelton said the Public Works

Department had neither the facilities nor the manpower to do this, and no money to hire an outside contractor to do it. The matter was discussed. Councilman Judd suggested that the Press be requested to publicize the City's position that it could not pick up branches which had fallen on private property, even if they had been dragged onto public property; that their removal was the responsibility of the individual homeowners and the homes associations.

#232

Letter of City Attorney to Attorney for IPSA: Councilman Judd confirmed that all councilmen had received a copy of City Attorney Winn's letter to the attorney for IPSA.

#235

Ordinance Relating to Civil Service - First Reading: Councilman Judd presented the ordinance for first reading. The City Attorney had reviewed the draft presented. The ordinance was discussed in detail and the following revisions made:

Councilman W. E. Evans moved that the third paragraph under Section 3, OATH OF OFFICE, be amended by replacing the last period with a comma and adding the phrase "the cost thereof to be borne by the City." Seconded by Councilman H. C. Evans. Motion carried.

#273

Section 5, CLERK AND RECORDS, was discussed. Councilman H. C. Evans moved that the Ordinance Committee be requested to add a Section 7 to the ordinance which would require the Commission to submit an annual budget which would be carried within the Administrative portion of the General Operating Budget and be identified on a separate line item; seconded by Councilman W. E. Evans. Motion carried, Councilman Judd opposed.

#298

On motion by Councilman W. E. Evans, seconded by Councilman Eddy, Section 2, page 1, was amended by adding "one alternate to be appointed on an annual basis".

#330

Section 9, APPLICANTS, was discussed. Following withdrawal of a motion, Councilman Eddy moved that the Ordinance Committee add a standard governmental ten point veterans preference paragraph under the heading of APPLICANTS; seconded by Councilman W. E. Evans. Motion carried; Councilman H. C. Evans opposed.

#385

Section 10, reference signing agreement to submit to a lie detector test, was discussed at length. Councilman Eddy moved that Section 10, BLANKS, be amended so that the last sentence thereof read in effect: "All applications shall contain an agreement by the applicant that if requested at any time by the Commission, upon written request of their respective chief, upon evidence of a serious offense committed, said applicant will submit to a lie detector test." Seconded by Councilman Aalbregtse. Motion carried.

#545

Councilman W. E. Evans moved to strike from Section 11, line 6, the words "frequent or habitual"; seconded by Councilman Aalbregtse. Motion carried.

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#595

Councilman W. E. Evans moved that the word "habitual" be stricken from Section 20, REJECTION OF CANDIDATES, subsection (c); seconded by Councilman Eddy. Motion carried.

#600

Section 27, FILLING VACANCIES, was discussed, and it was agreed that it remain as submitted.

Section 39, RULES GOVERNING REMOVALS AND SUSPENSIONS - MANAGEMENT CLASS: Councilman W. E. Evans moved that the words "and from that decision there shall be no appeal" be stricken from the end of the paragraph and the following be added, "and by a majority vote of the full Council determine the appeal, and the Mayor shall have no vote." Seconded by Councilman Aalbrektse. Motion carried.

#799

Councilman Eddy moved that the Council adjourn no later than 10:00 p.m.; seconded by Councilman W. E. Evans. Motion carried.

#845

City Attorney Winn suggested that a savings clause be added as Section 44 of the Civil Service ordinance wherein the finding of one of the sections to be null and void shall not void the entire ordinance.

#850

Upon motion by Councilman Aalbrektse, seconded by Councilman H. C. Evans, Section 36, TIME OF SERVICE, was stricken from the ordinance.

#948

Hospitalization Program - Anniversary Date: Councilman W. E. Evans moved that the anniversary date of the hospitalization policy be changed from December 1 to January 1; seconded by Councilman Aalbrektse. Motion carried.

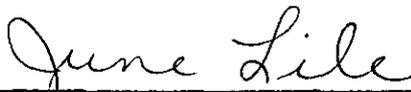
#954

Request for Permission to Solicit - Kansas Heart Association: The application was discussed. Councilman H. C. Evans moved that the request be approved contingent upon the names and addresses of the solicitors being furnished prior to solicitation; seconded by Councilman W. E. Evans. Motion carried.

#969

At 9:56 p.m., on motion by Councilman W. E. Evans, seconded by Councilman Judd, the meeting adjourned to Monday, February 5, 1973, 7:30 p.m.

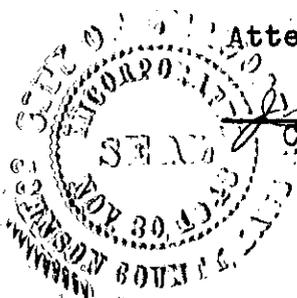
  
Acting President of the Council

  
Council Reporter

Attest:

  
City Clerk

1548



Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, February 5, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Conklin, H. C. Evans, W. E. Evans, Judd.

The invocation was given by Sister Marie Coleman.

#980 Oath of Office to Councilman, Ward 1: The City Clerk administered the Oath of Office to D.A.N. Chase as Councilman, Ward 1, to fill the unexpired term of Donald S. Ballard.

#990 Minutes: On motion by Councilman Judd, seconded by Councilman H. C. Evans, the minutes of the meeting of January 22, 1973, were approved as submitted.

Visitors: Sister Marie Coleman, Mrs. Robert S. Woodward, Mike Whitsitt, Ralph Cowan. Member of the Press: Bob Savino.

#### REPORTS

#998 Treasurer: Mr. Hansel's report was submitted and approved on motion by Councilman H. C. Evans, seconded by Councilman W. E. Evans.

#1002 On motion by Councilman Conklin, seconded by Councilman H. C. Evans, the order of the agenda was changed to consider the matter of consent to enlarge sewer sub-district at this time.

#1009 Request for Consent to Enlarge Sewer Sub-District: Mike Whitsitt presented the request of the Marshall Long family for consent of the Council to have the remainder of their land taken out of Tomahawk Creek Sewer District No. 5 and placed into Indian Creek Sewer District No. 5. Mr. Whitsitt said it would serve Mr. Long's needs better to have the entirety of his land placed within Indian Creek Sewer District No. 5 because that district likely would be developed the fastest. Mr. Whitsitt referred to a letter he had written the Council and corrected the statement that the Council must approve the change. He said Council approval was not required but was desirable. The request was discussed. Mayor Ballard said he had investigated the matter rather thoroughly; that he had satisfied himself that it had no impact on Tomahawk Reservoir; and that it had no bearing on sewer service in Leawood. Mr. Whitsitt said the land was zoned residential. There was some question concerning a manufacturing plant on the land and whether or not it was still in operation. The City's land use plan approved in 1969 was examined. Councilman H. C. Evans moved that the Council give its consent to the change as outlined in Mr. Whitsitt's letter of February 1, 1973; seconded by Councilman Conklin. Motion carried. A form of resolution was referred to the City Attorney for recommendation at the next meeting.

#1198

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- #1211 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman W. E. Evans, seconded by Councilman Judd.
- #1215 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman W. E. Evans.
- #1217 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman W. E. Evans.

COMMITTEE AND COMMISSION REPORTS

- #1219 Budget & Finance: As a matter of information, Councilman H. C. Evans reported the City had received its first check from Telecable for franchise fee in the amount of \$84.94. He said a report on cable television would be on the agenda of the next meeting. On motion by Councilman W. E. Evans, seconded by Councilman Conklin, the report was approved.
- Intergovernmental Cooperation and Community Affairs: No report.
- #1234 Ordinance - Discussion of Ordinance Relating to Civil Service: Councilman Judd stated the changes requested at the last Council meeting had been made in the draft submitted, and he moved for approval of second reading of the ordinance. Councilman H. C. Evans said he felt the Civil Service ordinance would encourage mediocre job performance and he planned to vote against it. During discussion of the ordinance, Chief Blume stated most policemen would look forward to Civil Service as a step forward in professionalizing their department. Councilman W. E. Evans said he would like to see the ordinance include the Chief of Police and the Administrative department. The role of the department chiefs under the ordinance was discussed. Chief Blume said the ordinance removed a certain degree of independence by the chief in personnel strategy but he did not feel that would be detrimental. Chief Toman said the ordinance complicated dealings with the men, and that deletion of the mandatory nine months in a position before promotion eliminated some of the protection for the men. The power of the chiefs, with the consent of the Civil Service Commission, to promote a man on an acting or temporary basis was discussed. Chief Toman questioned whether the City was large enough for Civil Service, and said if he had a vote at this time he believed he would vote against it. Following further discussion, Mayor Ballard suggested that the ordinance be returned to committee. Councilman W. E. Evans moved to table the Civil Service ordinance until the February adjourned meeting, seconded by Councilman Conklin. Motion carried.
- #1395
- #1570
- #1580 Parks: No report. Recommendation concerning transition to a recreation commission to be on the agenda of the first meeting in March.

#1602

Plan Commission - Resolution No. 279 - Requesting the Department of Economic Development, State of Kansas, to Retain the City's Eligibility Status to Receive 701 Planning Assistance Funds: Councilman Conklin explained that the resolution was required by the Department of Economic Development to make it a matter of record that the City was interested in receiving 701 funds for comprehensive planning. Charles Troppito stated the resolution submitted should be amended by adding the word "equal" so the concluding phrase would read "in the amount equal to any unspent or unused portion of said 701 Funds during said agency's 1972 fiscal year." Councilman Conklin moved that the Council adopt Resolution No. 279 as modified; seconded by Councilman H. C. Evans. Councilman W. E. Evans said he was basically opposed to Federal assistance because usually there were some strings at the end of it, and the City should be able to finance its own studies and anything else the citizens would like to have. Motion carried, Councilman W. E. Evans opposed. A copy of Resolution No. 279 is attached hereto as part of the record.

#1625

#1648

Public Safety: No report.

#1650

Public Works: Mayor Ballard cited roads in the southern part of the City that were in very bad condition. He said \$6,000 was budgeted for materials for 1973, that \$2,500 had been spent (including \$1,000 from last year's budget) and a lot of improvement made but it was a dismal situation as far as being able to bring the roads up to the level some of the people want within the budget. He said the grader would work in the area and a small amount of gravel would be added to the center of the roads. Councilman Judd called attention to the chuck-hole situation over the City. Mr. Troppito was requested to call Dennis Garrett of Overland Park concerning chuckholes on the south side of 95th Street. Mayor Ballard stated the Public Works Department was preparing to put out for bids on a new dump truck.

Sewer: No report.

#1777

MAYOR'S REPORT: Mayor Ballard requested an executive session to approve personnel status forms at the end of the meeting.

OLD BUSINESS

Request for Action - Roads in South Leawood: Group did not appear.

#1783

Report from Building Committee: Councilman Conklin reported negotiations with the apparent low bidder on the police-courts building were well under way but not yet complete; that Mr. Granstedt was giving the contractor the revised sections as they were completed and the contractor was proceeding with new bids; that Mr. Granstedt believed the contractor's price on the revised plans would be ready by the next meeting of the Council. Councilman Conklin presented a statement dated

February 5, 1973

#1820 January 10, 1973, from John Granstedt in the amount of \$8,599.12 for architect's fee due at completion of working drawings. Councilman Conklin stated \$7,000.00 had already been paid and additional work would be covered by the addendum to the contract. Councilman Conklin moved that the Council approve payment of the invoice to John Granstedt in the amount of \$8,599.12; seconded by Councilman H. C. Evans. Motion carried.

#1835 Contract for Rodent Control: Mayor Ballard read a proposal from Allied Exterminators, Inc. for rodent control for 1973 at \$550.00, and to inspect and/or bait any city easement on a complaint basis at \$10.00 per man-hour expended. Councilman Judd moved that the contract be approved; seconded by Councilman Conklin. Motion carried.

#1865 Resolution No. 280 - Providing for Installation of 26 Additional Street Lights - Verona Gardens and Leawood South: On motion by Councilman H. C. Evans, seconded by Councilman Judd, the following resolution was adopted:

RESOLUTION NO. 280

"BE IT RESOLVED that the Mayor be authorized to sign Resolution No. 22 under Ordinance No. 264 providing for additional street lighting in the City of Leawood, Kansas, to be paid for from the City's reserve fund with the Kansas City Power and Light Co. (26 additional street lights in Verona Gardens and Leawood South)."

#1900 Appointment of Chief Building Official: Mayor Ballard proposed the appointment of John Granstedt as Chief Building Official for the unexpired term of Donald Yelton. On motion by Councilman Conklin, seconded by Councilman Judd, the appointment was confirmed.

#1910 Appropriation Ordinances: Councilman W. E. Evans stated for the record that he believed the appropriation ordinances were not reviewed as they should be, that the Council was spending money without really knowing just where it was going, and that he felt it should be looked into more thoroughly than it has been in the past. Mayor Ballard said bills were approved by department heads before a check was written and he felt the system was a good one. Following discussion of the item for telephone expense, Appropriation Ordinances Nos. 312A and 302S in the amounts of \$64,481.29 and \$5,725.43, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were approved on motion by Councilman H. C. Evans; Councilman W. E. Evans abstained.

#1960 On motion by Councilman Judd, duly seconded, the Council adjourned to executive session at 9:33 p.m. to consider employee status forms.

February 5, 1973

The Council returned to regular session at 9:50 p.m. The same councilmen were present.

Employee Status Forms: On motion by Councilman Conklin, seconded by Councilman Judd, the termination of employment of Buster Hartman, effective January 19, 1973, was approved.

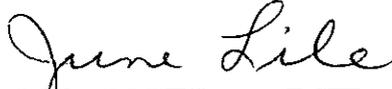
On motion by Councilman W. E. Evans, seconded by Councilman Judd, the resignation of Donald Yelton, effective March 1, 1973, was accepted.

At 9:52 p.m., on motion by Councilman Judd, seconded by Councilman Conklin, the meeting adjourned to Monday, February 19, 1973, 7:30 p.m.

#1978

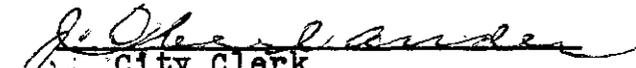
  
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Mayor

  
\_\_\_\_\_

Council Reporter

Attest:

  
City Clerk  


February 19, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, February 19, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Conklin, H. C. Evans, Eddy, Bruns, Judd.

#2062

Minutes: On motion by Councilman Judd, seconded by Councilman Conklin, the minutes of the meeting of February 5, 1973, were approved as submitted.

Councilman Chase entered the meeting as the minutes were approved.

#2070

Visitors: Joe Middleton, Mike Whitsitt. Members of the Press: Bob Savino and Gary Burge.

OLD BUSINESS

#2083

Purchase of Land - Fire Station No. 2: Councilman Judd moved that the matter be removed from the agenda without action, for consideration at a later date; seconded by Councilman H. C. Evans. Motion carried.

#2088

Resolution No. 281 - Consent to Enlarge Indian Creek Sewer Sub-District No. 5: Mike Whitsitt stated the matter was set for public hearing by the County on March 9. Councilman H. C. Evans moved for adoption of Resolution No. 281 as attached to Mr. Whitsitt's letter to the Council dated February 1, 1973; seconded by Councilman Bruns. Resolution adopted; Councilman Aalbregtse opposed. A copy is attached hereto and made a part of the record.

#2143

TeleCable Report: Councilman H. C. Evans reported that TeleCable of Overland Park had requested an extension of twelve months from the March 6th deadline for construction. He said TeleCable planned to complete aerial installation north of I435 by the March 6th deadline; the portions that would not be completed were all that south of I435 and the part north of I435 where utilities were underground. He said the reasons for the request were that it would be undesirable to go into yards and do trenching work in light of recent weather conditions, and that the cable route south of I435 would be affected if Tomahawk Reservoir were built. Councilman H. C. Evans reported it was the opinion of the Cable Television Committee that the request for twelve month extension should not be granted, but rather that a six month extension be granted, with the suggestion to TeleCable that a further extension be requested for the portion south of I435 if needed at that time. On motion by Councilman H. C. Evans, seconded by Councilman Bruns,

February 19, 1973

a six-month extension of the deadline for construction was granted TeleCable of Overland Park. Councilman H. C. Evans stated TeleCable had indicated they would advertise for subscribers in local papers and use inserts within papers being delivered in the City. The City Clerk was requested to notify TeleCable of the extension.

#2213

Report from Building Committee: Councilman Conklin stated the Committee did not as yet have the final figure from the contractor on the police-courts building. John Granstedt reported all the bids were in, the plumbing bid being received today, and that he hoped to have the final breakdown by the end of the week. Councilman Conklin said the plans would be in shape to put out for bids if the Council did not accept the negotiated price. Mr. Granstedt stated the Building Committee would need to meet before the next Council meeting. Mayor Ballard emphasized the need to get the building finalized because other items were being held up. Mr. Granstedt said there had been some tremendous increases in building costs in the last two weeks. Councilman Conklin said he hoped to have a Building Committee meeting the first of the week, to be ready for the Council meeting of March 5.

#2289

Report from Plan Commission re Comprehensive Land Use Plan: Plan Commission Chairman Eugene Alt pointed out that two-thirds of the area of the City was undeveloped, that the City's population was projected to triple by 1990, and that without a comprehensive land use plan the Plan Commission and the Council did not have the tools to guide them in proper development of the City on a long-range basis. He said the Plan Commission hoped to start interviews within two weeks to select a planning consultant to make a comprehensive study for the City. He said the Plan Commission would make its recommendation to the Council on the consultant, along with an appropriate contract. Mr. Alt explained the elements of a comprehensive plan, including (1) base maps, (2) economic study, (3) population study, (4) existing land use study, (5) future land use plan, (6) major thoroughfare study, (7) community facilities, (8) review of zoning and subdivision regulations, (9) capital improvements program, and (10) the comprehensive plan. He said it would take most of a year to develop such a plan, and that it would cost a minimum of \$16,000 (assuming the City makes a major contribution of work under the supervision of the planner). Mr. Alt said \$10,000 was allotted for this purpose in the 1973 budget and \$5,000 from 701 Planning Funds (which expires on July 1). Mr. Hansel added there were some uncommitted funds which the Council had not released pending determination of the cost of the police building. During discussion of the comprehensive land use plan, City Attorney Winn emphasized the need for the plan to obviate spot zoning. Lack of zoning in the southern areas of the City was discussed. Councilman Eddy requested that a recommendation by the Plan Commission be made to the Council by the April 2nd meeting reference possible R-1 zoning for the entire unzoned area until the

#2757

comprehensive plan is completed. Councilman Conklin suggested that continuity of funding to keep the comprehensive plan up-to-date might be accomplished by having a specific item for it included in subsequent Plan Commission budgets. On motion by Councilman Aalbrecht, seconded by Councilman Bruns, the report of the Plan Commission was accepted.

#2855

Civil Service Ordinance (First Reading): Councilman Judd reported the civil service ordinance had been discussed again by the Public Safety Commission and the consensus was to resubmit the civil service ordinance as presented at the last meeting with the exception that all reference to the Fire Department and Fire Chief be deleted, so that the civil service ordinance would apply only to the Police Department. A draft deleting the Fire Department had not been prepared. Following discussion, Councilman Judd moved that this be considered a first reading of the civil service ordinance pertaining to the Police Department exclusively, and that all reference to the Fire Department be deleted from the ordinance; seconded by Councilman Bruns. Following further discussion, motion carried.

#2907

## MAYOR'S REPORT

Commendation to Public Works Department: Mayor Ballard, Chief Blume and Councilman Bruns commended the Public Works Department for their efficiency in getting the recent snow off the streets and for their spirit of cooperation.

#3034

Authorization for Appraisal on Tract "H": Mayor Ballard said he had distributed copies of a letter regarding inquiry concerning Tract "H" and as a result he recommended that an appraisal be made of the value of that property. On motion by Councilman Bruns, seconded by Councilman Conklin, the sum of up to \$300 was authorized for the purpose of obtaining an appraisal on Tract "H".

#3060

Appointment to Fill Vacancy on Plan Commission: Mayor Ballard proposed the appointment of Ben Rockey to fill the vacancy on the Plan Commission, explaining that Mr. Rockey had served on the Plan Commission previously. On motion by Councilman Bruns, duly seconded, the appointment was approved.

#3089

Approval of Contract re Sewer Connection Accounting: Mayor Ballard explained an agreement had been reached with Kroh Brothers on accounting for all except 125 sewer connections. The City Attorney read the proposed agreement. Following discussion, Councilman Bruns moved that the agreement be approved with correction of a typographical error; seconded by Councilman Judd. Motion carried.

#3213

Request re Investment of Funds: A request from a financial institution in the City that their facilities be used for investment of City funds was referred to the Budget & Finance Committee.

#3300

## NEW BUSINESS

#3326

Purchase of Truck - Public Works Department: Mayor Ballard stated the department budget included \$6,000 for new equipment. He presented bids received on a single axle truck, as follows:

Westfall G M C	\$5,947.00
Clasen Morse Chevrolet	\$6,221.00
Schlozman Ford	\$5,981.00
Ray Smith Ford	\$6,037.99
Andy Klein	\$6,068.00
Southtown Ford	\$6,755.00
Clay County G M C	\$6,009.00

#3455

There was a short recess to reverse the recording tape.

Tape No. 22

Side 2

#1

Purchase of Truck - Public Works (continued): Mayor Ballard recommended that the bid of Westfall G M C be accepted. On motion by Councilman Conklin, seconded by Councilman Bruns, the bid of Westfall G M C in the amount of \$5,947.00 was accepted; Councilman Eddy opposed.

#18

Request for Permission to Solicit - Kansas City Association For Retarded Children: On motion by Councilman H. C. Evans, seconded by Councilman Bruns, the request was approved.

#22

Resolution No. 282 - Installation of Stop Signs - 105th and Lee Boulevard: Councilman Judd reported that the Public Safety Commission and Chief Blume recommended the installation of four-way stop signs at 105th and Lee Boulevard. On motion by Councilman Bruns, seconded by Councilman H. C. Evans, Resolution No. 282, authorizing the stop signs, was approved. A copy of the resolution is attached hereto and made a part of the record.

#30

Resolution No. 283 - Installation of Stop Sign - Intersection of High Drive and Overbrook Road (Leawood South Country Club): Councilman Judd reported it was the recommendation of Chief Blume and the Public Safety Commission that a stop sign be installed for northbound traffic at the intersection of High Drive and Overbrook Road. On motion by Councilman Judd, seconded by Councilman Conklin, Resolution No. 283, authorizing the stop sign, was adopted. A copy is attached hereto and made a part of the record.

#37

Councilman Judd moved for an executive session to consider employee status forms; seconded by Councilman Bruns. Motion carried.

The Council adjourned to executive session at 9:30 p.m.

The Council returned to regular session at 9:33 p.m. The same councilmen were present.

Employee Status Forms: On motion by Councilman Eddy, seconded by Councilman Judd, the following pay increase was approved:

Dana Becker, Public Works Department laborer, rate increase from \$3.42 per hour to \$3.60 per hour.

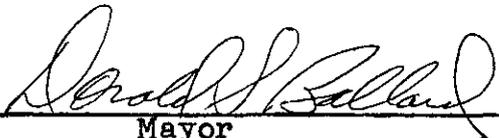
#43

On motion by Councilman Eddy, seconded by Councilman Aalbrechtse, the following employment was approved:

Kelly Graves, Street and Public Works laborer, at the rate of \$3.42 per hour, effective January 29, 1973.

#48

At 9:35 p.m., on motion by Councilman Chase, seconded by Councilman Aalbrechtse, the meeting adjourned to Monday, March 5, 1973, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk  


March 5, 1973

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, March 5, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Conklin, H. C. Evans, Eddy, Chase, Bruns, W. E. Evans, Judd.

The invocation was given by Councilman W. E. Evans.

#55

Minutes: On motion by Councilman Bruns, seconded by Councilman Conklin, the minutes of the meeting of February 19, 1973, were approved as submitted.

Visitors: Mrs. Robert S. Woodward, E. E. Alt, Joe Middleton, D. J. Madison, William Waite. Members of the Press: Gary Burge and Bob Savino.

#65

Councilman Judd moved for a change in the agenda to discuss the police-courts building as the first item of business; seconded by Councilman W. E. Evans. Motion carried.

OLD BUSINESS

#75

Report from Building Committee - Police-Courts Building: Mayor Ballard explained that the Building Committee had the completed plans for the building and a firm price quotation from the contractor, and that the Budget & Finance Committee had been looking into the possibility of raising the necessary funds. Councilman Conklin showed the plans for the building. He explained that the plans were redesigned to put some finish work in the garage area in the basement for use as a council chamber to alleviate the need for an additional administrative wing for some time. He pointed out that the roof had been changed to wood shingles. Mr. Bill Waite, representing Pitman Construction Company, was in the audience. Councilman Conklin stated the Pitman Company had issued a new bid, after negotiations, of \$344,894.00 for the project. He said total project cost, including builders' risk insurance, building permit, fuel tank, generator installation, cells, and architect's fee would be \$380,927.00. Councilman Conklin said the bid was still lower than the second-lowest bid on the original plans. Mr. Waite stated they were able to save \$29,679.00 on the original bid in site work, etc., that \$36,293.00 was added on the revised plan, for a net addition of \$6,614.00 (for which the City was getting an additional 390 square feet of new building and an additional 1,482 square feet finished. He said the costs reflected a number of increases in labor scale as of April 1. Councilman H. C. Evans reviewed sources of funding for the building from a sheet distributed to the Council. He recommended that the estimate for 1973 revenue sharing

#185

March 5, 1973

and proceeds from sale of Tract H be deducted, leaving \$282,430 to apply against the total project cost of \$380,927. He reviewed a list of 1973 budgeted items, funds for which could be transferred to the building. He said there were at least three alternatives: (1) To make an appearance before the Board of Tax Appeals for permission to spend any money realized from the sale of Tract H; (2) To not finish the basement at all and abandon the Civil Defense grant, and (3) To make some attempt to split the building into two separate jobs which could be contracted in each of two different years. City Attorney Winn stated he had been exploring a marginal possibility of a trade of Tract H. The alternatives were discussed. Mr. Waite said his bid would be good for thirty days. Councilman W. E. Evans moved that the plans be accepted as presented; seconded by Councilman Judd. Motion carried. The Council discussed obtaining an extension of the option to purchase land for Fire Station No. 2. Chief Toman stated deletion of funding for three firemen would hurt tremendously. Chief Blume stated the need for a detective was graphic. The Council further discussed funding and procedure.

#237

#274

#424

Resolution No. 284 - That Tract H be Deemed to be Surplus Property, that the City be Authorized to Convey Tract H by Public or Private Sale, and that Services of an Appraiser be obtained to Appraise Tract H: Councilman Bruns moved for adoption of Resolution No. 284 with correction of a typographical error; seconded by Councilman W. E. Evans. Resolution No. 284 was adopted unanimously. A copy is attached hereto as part of the record. The Council discussed making the sale contract contingent upon Board of Tax Appeals granting permission to spend proceeds.

#445

#394

Resolution No. 285 - Authorizing City Attorney to go to Board of Tax Appeals for Permission to Spend Money Which may be Received from the Sale of Tract H: On motion by Councilman Eddy, seconded by Councilman W. E. Evans, Resolution No. 285 was adopted. A copy is attached hereto as part of the record.

#485

Mayor Ballard requested an executive session at the end of the regular agenda to discuss with Mr. Waite a possibility relative to funding of the building.

#500

Councilman Eddy moved that the request for permission to keep three dogs on the premises be moved to the next item of business; seconded by Councilman W. E. Evans. Motion carried.

#505

Request for Permission to Keep Three Dogs on Premises: Mayor Ballard read a letter from D. J. Madison requesting permission to keep three dogs at his residence at 9222 Belinder. Following discussion, Councilman W. E. Evans moved to table the matter until letters could be sent out

March 5, 1973

to neighbors within 600 feet asking if there was any reason this permission should not be granted; seconded by Councilman H. C. Evans. Following discussion, Councilman W. E. Evans amended his motion to simply move to table; seconded by Councilman H. C. Evans. Motion carried by vote of 4 to 3. The Clerk was requested to send the letters specified. Councilman H. C. Evans moved that Mr. Madison be given temporary permission to keep three dogs until the report has come back; seconded by Councilman W. E. Evans. Following discussion, motion carried.

#559

#### REPORTS

#585

Treasurer: Mr. Hansel's report was submitted and approved on motion by Councilman Bruns, seconded by Councilman Conklin.

#590

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Bruns, seconded by Councilman W. E. Evans.

#592

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Conklin, seconded by Councilman Bruns.

#594

Public Works Department: Mayor Ballard reported that everything seemed to be going very smoothly in the department and that he had requested that the report be dispensed with due to personnel shortage. Report approved on motion by Councilman Bruns, duly seconded. Councilman W. E. Evans suggested that Bill Gray be invited to attend council meetings.

#605

Police Department: Chief Blume's report was approved on motion by Councilman Judd, seconded by Councilman Bruns.

#### COMMITTEE AND COMMISSION REPORTS

#607

Budget & Finance: Councilman H. C. Evans reported the auditors would be in to make the annual audit in two weeks. On motion by Councilman W. E. Evans, seconded by Councilman Bruns, the report was approved.

#610

Intergovernmental Cooperation and Community Affairs: No report.

Ordinance: Councilman Bruns called attention to an article in The Reader's Digest entitled "A Plan to Use our Floods Not Fight Them".

#615

Letter of Grievance: Councilman Bruns moved that a letter of grievance be sent to Mrs. J. William Barry, 10504 Meadow Lane, sister of U. S. Ambassador Cleo A. Noel, Jr. killed by Palestinian guerrillas at Khartoum, Sudan; seconded by Councilman W. E. Evans. Motion carried unanimously.

#620

Park Commission: Councilman Conklin announced there would be a Park Commission meeting Wednesday evening to discuss

March 5, 1973

transition to a recreation commission.

#627

Plan Commission - Report on Possible R-1 Zoning for Southern Part of City: Plan Commission Chairman Eugene Alt said the Plan Commission felt blanket zoning of the south end of the City as R-1 would not be in the best interests of the City and that the zoning should be left open until the comprehensive plan was completed. City Attorney Winn suggested that present general prohibitions for residential districts be extended to any district in the City. The Plan Commission will refer this to the Ordinance Committee. He said the requirements for building permits as well as filing plats were added protection. On motion by Councilman W. E. Evans, seconded by Councilman Bruns, the report was approved.

#675

Public Safety: No report.

Public Works: No report.

Sewer: No report.

NEW BUSINESS

#680

E. E. A. Funding for Charles Troppito's Salary: Mayor Ballard read from a letter dated February 16 from the E.E.A. Program Director for the Johnson County Area stating that individuals would be allowed a maximum of sixty-eight weeks in the program and, therefore, the City of Leawood must either hire Mr. Troppito as a permanent employee or terminate him as of March 1, 1973. Mayor Ballard stated Mr. Troppito's salary was funded in the 1973 budget. Mayor Ballard stated further that the City had an opportunity to apply for more positions and that applications had been drawn up for an administrator and a patrolman in the Police Department and a fire inspector in the Fire Department.

#715

Request from CARIH for Change in Period of Solicitation: Mayor Ballard stated CARIH had notified the City they were hiring a professional solicitor and changing the dates of the solicitation. Following discussion, Councilman Bruns moved that Children's Asthma Research Institute & Hospital resubmit their application on the City's form for Council approval since there were changes in dates, the fund-raising company, and the overhead percentage; seconded by Councilman Chase. Motion carried.

#737

Appropriation Ordinances: Nos. 313A and 303S in the amounts of \$152,523.94 (including investments of \$100,000.00) and \$111,063.11 (including investments of \$100,000.00), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were approved on motion by Councilman Bruns. Councilman W. E. Evans abstained.

#751

Councilman Bruns moved that the Council go into executive session to discuss the police-courts complex; seconded by

March 5, 1973

Councilman Conklin. Motion carried.

The Council adjourned to executive session at 9:25 p.m.

The Council returned to regular session at 10:00 p.m. The same councilmen were present.

#755

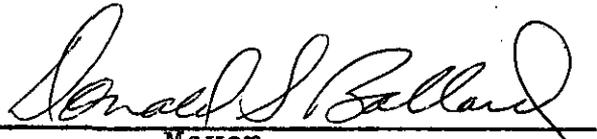
Authorization to Solicit Offers on Tract H: Councilman Bruns moved that the Mayor, the City Attorney, and the Chairman of the Building Committee be authorized by the Council by whatever means they deem most advisable to solicit offers on the property on 103rd Terrace, known as Tract H, which had been deemed surplus City property; seconded by Councilman Chase. Motion carried.

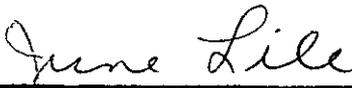
#766

Claim Against City re Sewer: A letter had been received by councilmen relative to a sewer problem. The Council agreed the City could not pay such claims unless willful negligence by a City employee was involved.

At 10:05 p.m., on motion by Councilman W. E. Evans, seconded by Councilman Bruns, the meeting adjourned to Monday, March 19, 1973, 7:30 p.m.

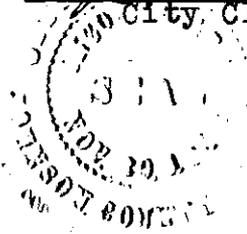
#793

  
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Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk



March 19, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, March 19, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Conklin, H. C. Evans, Eddy, Judd.

Minutes: On motion by Councilman Judd, seconded by Councilman H. C. Evans, the minutes of the meeting of March 5, 1973, were approved as submitted.

#801 Visitors: Sister Marie Coleman, Stella H. Kelly, Steve Kirke, Marvin P. Garner, Mr. and Mrs. Richard E. Weber, Clark Grimes, Joe Middleton, Bob L. Arnold, Edward J. Smith, Member of the Press: Bob Savino.

#812 Dog Problem: Steve Kirke, 9234 Belinder, expressed concern that the dog ordinance was not being enforced and described problems caused by the large number of dogs in his neighborhood. Marvin P. Garner, 2907 West 92nd Place, said dogs were loose in late evening and early morning. He objected to the Council granting permission for any resident to keep three dogs. The problem was discussed. Chief Blume said he would make a point of having Wolfgang Academy patrol the area in question early in the morning. The number of dog pick ups made by Wolfgang was discussed. Mayor Ballard suggested that Wolfgang activities be added to the monthly report of the Police Department.

Councilman Chase entered the meeting at 7:36 p.m. during discussion of the dog problem.

OLD BUSINESS:

#915 Report from Building Committee - Police-Courts Building - Sale of Tract H: Councilman Conklin referred to a memorandum distributed concerning notice of sale of Tract H. City Attorney Winn said the notice had been published in two newspapers and had been sent to ninety realtors; that bids would be opened on March 28; that the report of the professional appraiser was on hand; and that a hearing before the Board of Tax Appeals was docketed for March 29.

#947 Ordinance Relating to Civil Service Commission for the Police Department: Councilman Judd moved that the second reading of the civil service ordinance be tabled for further study and consultation with the Chief of Police; seconded by Councilman Aalbregtse. Motion carried.

#953 Request for Permission to Solicit Funds - CARIH: Since the revised application indicated 100 per cent of the amount collected would go to the asthma fund, Councilman Judd moved

March 19, 1973

that the revised application be approved as submitted; seconded by Councilman H. C. Evans. Motion carried.

#970

Ordinance No. 433 S - Relating to Acceptance of Deed Conveying to the City the South One-Half of 119th Street (at State Line) - Second Reading: Councilman Conklin explained the deed was to complete the right-of-way for 119th Street, and moved for adoption of the ordinance. Ordinance No. 433 S was unanimously adopted.

NEW BUSINESS:

#987

Kansas City Power & Light Easement - Leawood Park: Bob L. Arnold and Edward J. Smith of Kansas City Power & Light Co. explained the company's request for a ten foot easement for an overhead emergency feeder line parallel to an existing easement in Leawood Park. Maps of the area were displayed. Mr. Arnold explained an easement had already been acquired from Kroh Brothers, owner of the park property. Following discussion, Councilman H. C. Evans moved that the request for the easement be referred to the Park Commission; seconded by Councilman Conklin. Councilman Judd suggested that the Park Commission be provided with a copy of the easement from Kroh Brothers. Motion carried.

#1063

#1082

Request for Permission to Hold Walk-A-Thon - March of Dimes: Chief Blume said there seemed to be no problems with the Walk-A-Thon in the past. On motion by Councilman Judd, seconded by Councilman Conklin, the request was approved.

#1098

Report from Public Safety Commission: Councilman Judd requested an executive session at the termination of regular business to discuss employee status forms. Councilman Judd reported the Public Safety Commission had discussed various possibilities for improving traffic flow. He said there would be a tryout period for right turn on red after stop for north and south traffic on State Line at 103rd Street, and for right turn on red after stop eastbound on 83rd at State Line. Councilman Judd said the Commission was working with Kansas City, Missouri, on the problem at 89th and State Line and on coordination of lights along State Line.

#1115

Sidewalk at Somerset Drive and Lee Boulevard: Councilman Eddy asked the status of investigation into improving pedestrian safety at this intersection. Councilman Judd said the Public Safety Commission was still awaiting a recommendation from Public Works relative to the matter.

#1152

Councilman Conklin moved for an executive session for the purpose of considering employee status forms. The motion was seconded and carried.

The Council adjourned to executive session at 8:25 p.m.

The Council returned to regular session at 9:00 p.m. The same Councilmen were present.

March 19, 1973

Employee Status Forms: On motion by Councilman Judd, seconded by Councilman Conklin, the following increase in salary was approved:

Bill Gray, Public Works Superintendent, increase in salary from \$950 to \$1,000 per month, effective April 1, 1973.

#1160

On motion by Councilman Judd, seconded by Councilman Conklin, the following increase in salary was approved, the salary to be prorated between Administration, Parks, Plan Commission, and Public Works:

Charles Troppito, from \$725 to \$765 per month, effective April 1, 1973.

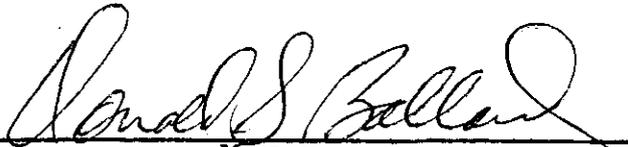
#1166

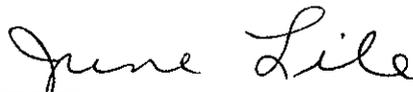
On motion by Councilman Judd, seconded by Councilman Aalbregtse, the following employment was approved:

Shirley R. Yockey, Police Clerk, at the rate of \$450 per month, effective February 26, 1973.

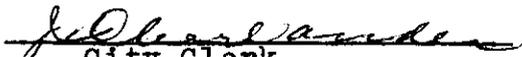
#1172

At 9:02 p.m., on motion by Councilman Judd, seconded by Councilman Conklin, the meeting adjourned to Monday, April 2, 1973, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk



April 2, 1973

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, April 2, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Conklin, H. C. Evans, Eddy, Chase, W. E. Evans, Judd.

The invocation was given by Councilman W. E. Evans.

#1186

Minutes: On motion by Councilman Judd, seconded by Councilman W. E. Evans, the minutes of the meeting of March 19, 1973, were approved as submitted.

Visitors: Sister Marie Coleman, Joe Middleton, Harvey Present, William A. Hutchings. Member of the Press: Bob Savino.

Letter from Mayor Ballard re 95th Street: William A. Hutchings referred to a letter sent to residents of Leawood by Mayor Ballard, and asked whether the letter was intended to be an informative letter from the City administration or whether it was to be a campaign letter from a candidate for mayor, and who paid the postage. Mayor Ballard replied he sent the letter out on his own, that it was an informative letter from him, and the City had nothing to do with it.

#### REPORTS

#1228

Treasurer: Mr. Hansel's report was submitted and approved on motion by Councilman H. C. Evans, seconded by Councilman Eddy.

#1234

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman H. C. Evans.

#1240

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman H. C. Evans. Chief Toman reported on the status of the application for E.E.A. personnel. He said the County had approved a fire inspector for Leawood, maximum salary \$650 per month, for eighteen months. Chief Toman reviewed the requirements of the grant and the matter was discussed. Chief Toman stated the addition of the fire inspector would not alleviate the need for three additional firemen included in the budget. Councilman Judd moved that the Council authorize Chief Toman to proceed with hiring a fire inspector to meet the requirements as specified in the E.E.A. grant; seconded by Councilman W. E. Evans. Motion carried.

#1385

#1394

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman W. E. Evans. Chief Blume commented that the report

reflected the highest number of drug arrests in one month in history, and that Wolfgang Academy activities had been added to the report.

#1410

Public Works: Will Gray's report was submitted. Mayor Ballard reviewed difficult situations in the department, including sewers, storm drainage, roads in south Leawood, and chuckholes. Councilman Eddy presented photographs showing slides in a creek and asked that the Council decide whether the City should spend a little time to help that situation. He also said there was a lot of water coming out of the sanitary sewer lines, up through manholes and into backyards, creating a problem for property owners.

#1502

Councilman Eddy moved that the Public Works Department be authorized to clean up the mess on the sewer easements from the overflow and manholes in the sewer system, do necessary sanitizing, and take steps necessary to return the property to its approximate condition before the recent problems; seconded by Councilman Judd. Mayor Ballard said the department had always done this clean-up work. Following discussion, motion carried. Councilman Eddy moved that under the approval of the Public Works Commissioner in every case, the Public Works Department be authorized by the Council to take care of slides in creeks in circumstances of abnormal weather.

#1547

There was discussion that the Council had no right to spend general operating funds on private property. Motion died for lack of a second. Councilman Eddy mentioned a rat problem in the creek area. Charles Troppito was requested to call Prairie Village to look into the rat problem in that city's portion of the stream. Will Gray reviewed the report of activities of the Public Works Department. Mr. Troppito was asked to contact Prairie Village regarding the condition of a portion of 83rd Street.

#1605

COMMITTEE AND COMMISSION REPORTS

#1668

Budget & Finance: Report deferred until after the Building Committee report.

Intergovernmental Cooperation and Community Affairs: No report.

Ordinance - First Reading of Ordinance Relating to Parks and Recreation Commission: Mayor Ballard explained that the Recreation Commission must be officially appointed in time for the commission to establish its budget for approval along with the City budget for 1974. City Attorney Winn explained the ordinance proposed was to create the recreation commission pursuant to direction of the electorate and to pour over into the recreation commission much of what had been done previously by the park commission. He said it was set up so the park commission would retain specific authority over employees to administer maintenance of parks, playgrounds and municipally owned or leased property. The roles of the park commission and the recreation commission under the proposed ordinance were discussed. Councilman Conklin stated the heading would have to be changed to make it comply with Ordinance 1-306, to

#1905

April 2, 1973

#1985 read: "An ordinance relative to the reorganization of the City parks and recreation system: Establishing a recreation commission, reorganizing the park commission, establishing powers and duties of each commission and repealing certain sections." Councilman Eddy suggested an investigation and recommendation as to whether the City should retain some of the little parks. Councilman Eddy moved that the ordinance be approved for first reading with the new title as read by Mr. Conklin, that in line 4 of Section 11-202 the word "member" be changed to "members" and the words "with consent of the Council" be added following the word "Mayor"; seconded by Councilman Conklin. Motion carried.

#2003

Parks: Councilman Conklin stated the question of wanted or unwanted vest pocket parks was being studied. He reported there was a vacancy on the Park Commission created by the resignation of Bill Johnson. Mayor Ballard added that letters were being sent to all the people who worked on the election campaign to create the recreation commission asking them to be present for a meeting on April 11 for an orientation on the recreation commission and to consider people who are interested as the four people which the Mayor will present to the Council for confirmation to the recreation commission. He invited councilmen to the meeting.

#2030

Plan Commission: No report.

Public Safety: No report.

#2034

Public Works Commissioner: Mayor Ballard reported an ordinance was being considered which would reorganize the Public Works Department, creating a Public Works Commission as an advisory body to the Council, with the superintendent or director of Public Works working for the Mayor.

#2092

Sewer Commissioner: No report.

MAYOR'S REPORT: No report.

OLD BUSINESS

#2095

Report from Building Committee - Bids on Tract "H": City Attorney Winn reviewed the tabulation of bids opened on March 28, as follows:

St. Louis Indoor Tennis Club, by Dan J. Hereford, proposed as tennis club,	\$92,000
J & D Partnership, by Jerry Dickson, proposed use as warehouse,	\$65,500
Irving C. Rubin & Associates, Inc., by Irving C. Rubin, no use specified,	\$35,000

Mr. Winn stated a ten per cent cash deposit was required with the bid but the high bidder sent a \$9,000 cashier's check, and

April 2, 1973

while the telegram submitting the bid was received in Kansas City at 12:09 p.m. it was not delivered to City Hall until 2:04 p.m. Mr. Dickson was in the audience and stated he felt his client had complied with the provisions of the advertisement for bids and relied upon it. Mr. Dickson said they had attempted to negotiate a private sale of the property two months previously. He said they did not feel the high bidder had complied with the bidding procedure in that the down payment was not ten per cent of the bid, the bid was not in writing and was received late. City Attorney Winn stated it was his opinion that the high bidder was in substantial compliance with the bidding requirements.

#2210

Councilman H. C. Evans reported that the Board of Tax Appeals had granted the City's request for permission to use whatever amount is realized from the sale of Tract "H". He presented a financing plan for the police-courts facility showing that if all the forecasted revenue is received and using the \$92,000 bid price less the amount needed to exercise remaining options, there would be costs of \$21,273.82 not funded. He also submitted a list of 1973 budgeted items which might be deferred to make up the \$21,273.82 and enable the City to proceed with the project.

#2253

Councilman H. C. Evans moved for a short recess to ask a question of the City Attorney; seconded by Councilman Eddy. Motion carried.

The Council returned to session at 9:35 p.m. The same councilmen were present.

#2362

Report from Building Committee - Bids on Tract "H" (cont.): Councilman H. C. Evans moved that the high bid in the amount of \$92,000 by St. Louis Indoor Tennis Club be accepted acknowledging there are apparent technical deficiencies in submission; that the apparent deficiencies be waived and the bid found to be in substantial compliance; and that the deposits of the remaining two bidders be returned with the Council's thanks for submitting the bids; seconded by Councilman Conklin. Following discussion, motion carried. On motion by Councilman Conklin, seconded by Councilman Judd, City Attorney Winn was instructed to take the necessary action to close the transaction. Mr. Dickson said his client would take its check back. He added that if St. Louis Indoor Tennis Club decided it did not want to close the transaction, his client would be interested in negotiating privately with the City. The City Clerk was instructed to advise the St. Louis firm that they were the successful bidder, that the City would be furnishing a title report and would expect to close within ten days of the time the title report was furnished.

#2382

Building Committee Report (continued): At the request of Councilman Conklin, Councilman W. E. Evans moved that the Council instruct Architect John Granstedt to send plans to Denver, Topeka and Olathe for final approval of the Civil

April 2, 1973

#2500

Defense grant; seconded by Councilman Judd. Motion carried. The Council discussed obtaining an extension of time from the contractor. Councilman Conklin moved that the Council authorize the Building Committee, through its architect, to issue a letter of intent to Pitman Construction Company, stating that the signing of the contract is contingent upon Civil Defense approval and closing of the land sale, and requesting an extension of the bid time; seconded by Councilman Judd. Motion carried.

#2525

Request for Permission to Keep Three Dogs on the Premises at 9222 Belinder Road: A letter from Mr. D. J. Madison had been distributed. Mayor Ballard reviewed the City Clerk's report on letters sent to people within 600 feet of the Belinder address. Councilman W. E. Evans moved that Mr. D. J. Madison's request to keep three dogs be approved with the following reservations: (1) In case of loss or death of one of the dogs that it not be replaced without complying with present ordinance, and (2) that the permission be subject to review on complaints of neighbors as stated in City ordinance; seconded by Councilman H. C. Evans. Motion carried.

NEW BUSINESS

#2588

Request for Permission to Solicit Funds - American Cancer Society: The request had been submitted by letter with attached list of workers. A City form had not been completed; however, it was noted that the request had been on hand for some time. Councilman W. E. Evans moved that the application of American Cancer Society as submitted be approved; seconded by Councilman Chase. Councilman Eddy moved that the motion be amended to make the approval contingent upon receipt of the City's standard form from the American Cancer Society. The amendment was seconded and carried. Motion as amended carried.

#2634

Appropriation Ordinances: Nos. 314A and 304S in the amounts of \$39,251.27 and \$49,450.46, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were approved on motion by Councilman Judd. Councilman W. E. Evans abstained.

#2667

Councilman Judd moved for executive session to consider status forms. Councilman W. E. Evans requested that the Mayor's letter and the distribution of pamphlets also be considered in executive session.

The Council adjourned to executive session at 10:14 p.m.

The Council returned to regular session at 10:45 p.m. The same councilmen were present.

Employee Status Forms: On motion by Councilman Judd, seconded by Councilman W. E. Evans, the following employment was approved:

William Franklin Hillix, as Probationary Firefighter,  
at the rate of \$575 per month, effective April 17, 1973.

April 2, 1973

#2674

Councilman H. C. Evans filed for the record two plans for financing of the police-courts building, the first dated March 29, 1973, as submitted to the Kansas Board of Tax Appeals, and an updated version distributed at the Council table at this meeting. They are attached hereto as part of the record.

#2684

At 10:47 p.m., on motion by Councilman W. E. Evans, seconded by Councilman Chase, the meeting adjourned to Monday, April 16, 1973, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk



LEAWOOD, KANSAS POLICE COURTS FACILITY  
FINANCING PLAN FOR PRESENTATION TO KANSAS BOARD OF TAX APPEALS  
MARCH 29, 1973

COST OF PROJECT

Contractors Bid	344,894.00
Fuel Tank For Emergency Generator	2,832.00
Generator Installation	2,300.00
Cells - Purchase and Installation	12,000.00
Architects Fees (Maximum Possible)	<u>34,500.00</u>
Total Cost	396,526.00
Less: Amounts already paid architect	<u>15,599.00</u>
Net Remaining Cost	380,927.00

SOURCE OF FUNDS

Board Of Tax Appeals Grant 1972 (Original amount \$116,261.50, less \$15,599.00 paid Architect and \$1949.70 spent on equipment in 1972)	98,712.80
GCCA Grant	50,000.00
Civil Defense Grant	46,387.22
City Hall Expansion Fund Balance	3,110.07
Budgeted Capital Improvements 1973	42,368.00*
Available from Fire Equipment Budget 1973	13,000.00**
1972 Revenue Sharing	<u>31,208.00</u>
Total Available This Date	284,786.09
Sale of Tract H Appraised value less expenditure to exercise options on remaining portions	<u>101,514.54</u>
Total Available If Appeal Granted	386,300.63

\*Contingent upon realization of forecast revenue.

\*\* Equipment purchase budgeted for 1973 was actually made in 1972.

ALTERNATIVE REVENUE SOURCES FROM POSSIBLE DEFERRING OF  
1973 BUDGET ITEMS

1. Fire Department Land Purchase	15,000
2. Public Administrator	12,744
3. Public Works Director	12,500
4. Professional Planning	10,000
5. Detective Sergeant	9,977
6. Firemen (3)	<u>16,790</u>
TOTAL	77,011

OTHER POTENTIAL NON-BUDGETED REVENUE SOURCES

1973 Revenue Sharing	31,208
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April 16, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, April 16, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbrechtse, Conklin, H. C. Evans, Eddy, Chase, W. E. Evans, Judd.

The invocation was given by Councilman W. E. Evans.

#2698

Minutes: On motion by Councilman Judd, duly seconded, the minutes of the meeting of April 2, 1973, were approved as submitted.

Visitors: Esther Woodward, George E. Walls, Robert H. Gunther, Henry F. Gunther, Joe Middleton, Harvey Present, William Hutchings. Member of the Press: Bob Savino.

#2713

Request for Assistance Relative to Nuisance and Air Pollution: George E. Walls stated residents in the area north of I-435 just west of State Line to 99th Street had noticed a decided hickory odor from Gates Barbeque and that it was an air pollution and environmental problem. He read a letter from the Kansas Division of Air Quality dated November 13, 1972, stating a correctly designed and operating afterburner would eliminate all smoke and odor, and they had been informed the Gates afterburner would be made operable as soon as possible. The letter requested that should the problem persist beyond a reasonable period of time, the department be contacted again and enforcement procedures would be initiated. Mr. Walls asked that the City write the Division of Air Quality concerning the problem. The matter was discussed. Mayor Ballard stated he would send a letter to the Kansas Department of Health with a copy to Gates Barbeque.

OLD BUSINESS

#2873

Recommendation of Parks Commission re Kansas City Power & Light Company Request for Easement, Leawood Park: Upon recommendation of the Parks Commission, Councilman Conklin moved that the City concur with Kroh Brothers in granting an additional 10 foot easement in the park to Kansas City Power & Light Company; seconded by Councilman Chase. Motion carried.

#2895

Ordinance No. 434 G - Relating to Parks and Recreation Commission (Second Reading): Councilman Conklin moved for adoption of Ordinance No. 434 G, stating the changes discussed at the previous Council meeting had been incorporated. Councilman H. C. Evans questioned the advisability of retaining the Parks Commission after creation of the Recreation Commission, and moved to amend the motion to provide that the ordinance go back to the Ordinance Committee to strike the Parks Commission from it. Mayor Ballard stated the Parks Commission was retained because

April 16, 1973

its capability for a one mill levy was necessary to give the Recreation Commission an opportunity to use its levy for development of a recreation system. The budget situation of the two commissions was discussed, as well as the Council's authority over these budgets. Motion to amend died for lack of a second. Ordinance No. 434 G was adopted unanimously.

#3263

Report from Building Committee: Councilman Conklin reported the letter of intent authorized by the Council had been sent and Mr. Waite had orally consented to extension of time requested. John Granstedt reported he was to go over the contracts with Mr. Waite the next day, that he had tentative approval from Denver on the E.O.C., but they would need a cost breakdown on the E.O.C. from the general contractor. City Attorney Winn reported a contract and an addendum to the architect's contract had been prepared, the title report was being prepared on Tract "H", and the financier for St. Louis Indoor Tennis Club seemed anxious to get going. Following discussion, it was tentatively agreed to have a special council meeting on Monday, April 23, 1973, 7:30 p.m. if the documents were ready for final approval.

#3478

There was a short recess to change the recording tape.

Tape No. 23

Side 1

#17

Revenue Sharing: Councilman H. C. Evans reported that the first quarter check on 1973 revenue sharing in the amount of \$9,100-plus had been received. Councilman Eddy requested a copy of the Federal Revenue Sharing Regulations.

#29

Traffic Control Light - 89th and State Line: Councilman Judd reported it appeared from negotiations that the City of Leawood would have to pay only about one-fourth of the monthly cost of about \$163.45 for a traffic signal at 89th and State Line. He said Kansas City, Missouri, had agreed to pay one-fourth of the cost of the light, and negotiations were under way with Ward Parkway Shopping Center-Kroh Brothers, and the State Line 89 Building. Councilman Judd moved that the City of Leawood notify the other parties concerned the City would pick up 25 per cent of the cost of the stop light at 89th and State Line, leaving the details of the other 75 per cent up to the City Attorney to insure that the other parties would continue to contribute their portion; seconded by Councilman H. C. Evans. Councilman W. E. Evans moved to amend the motion to set a definite limit, that Leawood pick up up to \$625 (25 per cent of a total of \$2,500) a year; amendment seconded by Councilman Aalbregtse. Amendment carried. Motion as amended carried.

#65

#81

Discussion of Proposed Traffic Ordinance: Copies of the proposed ordinance had been distributed along with copies of a letter from Ronald S. Reuter explaining that it adopted the 1971 Model Act and amended present ordinances to conform to the Standard Traffic Ordinance. Councilman Judd reviewed the changes. Councilman Eddy questioned the school zone limit

April 16, 1973

and suggested clarification of whether school zone limits supersede the limit listed for a street. Councilman Eddy asked that councilmen read Section 14-118 carefully. First reading of the ordinance was deferred to the next meeting.

#146

Requests for Installation of Lights in Leawood South, Merry Lea Farms: Councilman Judd suggested that the Public Safety Commission and Budget & Finance prepare a priority schedule on installation of lights.

#151

Follow-up on Prairie Village Noise Ordinance: Councilman Judd read a report from Chief Blume on the level of experience of Prairie Village with their noise ordinance, concluding that insofar as Prairie Village had encountered technical difficulties in their program and had not yet been able to compile any reliable experience in this area, that the matter be continued until early in the fall so that it might be re-evaluated based on the experience of Prairie Village. Councilman Aalbregtse suggested that a copy of Chief Blume's report be forwarded to Stuart Johnson.

#169

Plan Commission Progress Report - Comprehensive Land Use Plan: Plan Commission Chairman Alt reported three professional planners had been interviewed, and he hoped to have a recommendation for the Council by the second meeting in May.

#189

Discussion and Motion re 95th Street: Councilman Judd said the surface of 95th Street had purposefully be allowed to deteriorate to the point where it was now mandatory to do substantial work on it, and moved that the Public Works Committee take immediate steps for the improvement and upgrading of 95th Street to make it a first-class, two-lane street, these improvements to include adequate and properly coordinated traffic lights and turning arrows, that such work be limited to satisfactory asphalt overlay and curbs which would in no way change the residential character of the street; the work contemplated to begin no later than June 15, 1973; seconded by Councilman W. E. Evans. The Council discussed the budget situation for the street program. Councilman W. E. Evans withdrew his second to hear from the audience. Harvey Present stated the recent vote indicated almost a majority of residents were willing to put out money for improvement of 95th Street, and he felt residents would go along with a plan for an appropriate two-lane street. Councilman W. E. Evans again seconded the motion. Councilman Eddy pointed out there were still plans approved by the Council to widen 95th Street and those plans had never been junked. The Council discussed the need for a definite plan with cost figures before making a commitment, and that all the streets be considered on a rotating basis. Motion failed by a vote of 2 for, 6 against. Councilman W. E. Evans moved that the Governing Body consider improvement of 95th Street along with other streets, and that they be made more useable within the limits of the budget; seconded by Councilman Judd. Following discussion, motion carried; Councilman Aalbregtse opposed.

#355

April 16, 1973

#380 Night Time Police Protection for City of Leawood: Councilman Eddy asked that the matter be deferred for two weeks.

NEW BUSINESS

#388 City Hall Maintenance: Mayor Ballard read a letter from Hook Maintenance Company notifying the City that they were no longer able to continue this work and would terminate custodial services at the City Hall and Police Department as of April 30, 1973. Councilman W. E. Evans suggested that the City investigate hiring a student as a part-time janitor.

#416 Report on Rat Control: Charles Troppito reported the Director of Public Works of Prairie Village had agreed to step up their rat control program in the area north of Somerset, and suggested the use of canisters rather than pellets for rat control.

#423 Councilman W. E. Evans moved for an executive session to discuss an ordinance relative to distribution of advertising material and political handbills, personnel problems, and the project architect's fee, and that incoming councilmen Alt and Present be invited to sit in; seconded by Councilman Aalbregtse. Motion carried.

#430 The Council adjourned to executive session at 9:35 p.m.

The Council returned to regular session at 10:12 p.m. The same councilmen were present.

Employee Status Forms: On motion by Councilman Judd, seconded by Councilman Aalbregtse, the following promotion was approved:

Al R. Sellers, from Lieutenant to Captain, Operations Officer, with an increase in pay from \$1,000 to \$1,075 per month.

#434 On motion by Councilman Judd, seconded by Councilman Conklin, the following reclassification was approved:

Jerry L. Strack, from Captain to Captain in Charge of Training, with a pay rate increase from \$880 to \$900 per month.

#438 Councilman Judd moved that the following resignations be accepted:

Ben C. Florance, resigning from the Fire Department as a Probationary Firefighter at \$575 per month, and

Jack E. Evans, resigning from the Street Department as a laborer;

Seconded by Councilman Aalbregtse. Councilman W. E. Evans moved to amend the motion to accept the resignation of

April 16, 1973

Ben C. Florance with regret, that the Council finds him in good standing, and would be glad to accept him back on the force at some later date; amendment seconded by Councilman Judd. Amendment carried. Motion as amended carried.

#448

Amendment to Architect's Contract: Councilman Conklin moved that the Council accept the amendment to the architect's contract proposed by the City Attorney; seconded by Councilman Judd. Motion carried.

#453

Councilman W. E. Evans moved that the City Clerk be instructed to instruct all future candidates for political office in the City of Leawood on the ordinances regarding solicitation and distribution; seconded by Councilman Judd. Motion carried.

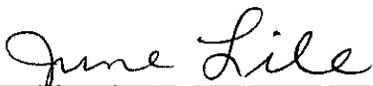
#460

Temporary access to the building site for the police building was discussed. Councilman H. C. Evans suggested that abutting property owners be notified when the contract is signed.

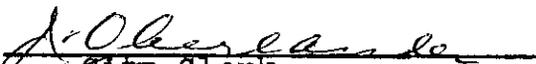
#477

At 10:19 p.m., on motion by Councilman Conklin, seconded by Councilman Eddy, the meeting adjourned to Monday, May 7, 1973, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk



April 23, 1973

Minutes of a special meeting of the City Council of the City of Leawood, Kansas.

A special meeting of the City Council was held beginning at 8:35 p.m. on Monday, April 23, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding.

Mayor Ballard read the call for the special meeting, for the purpose of handling matters relating to construction of the police-courts complex, to discuss traffic control signals at 89th and State Line, and such other matters as necessary to implement the action taken by the Council in this regard, signed by Councilmen H. C. Evans, Judd and Conklin. A waiver of notice of the meeting had been signed by the councilmen present.

Roll call was answered by Councilmen Aalbregtse, Conklin, H. C. Evans, Chase, Judd.

#490

Matters Relating to Construction of Police-Courts Complex:  
Councilman Conklin distributed copies of a letter from Pitman Construction Company outlining a net cost increase of \$1,487.00, bringing the net contract total to \$346,381.00. Councilman Conklin noted that four of the five items of increase were in the price of wood, and stated it was a rather nominal increase for the amount of time which had been involved in the negotiations, etc. Councilman Judd moved that the Council accept the increase of \$1,487.00 in the total bid of Pitman Construction Company, increasing the total bid to \$346,381.00; seconded by Councilman Chase. John Granstedt stated there was an increase in the estimate of the E.O.C. portion so that the increased cost would come out of E.O.C. funds and actually would not affect the City's share. Motion carried.

#542

Councilman Conklin stated the insurance certificates, bonds, etc. were in substantial compliance with contract documents. He said the contracts had been signed and sealed by Mr. Waite for Pitman Construction Company. City Attorney Winn outlined changes in the contract: (1) The letter of April 23, 1973, relating to increase in cost would be inserted by reference; (2) Bonds would be amended to reflect the now current price; (3) The architect would be added on one liability policy in addition to the City; (4) Contractor's general liability policy would be increased to \$300,000. Mr. Winn stated with those changes, the Committee was satisfied that insurance certificates, bonds and contracts were in proper order. John Granstedt said the Civil Defense people were cognizant of the bid procedure and negotiations and he would furnish them a letter stating what was done. Mr. Granstedt said the Civil Defense grant had been approved and they would send representatives here to work out a cost index figure for method of payment. City Attorney Winn stated with regard to the Government grants, he was satisfied that

April 23, 1973

the conditions set forth were conditions subsequent to the execution of the contract and not conditions precedent to the contract.

#637

City Attorney Winn reported on the sale of Tract "H" that the deeds had been filed, a preliminary title report had been issued by Chicago Title Insurance and a copy sent to St. Louis Indoor Tennis Club. He said they had ten days from receipt of the title report to close or advise the City of any objections. The Council discussed making the notice to proceed contingent upon closing the sale of Tract "H". Councilman Conklin moved that the Council authorize the Mayor on behalf of the City to enter into a standard form agreement between owner and architect for the contract amount of \$346,381.00, the contract being dated April 23, 1973; seconded by Councilman Judd. Motion carried.

#702

Councilman Conklin moved that the Council authorize the project architect to issue a notice to proceed to Pitman Construction Company, that notice to be dated May 7, 1973, and to be subject to approval of the City Attorney contingent upon the closing of the sale of Tract "H"; seconded by Councilman Judd. Motion carried.

#708

#717

Ground Breaking Ceremony: Following discussion, a ground breaking ceremony was set for 4:00 p.m. on May 7, 1973. Harvey Present, Councilman-elect from Ward 2, was appointed Chairman of the Ground Breaking Ceremony. City Clerk Jinny Oberlander was requested to prepare the guest list.

#775

Traffic Control Signal - 89th and State Line: City Attorney Winn stated he and Charles Troppito had met with the Director of Transportation for Kansas City, Missouri, and representatives of City Bond & Mortgage Company, Kroh Brothers, and Kansas City Power & Light Company concerning the traffic signal at 89th and State Line. He said all concurred that the intersection needed to be signalized but Kroh Brothers, City Bond and Kansas City would rather give cash than be obligated to a lease agreement ad infinitum. Mr. Winn said three methods of financing were discussed: (1) simple lease, (2) contract to own the light and pay energy and maintenance, (3) each of the other three parties give Leawood cash equal to one-fourth of the approximate cost of the signals by the contracting method estimated at \$16,000 to \$18,000 and Leawood would proceed to enter into the standard lease agreement with Kansas City Power & Light Company and have full control of the light. The Council discussed the various alternatives. Councilman H. C. Evans moved that the City accept the proposition by which the City of Kansas City, Missouri, Kroh Brothers-Ward Parkway Shopping Center, and City Bond & Mortgage Company each contribute to the City of Leawood a one-fourth share of installation cost or a minimum of \$4,500.00, whichever is greater; the City would then assume the responsibility for installation and maintenance of

#967

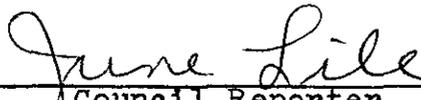
April 23, 1973

signalization at 89th and State Line by lease from Kansas City Power & Light Company; seconded by Councilman Chase. Motion carried.

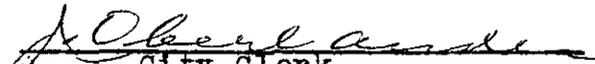
#997

At 9:47 p.m., on motion by Councilman Conklin, seconded by Councilman Aalbregtse, the meeting adjourned.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk



May 7, 1973

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, May 7, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Conklin, H. C. Evans, Eddy, Judd.

Minutes - Meeting of April 16, 1973: On motion by Councilman Aalbregtse, seconded by Councilman Judd, the minutes of the meeting of April 16, 1973, were approved as submitted.

Minutes - Meeting of April 23, 1973: On motion by Councilman Judd, seconded by Councilman H. C. Evans, the minutes of the special meeting of April 23, 1973, were approved as submitted.

#1012 Appropriation Ordinances: Nos. 315A and 305S in the amounts of \$250,413.01 (including \$199,207.94 in investments) and \$99,802.83 (including \$94,091.28 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved, Councilman W. E. Evans abstaining.

Councilman W. E. Evans entered the meeting at 7:35 p.m. during discussion of the appropriation ordinances.

#### REPORTS

#1028 Treasurer: Mr. Hansel's report was submitted and approved on motion by Councilman H. C. Evans, seconded by Councilman Aalbregtse.

#1042 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman W. E. Evans.

#1046 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman W. E. Evans.

#1048 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman W. E. Evans.

Councilman Chase entered the meeting at 7:39 p.m. following approval of the Police Department report.

#1052 Public Works: Will Gray reported on activities of the Public Works Department. Mayor Ballard stated a four-man crew was being set up to patch streets and that these men were not to do anything other than that. Councilman H. C. Evans requested a report on pollution in the creek and the sample taken out of it at 98th and Belinder. Charles Troppito

May 7, 1973

reported he was awaiting a report on the sample he had taken to the Johnson County Health Department for analysis. Councilman H. C. Evans requested a follow-up if the report was not received in a reasonable time. Chief Blume reported a private citizen had taken a sample to a private testing laboratory and the unofficial report was that it was a petroleum base substance. Chief Toman said both the Standard and the Phillips station had denied dumping oil in the creek. The matter was discussed.

COMMITTEE AND COMMISSION REPORTS

#1126

Budget & Finance: Councilman H. C. Evans stated most of his report would be deferred to the discussion of Budget Guidelines for 1974. He said he had requested budget runouts from the departments by the end of the week.

Intergovernmental Cooperation and Community Affairs: No report.

Ordinance: No report.

Parks: No report.

#1139

Plan Commission: Councilman Conklin reported the Plan Commission had completed its interviews with planning consultants and would meet with the chosen consultant to work out details of a contract, then the complete package would be presented to the Council.

#1150

Public Safety - Resolution No. 287 - Additional Street Lights in Leawood South: Councilman Judd reported that in a discussion between Public Safety and Budget & Finance Committees it was the recommendation that the Council authorize the installation of 8 lights in the Leawood South area, the lights to be 4,000 lumen incandescent street lamps, steel poles. On motion by Councilman Judd, seconded by Councilman Conklin, the following resolution was adopted:

RESOLUTION NO. 287

"BE IT RESOLVED that the Mayor be authorized to sign Resolution No. 23 under Ordinance No. 264 providing for additional street lighting in the City of Leawood, Kansas, to be paid for from the City's reserve fund with the Kansas City Power and Light Co. (8 additional 4,000 lumen incandescent street lights in Leawood South)."

#1184

Public Works Commissioner: No report.

Sanitary Sewer Commissioner: No report.

#1186

Visitors: Sister Marie Coleman, John W. Olejnik, Warren H. Sapp and Amy. Member of the Press: Bob Savino.

Bid Proposal for Custodial Services at City Hall: John W. Olejnik stated he was interested in the disposition of a

May 7, 1973

bid proposal he had submitted in the name of I T & T for custodial services. Mayor Ballard stated a proposal to utilize firemen to clean the building was on the agenda.

OLD BUSINESS

#1203

Ordinance No. 435 S - Relating to Acceptance of Deeds to Remaining Parts of Tract "H": City Attorney Winn explained that the ordinance was to formally and officially accept the deeds to parcels 5, 6, 7 and 8 of Tract "H". Councilman W. E. Evans moved that an emergency be declared to adopt the ordinance at this meeting; duly seconded. Motion carried. On motion by Councilman Conklin, Ordinance No. 435 S was unanimously adopted.

#1225

Resignation from Parks Commission - Richard J. Conklin: Councilman Conklin stated he was resigning from the Parks Commission to devote more time to his position on the Plan Commission. Mayor Ballard read the formal resignation effective May 7, 1973. Councilman Judd moved that the Council reluctantly accept the resignation; seconded by Councilman Aalbrecht. Motion carried. Mayor Ballard expressed appreciation for the time Mr. Conklin had spent on the Parks Commission.

#1245

Report from Building Committee: Councilman Conklin read the notice to proceed dated May 7, 1973, which had been issued to the contractor. City Attorney Winn stated he had participated in the closing of the sale of Tract "H" on May 4, that checks were in escrow with the title company pending the City seeking a variance from the Board of Zoning Appeals with respect to the building proposed by the tennis club on Tract "H".

#1274

Enforcement of Stipulations Concerning Property Along State Line: Councilman W. E. Evans asked that the Governing Body request the Chief of Police to enforce stipulations concerning the parking facility and buildings between 85th and 89th on State Line. City Attorney Winn suggested that Mr. Troppito review in some detail the minutes of the meetings involved in zoning of that area to see exactly what was stipulated and report any violations. Councilman W. E. Evans moved that the situation be investigated in detail to determine what particular stipulation was being violated; seconded by Councilman Judd. Motion carried.

#1308

Report from Chairman, Ground-Breaking Ceremony Committee: Harvey Present reported that approximately \$300 had been spent, that 1,000 brochures had been printed to have some for the open house of the complex. He requested that letters of thanks be sent to: Chuck Vile, Instamatic Printing Company, for printing of invitations and brochures; Larry Campbell, principal of Marsha Bagby School, for lectern; Fred Brink, administrative assistant, Department of Public Works, Kansas City, Missouri, for book of procedures for ceremonies; Dr. E. V. Reichley, Shawnee Mission School District, for flags. He said

#1313

May 7, 1973

the Committee would like to recommend that a contingency fund be started to cover similar emergency spending and that the City start its own book on procedures for ceremonies. Mr. Present presented commemorative plaques to Mayor Ballard for the City and to Chief Blume for the Police Department. The Council expressed thanks to Mr. Present for the excellent job he did on arranging the ceremony.

#1343

Final Comments or Reports from Retiring Councilmen: Councilman W. E. Evans expressed his thanks for the opportunity to serve the community, and thanks to the Council and the staff for their cooperation. He said he had hoped to find a better method to assure proper expenditure of funds and a means of involvement of young adults in Council meetings. Councilman Conklin said he had enjoyed the association with other members of the Council and the City staff, and was glad to have had a part in the police building. He asked the Council's continuing cooperation in completing the Plan Commission's comprehensive plan, and said he looked forward to another fire station. Mayor Ballard expressed appreciation for the retiring councilmen taking the time to serve.

MAYOR'S REPORT: No report.

#1404

Oaths of Office Administered to Newly Elected City Officials: The retiring councilmen vacated their seats and City Clerk Jinny Oberlander administered the Oath of Office to the following: Donald S. Ballard, Mayor; William M. Eddy, Councilman, Ward 1; Harvey Present, Councilman, Ward 2; Eugene E. Alt, Councilman, Ward 3; William R. Judd, Councilman, Ward 4; and James R. Cope, Municipal Judge.

Roll call of the new Council was answered by Councilmen Aalbregtse, Alt, Evans, Eddy, Chase, Present, Judd.

NEW BUSINESS

#1468

Election of President of the Council: Councilman Chase nominated Councilman Eddy as President of the Council; seconded by Councilman Aalbregtse. Motion by Councilman Alt that nominations be closed was seconded and carried. Whereupon, Councilman Aalbregtse moved that a unanimous ballot be cast for Councilman Eddy as President of the Council; seconded by Councilman Alt. Motion carried.

#1480

Resolution No. 286 - Designation of Official City Newspaper: Councilman Evans moved adoption of Resolution No. 286 designating The Johnson County Scout as the official city newspaper; seconded by Councilman Judd. Resolution adopted. A copy is attached hereto as part of the record.

#1496

Designation of Depositories for City Funds: On motion by Councilman Evans, seconded by Councilman Chase, Southgate State Bank & Trust Company was designated to continue as depository for the General Operating Fund; Kansas National Bank & Trust Company to continue as depository for the

May 7, 1973

Special Funds; and Johnson County National Bank & Trust Company to continue as depository for Leawood Sewer System Funds.

#1505

Appointment of City Officials as Required by Statute and Ordinance: City officials were appointed as follows (each appointment being approved by separate motion and second):

City Architect-Chief Building Official	John Granstedt
City Attorney	Larry Winn III
Assistant City Attorney	Ronald Reuter
City Clerk	Jinny Oberlander
City Treasurer	Jim Pendleton
Fire Chief	Jourdan Toman
Police Chief-Marshal	Richard Blume

#1552

Oaths of Office Administered to City Officials: Mayor Ballard administered the Oath of Office to Jinny Oberlander, City Clerk. The City Clerk then administered the Oath of Office to the following: Larry Winn III, City Attorney; Ronald Reuter, Assistant City Attorney; Richard Blume, Police Chief-Marshal; Jourdan Toman, Fire Chief. The Oath of Office will be administered to John Granstedt, City Architect-Chief Building Official, and to Jim Pendleton, City Treasurer, as soon as they are available.

#1590

Authorization of Signatures for Warrants for City Obligations - All Funds: On motion by Councilman Aalbrecht, seconded by Councilman Eddy, the signatures of the Mayor, Treasurer, City Clerk and President of the Council were authorized for payment of funds from the General Operating, Special and Sewer Funds.

#1595

Appointments to Committees and Commissions: The following appointments were individually approved:

BOARD OF ZONING APPEALS		
J. R. Anderson	1976	
Hal Griffin	1976	
BUDGET & FINANCE		
Charles Hansel	1976	
Jim Pendleton	1974	
INTERGOVERNMENTAL COOPERATION AND COMMUNITY AFFAIRS		
Harvey Present	1976	
LEGISLATIVE COMMITTEE		
	1976	
ORDINANCE COMMITTEE		
Bill Eddy, Chairman		
Andrew Lyons	1976	
J. Nelson Happy	1976	
PARKS COMMISSION		
Eugene E. Alt	1975	Parks Commissioner and Ex Officio Chairman
Ed Summerville	1975	

May 7, 1973

#1650

PLAN COMMISSION

<u>Eugene E. Alt</u>	1975
John Granstedt	1976
	1976

PUBLIC SAFETY

Sam DeKinder	1976
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#1745

PUBLIC WORKS COMMISSIONER: Following discussion of the plan to restructure the commission, Councilman Alt moved that the appointment of Public Works Commissioner be tabled until the first meeting in June; seconded by Councilman Aalbregtse. Motion carried. Councilman Eddy moved that the Mayor be instructed to manage the Public Works Department until such time as the proper ordinances are filled by appointment; seconded by Councilman Evans. Motion carried.

RECREATION COMMISSION

Ed Summerville	1977
Louise MacKenzie	1976
Jean M. Wise	1975
Gloria Olson	1974

SANITARY SEWER COMMISSIONER

Bill Eddy	1974
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MISCELLANEOUS APPOINTMENTS AND SPECIAL COMMITTEES:

CATV Committee

Homer Evans, Chairman  
Bill Judd

Civil Defense Director

Ed L. Akerly	1974
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Insurance Committee

Dan Chase	1974	Chairman
Ed Winthrop	1974	

Johnson County Human Relations Committee - Leawood Representative

1975

Johnson County Solid Waste Management Committee -

Leawood Representative

Bill Eddy	1974
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#1845

Following discussion, Councilman Eddy moved to disband the former Police-Courts Building Committee; seconded by Councilman Evans. Motion carried.

Police-Courts Complex Construction Committee

Bill Eddy, Chairman  
Walter Aalbregtse  
Dan Chase

May 7, 1973

- #1870 Discussion and Motion re 95th Street: Councilman Present requested that the matter be withdrawn from the agenda. Mayor Ballard said he had a letter from the Mayor of Overland Park urging that the Leawood Council seek a way to participate in the 95th Street improvement project in order that the Federal funds would not be lost. Mayor Ballard said there was nothing the Council could do to save the project on a short range basis.
- #1919 Ordinance Amending Standard Traffic Ordinance for Kansas Cities: Councilman Judd reported it was the opinion of Ron Reuter, Assistant City Attorney, that the 20 miles per hour limit adjacent to school areas would supersede the limit for the street. Councilman Judd presented the ordinance for first reading. The ordinance was discussed. Councilman Eddy requested more information concerning Section 14.118.
- #2080 Councilman Evans moved that the first reading be tabled until the next regular meeting so that the requested information could be obtained; seconded by Councilman Chase. Motion carried.
- #2085 Maintenance of City Hall: Fireman Allen Bledsoe reviewed his proposal submitted in the name of Bledsoe Maintenance Co. for daily, monthly, quarterly and semi-annual custodial services at City Hall for \$170.00 per month, with a proposal for additional hard cleaning at \$30.00 per month, the work to be done by firemen and Mr. Bledsoe's son. The possible requirement of insurance, Workmen's Compensation and bond were discussed. The proposal of I T & T was examined.
- #2227 Councilman Judd moved that the City Council accept Mr. Bledsoe's bid of \$170.00 per month for services performed subject to his presenting certificate of insurance with limits to be approved by the City Attorney and the Insurance Committee; seconded by Councilman Present. Motion carried.
- #2250 Night Time Police Protection for City: Councilman Eddy said he had requested this matter to be on the next agenda. He briefly explained that he felt Leawood should have a full time dispatcher in the Police Department and possibly have another man on the street.
- #2325 Polling Locations: Councilman Eddy requested that the matter be deferred to the next meeting.
- #2327 1974 Budget Guidelines: Councilman Evans asked that the Council adopt some guidelines for the first draft of department budgets for 1974. He said the Budget & Finance Committee had recommended the following guidelines: (1) an aggregate  $5\frac{1}{2}\%$  increase in salaries; (2) maintenance expenses on the new police building be allocated 75% to Police budget and 25% to the Administrative budget and that Administration assume all the maintenance costs for the City Hall building; (3) insurance and utility allocations be unchanged; (4) salaries of personnel with dual responsibilities be allocated as follows:

Will Gray, 90% Streets, 10% Sewer;  
Dorothy Holtsclaw, 90% Administration, 10% Sewer;

May 7, 1973

Jinny Oberlander, Alice Smith and Larry Winn,  
100% Administration;  
Charles Troppito, 75% Administration, 25% Parks;  
Robert Hayes, 100% Parks;  
Director of Public Works, if and when hired,  
40% to Sewer, 60% to Streets;  
Public Administrator, if and when hired, 100%  
Administration.

Councilman Evans also said Budget & Finance would suggest that departments assume that any personnel budgeted for this year but not yet hired, would be hired by the end of the year and would, therefore, already be on the payroll before January 1, 1974. He said the estimate of 1974 revenue, excluding revenue sharing, was \$715,430. Chiefs Blume and Toman each stated if the 5 $\frac{1}{2}$ % increase in salaries were maintained the police and fire departments would remain appreciably behind other cities. The matter was discussed. Mayor Ballard requested that Chief Blume and Chief Toman present surveys of salaries in other cities in the area. The Council decided to let departments submit whatever salaries they felt were warranted and agreed that the rest of the guidelines were satisfactory. Councilman Evans requested that all departments submit their budgets by the next Council meeting.

#2525

Request for Permission to Distribute Advertising Matter - TeleCable: Councilman Evans explained that the reason TeleCable was requesting permission to distribute the solicitation in the form of a door hanger was that the return from their previous solicitation, which was included in a packet in The Leewood Sun, was not very satisfactory. City Attorney Winn stated he felt the Council should consider each case on its merits, that TeleCable was the City's franchisee and City revenues were obviously related to TeleCable's revenues. The matter was discussed. Councilman Evans moved that the Governing Body give TeleCable one-time permission to solicit subscriptions to cable television utilizing a door hanger piece of advertising; seconded by Councilman Alt. Motion carried.

#2605

#2622

Councilman Alt moved for an executive session to consider employee status forms; seconded by Councilman Eddy. Motion carried.

The Council adjourned to executive session at 10:28 p.m.

The Council returned to regular session at 10:40 p.m. The same councilmen were present.

Employee Status Forms: On motion by Councilman Present, seconded by Councilman Aalbrechtse, the following employment was approved:

Christopher Lee Jones, Public Works Department, at the rate of \$3.32 per hour.

May 7, 1973

On motion by Councilman Present, seconded by Councilman Aalbregtse, the following employment was approved:

Harvey Wayne Rodabaugh, Public Works Department, at the rate of \$3.42 per hour, effective May 1, 1973.

On motion by Councilman Judd, seconded by Councilman Alt, the following employment was approved:

Dennis Richard Dierks, Fire Inspector, at the rate of \$650 per month, effective June 15, 1973.

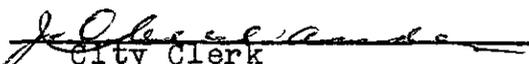
At 10:42 p.m., on motion by Councilman Aalbregtse, seconded by Councilman Alt, the meeting adjourned to Monday, May 21, 1973, 7:30 p.m.

#2652

  
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Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk



May 21, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, May 21, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Alt, Evans, Eddy, Present, Judd.

Minutes: On motion by Councilman Judd, duly seconded, the minutes of the meeting of May 7, 1973, were approved as submitted.

Visitors: G. W. Neville, Mr. and Mrs. William Benson, Mr. and Mrs. Don Johnson, William A. Hutchings, Mrs. Esther T. Woodward, Marjorie Rapp, Mr. and Mrs. W. B. White, Warren H. Sapp, Mr. and Mrs. George W. Catts, Mr. and Mrs. Howard I. Wittenmyer, Jack Roach, John R. Wells, Mr. and Mrs. Bob Florence, Robert Goldstein, William G. Turner, Henry F. Gunther, Robert Gunther, Elmer F. Selonke, Merl L. Crabtree, Mrs. C. C. Crippin, D. M. Boer, Bernice M. Boer, Mr. and Mrs. Virgil G. Edwards. Member of the Press: Randy Myers.

OLD BUSINESS

#2670

Night Time Police Protection for City: Councilman Eddy referred to a sheet assembled by the Chief of Police relative to number of policemen on duty each hour. Councilman Judd suggested that the matter be discussed in executive session at the end of the regular meeting. Councilman Eddy moved for an executive session to discuss night time police protection for the City; duly seconded. Motion carried.

#2688

Report from Plan Commission re Comprehensive Land Use Plan: Councilman Alt reported the firm selected to do the comprehensive land use study was in the process of preparing a detailed itemized cost statement as a basis for contract with the City. He said he had been advised verbally that \$5,000 in 701 funds had been allocated for the study beginning July 1, 1973.

#2705

Report from Police-Courts Building Construction Committee: Mayor Ballard said this would probably be on the agenda for the first meeting of every month through the duration of the project. Councilman Judd inquired about screening during construction. Mayor Ballard said the Leawood Women's Club planned to donate some funds for the screening of the parking lot. Councilman Eddy said he would like to see the building get out of the ground before this was done.

#2725

Discussion Relative to Past Construction of Roach Cadillac Facility and Current Construction at the Facility: Mayor Ballard stated in the original construction of the Roach Cadillac facility there was considerable discussion concerning

May 21, 1973

screening along State Line. He said the screening was originally intended to be 36 inches high. Mayor Ballard said Roach Cadillac had recently started construction on a used car lot on the area south of the previously existing structure, and he had instructed that no building permit was to be issued until such time as the screening on the original structure was completed in accordance with prior agreement; however, construction had proceeded without a building permit.

Councilman Chase entered the meeting at 7:41 p.m.

Mayor Ballard read from the minutes of the Council meeting of July 18, 1966, and displayed pictures of the current plantings which he said could not be considered screening. Mayor Ballard added that the grading in the current construction was totally unacceptable. John Granstedt said the screening was a commitment made to the Plan Commission and should be provided. City Attorney Winn stated a stop order issued by the City had been violated. He outlined the City's proposal to Mr. Roach and the Cadillac agency that they submit for approval at the first Council meeting in June a landscape plan showing location and arrangement of all trees, shrubs and other plants, giving species and height at time of planting, the plan to be accompanied by a schedule of completion of the planting. He requested that the plan be in the hands of the City Architect for review prior to the June meeting. If the Council approves the plan, Roach is to provide to the City a performance bond to assure that the plan will be completed, and by the first meeting in July the plan be implemented. John Wells, construction contractor for Jack Roach, stated he had gone ahead with the construction on his own, that it was probably a misunderstanding on his part but he thought it would be all right if it were screened appropriately. He said he gave a landscape plan to John Granstedt, the schedule was tight, so he disobeyed the stop order. Jack Roach stated he had any number of records in his file indicating that they had conformed to all the standards. He said there never was any requirement concerning shrubs or trees on the State Line side, and there never had been any intent on their part to do anything that was not in agreement with the City. He said if there was a screening problem, the first time he knew about it was when he talked with Mayor Ballard six weeks ago. Mr. Roach said they had contacted Rosehill Nurseries and they would plant whatever the City required in the way of screening as soon as the nursery's schedule would permit. Mayor Ballard said a landscape plan for the full length of the property would have to be approved by John Granstedt prior to any more construction, Roach would have to submit a construction plan and get it approved by the Chief Building Official, and a building permit had to be issued.

#2897

#3090

MAYOR'S REPORT

May 21, 1973

Funding of 95th Street Project: Mayor Ballard stated the question of the widening of 95th Street was not on the ballot as a preferential question and that he had been trying to work out a method of funding of Leawood's share rather than losing the \$400,000 Federal money earmarked for the project. He said he had been thinking about trying to work out a method whereby the project could be funded \$10,000 from this year's budget, \$45,000 from the 1974 budget, and \$45,000 from the 1975 budget; and possibly funding the rest of it by an arrangement whereby the County would credit the City for maintenance of some streets and islands. Mayor Ballard reviewed cost estimates by Sloop, Becker and Brennan for a three inch overlay, \$61,700 without curb and gutter, and \$105,200 with a curb and gutter system. He said neither of the figures included any drainage. Mayor Ballard said the estimate for a first class two-lane road, Mission to State Line, three-inch overlay on existing paving, improved shoulders, curb and gutters, was \$377,679. There was discussion as to whether or not the question on the ballot was a preferential question and whether or not funds could be obtained for a first class two-lane street. Councilman Judd stated it would be illegal for the Council to commit anticipated future funds for improvement of the street, that use of any of the funds mentioned by the Mayor would cut into funds to maintain minimal services for essential departments in the City. Councilman Judd said the statement that Federal funds had been approved for the project was completely erroneous, that approval could not be given until the requirements of a final environmental impact statement had been met, and he said the Council was obligated to stand behind the majority vote against the bond issue.

#3499

Tape 23  
Side 2

Persons in the audience spoke in opposition to the widening of 95th Street, suggesting that funds be used to repair Lee Boulevard, that the people have a chance to vote on the preferential question, that they preferred and would be willing to pay for a well constructed two-lane road. Councilman Present said the traffic count was well below the requirement for a four lane street. Mayor Ballard stated if the street was not widened under the present plan, Leawood would pay additional dollars because of the delay. Control of traffic was discussed. Mayor Ballard said the City would have total control over the traffic on the street. To the suggestion that the Council find out what funds might be available for a two-lane street, Councilman Alt replied 95th Street had been designated a primary arterial route and would not qualify for funding as a two-lane street. Mayor Ballard said he had brought the question up because he felt the Council had the responsibility to look at the financial impact of the various alternatives available and to make a decision based on that. Mayor Ballard said he had met with Overland Park's Mayor Walker and County Commissioner Davis in the hope that the County would pick up Leawood's share of the funding, but this did not seem possible.

May 21, 1973

#203

On motion by Councilman Eddy, seconded by Councilman Chase, the Council proceeded with the order of business.

Councilman Present moved for a ten minute recess; seconded by Councilman Judd. Motion carried.

The Council returned to session at 9:15 p.m. The same councilmen were present.

NEW BUSINESS

#220

Acceptance of Resignation - Louis Weith - Budget & Finance Committee: Councilman Evans moved that the Council accept the resignation of Louis Weith from the Budget & Finance Committee with regret; seconded by Councilman Present. Councilman Evans read the letter of resignation. Motion carried.

#227

Councilman Present moved for a change in the agenda to make discussion of additional stop sign, 93rd and Wenonga, the next item of business; seconded by Councilman Judd. Motion carried.

#230

Additional Stop Sign, 93rd and Wenonga: Councilman Present said it had come to his attention that a lot of traffic was funneling itself from Ensley to Mission along 93rd Street at an excessive rate of speed. He said homeowners were concerned because the area was quite heavily populated with children. Councilman Present moved that the intersection of 93rd and Wenonga be made a four-way stop intersection, with the placement of at least two signs reading "Caution - Children Playing" along 93rd Street; seconded by Councilman Judd. Councilman Judd stated a survey had been made by Sergeant Sharp suggesting that the intersection be made a four-way stop. The motion and second were withdrawn following discussion that the action should be by resolution. The City Attorney suggested such a resolution include adjustment of the height of two existing signs. Chief Blume will authorize temporary installation of the stop signs and cause a resolution to be drawn.

#276

Appointment to Budget & Finance Committee: No appointment.

#278

Discussion of Polling Places: Councilman Eddy stated he had received several inquiries about where to vote, that in some wards voting places change from time to time. He suggested that when this happens that the Public Works Department install a small sign at the polling place not being used to direct people to where the polls are open. The matter was discussed. It was agreed such signs should be installed.

#315

Public Safety Report: Councilman Judd presented the 1972 annual report of Police Department operations and asked that the Council instruct the City Clerk to write a letter of thanks to Councilman Ed Bruns for printing the report at no

May 21, 1973

cost to the City. Councilman Eddy moved that the City Clerk be instructed to write a letter of thanks to Councilman Bruns; seconded by Councilman Present. Motion carried.

#325

Advance to Chief Blume to Attend F.B.I. Academy: Councilman Judd read a letter dated April 24 inviting Chief Blume to attend the 94th session of the F.B.I. National Academy, June 25 to September 14, 1973, and Mayor Ballard's reply accepting the Bureau's invitation. Councilman Judd read the request of Chief Blume for an advance of \$1,000 to cover air transportation and incidental expenses. Following discussion, Councilman Judd moved that the Council approve the advance payment of \$1,000 to Chief Blume to attend the Academy; seconded by Councilman Aalbrechtse. Mayor Ballard explained that this was an advance against expense account to be turned in. Motion carried.

#355

Ordinance Relating to Standard Traffic Ordinance: Assistant City Attorney Reuter was in attendance to answer questions relative to the proposed ordinance. The provisions of Sections 14-118 and 14-126 were discussed. Mr. Reuter said there were some minor technical changes yet to be made. Councilman Evans suggested that the technical changes be made before a Council vote on the ordinance.

#450

Estimates to Repair Fire Station Roof: Councilman Judd presented three estimates on cost of rebuilding the north and south sections of the roof of the Fire Station, as follows:

Ebony Roof Repair, Mission, Kansas, rebuild both roofs,	\$1,100.00
Johnson County Roofing and Siding Company, Lenexa, Kansas, rebuild both roofs,	\$1,196.00
Earl Hankins Roofing Company, Kansas City, Missouri, only estimated to rebuild north roof and repair south roof,	\$ 623.00

It was Chief Toman's recommendation that the Johnson County Roofing and Siding Company bid be accepted. Councilman Judd moved that the Council accept the bid of Johnson County Roofing and Siding Company for complete rebuilding of the north and south flat roofs at a cost of \$1,196.00, determined by Chief Toman as the best bid; seconded by Councilman Present. Following further discussion, motion carried.

#508

Approval for Captain Strack to Work his Vacation: Councilman Judd presented the request of Chief Toman to have Captain Jerry L. Strack work his vacation for the reason that there was no command personnel on his shift. Councilman Judd moved that the Council give approval to Captain Strack working his vacation period to alleviate the command personnel problem which will be encountered during the summer months; seconded by Councilman Aalbrechtse. Motion carried.

May 21, 1973

#522

Report re MARC's Proposed Uniform Model Ambulance Control Ordinance: Chief Toman explained that the intent of the MARC uniform ambulance control ordinance was to have a method by which a city could regulate operation of ambulances within city limits if it so desired. He said it would involve an inspector, license forms and fees, inspections and qualification checks. He said he saw no need for the ordinance in Leawood at this time.

#563

Length of Terms for Mayor and Councilmen: Councilman Eddy asked councilmen to be thinking about what the length of terms of councilmen and mayor should be, for discussion at a later date.

#633

Discussion Relative to Special Fund for Public Relations: Councilman Present recommended that the City publish a newsletter once a month, using it as a method of informing the residents of issues and problems, agenda, appointments, votes on issues, polling places, and things of general interest and importance. The matter was discussed. Councilman Aalbrecht said in his opinion it would be a waste of taxpayers' money to put out a monthly newsletter. Councilman Present said he felt it might help communications with the citizens. The Council discussed the need to get the mailing list up to date.

#643

Councilman Present suggested that a fund of \$1,000 be set aside for special ceremonies. The matter was left to the Mayor's discretion.

#652

Extension of Option to Purchase Land for Second Fire Station: City Attorney Winn stated at the Mayor's request he had sought and obtained an extension of six months, until January of 1974, of the option to purchase land for a second fire station.

Councilman Judd moved for an executive session to consider matters of personnel and police patrol; seconded by Councilman Alt. Chief Blume, Chief Toman and Treasurer Pendleton were requested to stay for the executive session. Motion carried.

#660

The Council adjourned to executive session at 10:23 p.m.

The Council returned to regular session at 10:45 p.m. The same councilmen were present.

Employee Status Forms: On motion by Councilman Judd, seconded by Councilman Alt, the following promotion was approved:

Milton L. Sidebottom, from Firefighter First Class to Fire Department Lieutenant, at his current rate of pay, \$775 per month.

On motion by Councilman Judd, seconded by Councilman Present, the following promotion was approved:

May 21, 1973

Dennis A. Thomason, from Firefighter First Class to Fire Department Lieutenant, at his current rate of pay, \$775 per month.

On motion by Councilman Judd, seconded by Councilman Evans, the following employment was approved:

John Rector, Park Department laborer, at \$2.50 per hour, effective May 14, 1973.

On motion by Councilman Judd, seconded by Councilman Aalbregtse, the following employment was approved:

Steve Bergendorf, Park Department laborer, at \$2.50 per hour.

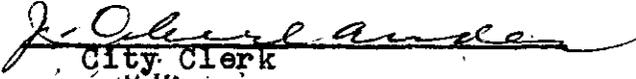
At 10:47 p.m., on motion by Councilman Present, seconded by Councilman Aalbregtse, the meeting adjourned to Monday, June 4, 1973, 7:30 p.m.

#680

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk



ADDENDUM

During the discussion concerning funding of 95th Street Project, Councilman Present stated that according to Federal regulations it was necessary to put in four lanes when the traffic count reached 1200 vehicles per hour on one lane, and that the count presently being used was less than sixty-five per cent of 1200 vehicles. Councilman Present further stated there was a gentleman in the room who was presently constructing a mile long, 28 foot wide street at a cost of under \$200,000. Bill Hutchings stated "We are constructing streets from the ground up . . . for just over \$150,000." Mr. Hutchings said he would be willing to see if he could get a contract for the City at that.

June 4, 1973

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, June 4, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Alt, Eddy, Present, Judd. Councilman Chase entered the meeting immediately following the roll call.

Minutes: Councilman Aalbregtse moved that the minutes of the meeting of May 21, 1973, be approved as submitted; seconded by Councilman Alt. Motions by Councilman Present to amend the minutes were withdrawn. Councilman Aalbregtse withdrew his original motion and moved for approval of the minutes as written and requested the City Clerk to replay those sections of the tape concerning the statements of someone in the audience regarding the feasibility of constructing a two-lane street at a lesser cost than indicated by the Mayor and concerning the 1200 automobile count, those items to be included as an addendum to the minutes; seconded by Councilman Eddy. Motion carried.

#800

Visitors: Mrs. John O. Baeke, Mrs. John P. Schaefer, Jack Roach, John Wells, Mrs. Virginia Mathis, Susie Oberlander, Mrs. R. Clark. Member of the Press: Bob Savino.

#808

Condition of Road - Nall between 143rd and 151st Streets: Mrs. Virginia Mathis stated that Nall (a county road) between 143rd and 151st Streets was in terrible condition; that the stop sign was down at 143rd Street, the Leawood sign was gone, and a ditch needed to be opened. She said County Commissioner Robert Davis had said if Leawood would fix the east side of that mile the Commissioners would fix the west side. Councilman Eddy pointed out that at the time that property was annexed the Council explained the City didn't have the money to maintain those roads but would do the best it could. Mayor Ballard stated one man was working on those roads all the time. Mr. Gray will see what can be done.

#838

Presentation of Gift - Leawood Woman's Club: Mrs. John O. Baeke, Civic Affairs Chairman of the Leawood Woman's Club, presented a check to the City in the amount of \$360 for use in purchasing screening plantings to be placed between the new parking lot and the street. Mrs. Baeke said it was the Club's hope that there might be one small wall area in the new building that the Leawood Woman's Club might have so they could prepare some permanent reminders of their gifts to the City. Mayor Ballard said the committee to be appointed later in the meeting to take care of special recognitions would be charged with that additional responsibility.

## REPORTS

- #875 Treasurer: Mayor Ballard explained that the Financial Clerk did not get the financial report entirely completed, so it would be deferred to the next Council meeting.
- #878 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Aalbrechtse.
- #881 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Alt.
- #890 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Present.
- #892 Public Works Department: Mr. Gray's report was submitted. Councilman Alt stated the work being done in the southern area of the City was going to help significantly. Mayor Ballard said the department was working on the street maintenance contract which should be put out for bids in the next thirty days. On motion by Councilman Alt, seconded by Councilman Present, the report was approved.

## COMMITTEE AND COMMISSION REPORTS

- #909 Budget & Finance: No report. Treasurer Pendleton stated the Budget & Finance Committee would meet Thursday evening and would have a preliminary budget report following that meeting.
- #919 Intergovernmental Cooperation and Community Affairs: No report.
- #920 Ordinance Relative to Consumption of Alcohol and Cereal Malt Beverage in City Parks (First Reading): Councilman Eddy read the proposed ordinance, amending the written draft distributed, and presented the ordinance for first reading as read. Mayor Ballard said he had asked that the ordinance be written because of problems. Chief Blume said the major problem was with youths congregating to drink beer. The matter was discussed. Councilman Present moved to amend the first reading to allow alcoholic beverage not to exceed 3.2 alcoholic content in Leewood Park only. Chief Blume said the ordinance would be extremely difficult to enforce if 3.2 beer was allowed because of the problem of identification in kegs or coolers. Following discussion, motion to amend failed for lack of a second. First reading as presented by Councilman Eddy stands.
- #1070
- #1111 Parks: No report.
- #1112 Plan Commission: Councilman Alt reported Plan Commission officers had been elected for the ensuing year with Dick Conklin as chairman; that a motion had been adopted to make

June 4, 1973

revisions in the model zoning and subdivision code, and a public hearing would be held at the next Plan Commission meeting; that a principal change in the code involved standardizing the manner in which requests for rezoning and platting are submitted to the Plan Commission.

#1127

Public Safety - Resolution No. 288 - Relative to Installation of Traffic Control Signs - 93rd and Wenonga: Councilman Judd presented the following resolution and moved for its adoption:

RESOLUTION NO. 288

"WHEREAS, a traffic safety study has been conducted in response to citizen requests, and a recommendation made therefor by the Leawood Police Department;

"NOW THEREFORE BE IT RESOLVED that installation of four way stop signs be authorized at the intersection of 93rd Street and Wenonga Road, said stop signs to be erected to control traffic traveling East/West on 93rd Street and North/South on Wenonga Road, and

"BE IT FURTHER RESOLVED that the Chief of Police is hereby authorized to order the permanent installation of the aforesaid stop signs."

Seconded by Councilman Alt. Motion carried.

#1147

Public Works Commissioner: No report.

#1148

Sanitary Sewer Commissioner - Policy Decision as to Whether or Not City Will Continue to Release or Sell Sanitary Sewer Connections - Dyke's Creek Branch: Councilman Eddy stated it had been a prior Council decision not to jeopardize the number of connections on the Dyke's Branch sewer that would be needed to connect approximately 108 people presently on septic tanks. Mayor Ballard explained that there were 109 left, and he was not sure these should be saved because there would be no relief from Kansas City, Missouri, for at least five years to allow the needed auxiliary main to be built. Because of the costs to the homeowner, he said he did not feel there would be a demand for those connections prior to the time the new main is built; since these people have no equity in the balance in the sewer system fund, was it fair to utilize any of that money to build local lateral sewers--especially when faced with the cost of the line to benefit the whole system? Mayor Ballard suggested the City might as well go ahead and sell the connections, develop the additional property, put the money in the fund and draw the interest on it. He said the overflow capacity was due to ground water infiltration in the old lines; that the load because of increased connections was infinitesimally small. The matter was discussed. Mayor Ballard said a policy decision should be made and a resolution drafted as to whether or not the connections should be held or whether the City should go ahead and make them available to developers.

June 4, 1973

Mayor Ballard suggested that 25 connections be held for septic tank problems. Councilman Eddy suggested that the Council think about whether \$800 was enough for a sewer connection.

OLD BUSINESS

#1364

Roach Cadillac Plans: Councilman Eddy displayed plans presented by Roach Cadillac. He said Mr. Granstedt had indicated on the map things that need to be done. John Granstedt and the Council discussed the curb cut, the height of the screen planting, and the necessity for these stipulations to be part of a written agreement. Mayor Ballard said the drawing should be revised showing all the things John Granstedt had requested. Mr. Roach mentioned the planting season was short. City Attorney Winn suggested suspending the stop order based on Council approval of the plans so they can proceed with planting, and at the next meeting have a set of completed plans plus additional documentation of initial height of the shrubbery and maintenance policy, together with their performance bond on the rest of the work. At the suggestion of Mayor Ballard, Councilman Eddy moved that the Council approve the plans on the basis that further action be approved by the City Attorney, Mr. Granstedt, and the Mayor; seconded by Councilman Chase. Motion carried.

#1522

#1530

Report from Police-Courts Complex Construction Committee: Councilman Eddy reported the Committee needed to work out a schedule for payments to the contractor. John Granstedt said the first payment would be made in July and the last in December. Councilman Eddy said more bricks would have to be purchased. John Granstedt will certify progress, with approval of the Construction Committee, and no payment will be made without architect approval and one or two Councilmen signing in addition to the Mayor. Mayor Ballard suggested a method be established whereby, if a payment does not get on the ordinance, the Council can go ahead and approve the payment and it would appear on the next official ordinance.

NEW BUSINESS

#1610

Recommendation from Plan Commission re Comprehensive Plan - Resolution No. 289 - Allocation of Funds: Councilman Alt reported the Plan Commission had received notice of a grant of \$5,000 for planning assistance from the Kansas State Planning Department for preparation of a comprehensive development plan for the City. He said it was necessary for the City to adopt a resolution authorizing a request for planning assistance, to allow the Plan Commission to draw up a contract with Lawrence-Leiter & Company to make the study for the City. Mr. Alt said that company had presented a proposal to make the study for \$15,000 along with assistance amounting to 260 hours of time from City

June 4, 1973

employees. He said it was envisioned that the study would take one year and would start on June 15, 1973. Councilman Alt read a recommendation of the Plan Commission that the City Council adopt a resolution authorizing a request from the Kansas State Planning Department of Economic Development providing planning assistance to the City of Leawood, providing for the payment of the sum of \$10,000 by the City of Leawood for use in the preparation of a comprehensive development plan in conjunction with a \$5,000 grant from the Planning Department. Mr. Alt said he had been assured the City would not be required to provide low income housing. Mr. Troppito said what was required was that the City and the consultant take a look at and make a statement in the study of any housing problems within the City of Leawood. The provision for 260 man-hours was discussed. Mayor Ballard said the alternative to use City help or not to use City help would be written into the contract, and that the amount of work assigned to any department ought to have not only a per diem but a maximum figure. Mr. Alt said it appeared probable that approximately \$6,100 of City funds would be spent this year, with carry over into next year. Mayor Ballard explained that the \$10,000 was one of the items the Governing Body was looking at with regard to financing the police building, and in effect adoption of the resolution would mean planning was established as high priority. The plan was discussed. Councilman Alt reviewed the optional additional portions of the plan, including an additional \$500 for an official city map. Councilman Alt moved that Resolution No. 289 be adopted; seconded by Councilman Chase. Following further discussion, Resolution No. 289 was adopted. A copy is attached hereto as part of the record.

#1821

Recommendation for New Appointment to Plan Commission: Councilman Alt presented a recommendation for appointment of James Balderson to fill a vacancy as out-of-city member of the Plan Commission. On motion by Councilman Judd, seconded by Councilman Present, the appointment of James Balderson to the Plan Commission was approved.

#1857

#1867

Change in Name of Official City Newspaper: Mayor Ballard announced that notification of change in the name of the official city newspaper from Johnson County Scout to Johnson County Sun had been received and distributed to councilmen.

#1874

Appointment of Public Works Commission: Mayor Ballard stated since Councilman Bruns, who had been assigned the task of rewriting the ordinance, was ill, he would like to appoint an ad hoc committee to head some public works projects, one of which would be writing the ordinance. Mayor Ballard appointed Councilman Eddy as chairman of the ad hoc committee, and stated that he and Councilman Eddy would confer on the appointment of the remainder of the Committee. Councilman Present volunteered to be a member of this committee. The structure of the Public Works Department and function of the Public Works Committee was

June 4, 1973

- #1939 discussed. Councilman Aalbrechtse moved that the appointment of Councilman Eddy as chairman of the ad hoc committee be approved; seconded by Councilman Alt. Motion carried.
- #1952 Appointment to Budget & Finance Committee: Deferred to the next meeting.
- #1957 Discussion Relative to Copying Appropriation Ordinances for each Council Member: Mayor Ballard explained that there was a lot of work involved in copying the appropriation ordinances and asked if the Council wanted to continue the practice. Councilmen Judd and Eddy agreed the ordinances should continue to be copied. Change in form or use of a reducing machine was suggested.
- #1998 Appointment of Special Committee to Afford Proper Official Recognition to Governing Body on Police-Courts Complex Plaque: Mayor Ballard appointed Councilman Present as chairman of this committee, with Homer Evans and Walt Aalbrechtse to work with him. Councilman Eddy suggested that no buildings or streets be named for people until ten years after they are deceased. The committee was also asked to take a look at the Leawood Woman's Club request for wall space, as well as a place to give recognition to other groups. On motion by Councilman Judd, seconded by Councilman Chase, the appointments were approved.
- #2033 Appropriation Ordinances: Nos. 316A and 306S in the amounts of \$144,909.82 (including \$100,000.00 in investments) and \$5,331.02, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.
- #2059 Request for Approval of School Expenses for Charles Troppito: Mayor Ballard explained that Charles Troppito's expenses for last semester came in after the ordinance was prepared, and asked the Council to approve the expenditure of \$94.50, to show up on next month's ordinance. Councilman Eddy moved that Mr. Troppito be issued a check for \$94.50 to cover his school expenses for last semester; seconded by Councilman Present. Motion carried.
- #2072 Councilman Present moved to suspend the rules for additional discussion and information under New Business; seconded by Councilman Judd. Councilman Present said the subjects for discussion were (1) recognition plaques, (2) a request for minutes, and (3) an apology to the Council. Motion carried, Councilman Chase opposed.
- #2092 Apology to Council, Inquiry re Plaques, and Request for Verbatim Minutes: Councilman Present offered his apology to the Council for the manner in which he requested verbatim minutes due to ignorance of the procedure. He said he made a special request for a verbatim copy of the minutes of the last Council meeting dealing with the Mayor's Report. Councilman Present stated he had received an inquiry

June 4, 1973

concerning appreciation plaques to outgoing City officials. Mayor Ballard said he would take care of the plaques.

#2196

Mayor Ballard stated he did not realize that the Council Reporter had been requested to make a verbatim copy of a section of the tape of the last meeting until it was almost finished. He said he wrote a note to Councilman Present that the tape was available. Requests for verbatim minutes were discussed. Councilman Chase moved that councilmen not be authorized to spend City funds on getting transcriptions over and beyond what would be called the normal transcription. Following discussion, Councilman Aalbrektse seconded Councilman Chase's motion. Vote on the motion was tied. Mayor Ballard cast the deciding vote in favor of the motion. Councilman Alt moved that since the transcription requested by Councilman Present was an accomplished fact that no charge be made but that a full copy of the transcript be distributed to every council member in this particular case only; seconded by Councilman Judd. Motion carried.

#2257

#2287

Employee Status Forms: Mayor Ballard stated there had been two resignations from the Administrative Department which presented quite a problem for the City Clerk and her staff. One resignation was because of personal difficulty and one to take a better paying position. Councilman Judd urged that every consideration be given in the new budget to expanding staff and upgrading the salary schedule. Mayor Ballard agreed the situation was critical. The situation was discussed. On motion by Councilman Aalbrektse, duly seconded, the resignations of Frances Farrar and Nancy J. Oestreicher, each effective June 15, 1973, were accepted.

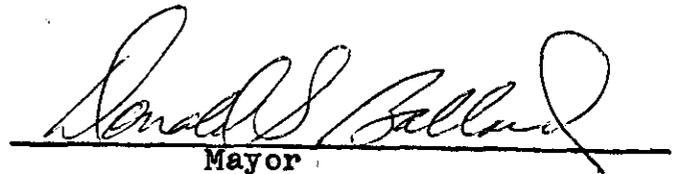
#2360

Letter of Appreciation to Leawood Woman's Club: Councilman Alt moved that a letter of appreciation be written over the Mayor's signature to the Leawood Woman's Club for their gift; seconded by Councilman Judd. Motion carried.

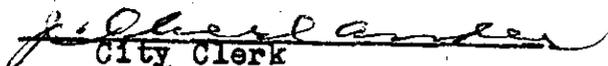
#2370

At 10:47 p.m., on motion by Councilman Judd, seconded by Councilman Alt, the meeting adjourned to Monday, June 18, 1973, 7:30 p.m.

  
*Jane Lile*  
City Reporter

  
Mayor

Attest:

  
City Clerk

June 18, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, June 18, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Alt, Evans, Eddy, Present, Judd. Councilman Chase entered the meeting immediately following the roll call.

Minutes: On motion by Councilman Present, duly seconded, the minutes of the meeting of June 4, 1973, were approved as submitted.

Visitors: Hazel Kerns, Mrs. Ed Merrifield, Mrs. C. W. Mohr, Jo Ann Laughlin, T. J. Tobin, Mr. and Mrs. W. T. Ridley, Catherine E. Peters, Ollie Gates, Henry F. Gunther, Robert H. Gunther, D. M. Boer, S. J. Boschert, William A. Hutchings, Mr. and Mrs. William H. Lebo, Carl W. Parkhurst, John J. Foley, Mr. and Mrs. James A. Gammon, Mr. and Mrs. Charles P. Brandt, Kent E. Crippin. Members of the Press: Bob Savino and Gary Burge.

Hazel Kerns requested more information concerning reports that the City Hall building would be moved to a vacant lot across the street and used as a community center. Mayor Ballard said the Council had never taken any action in regard to what to do with the present City Hall building, but it was never contemplated that it would be left here. He said the Leawood Woman's Club had shown some interest in the building and he had asked them to submit a proposal. Mrs. Kerns said the neighbors would be very upset to have a community center across the street.

#2483

Pollution Problem - Gates Barbeque: Several persons were in the audience concerning a smoke problem generated by Gates Barbeque. Mayor Ballard said the City was not really equipped ordinance-wise to deal with this type of problem in a proper manner; that the Kansas City, Missouri ordinance was being studied, as well as a stronger nuisance ordinance. He said the City was not going to let Gates Barbeque continue to operate in the manner in which they had operated in the past; but until the City has the proper legal authority, there is a problem of enforcement. Ralph Haenisch complained of lights from the parking area shining in his eyes as he pulled into his driveway and wondered if the lights could be shielded. Mr. Gates stated they would turn off any lights that were bothering. Mr. Gates said they had bought a pollution unit approved by the City and by Kansas City, Missouri, and were trying in every way to stop the smoke. Lloyd Hellman, attorney for Gates Barbeque, explained that the device, a fume afterburner, was originally installed in October, 1972, at a cost of \$4,200. He said the machine malfunctioned, was overhauled, and reinstalled on April 5, 1973. He said they

June 18, 1973

hoped a cleaning program would solve a problem with a light-sensitive shut-off device. Mr. Gates explained their barbeque operation was a different process than that of Fritz Smoked Meats. Mr. Crawford, representing the manufacturer of the afterburner, explained the function of the electric eye as a safety feature, and that it was felt establishing a maintenance pattern would keep it working properly. A lady was concerned about the odor as well as the smoke. Mr. Gates said there might be odor emitting from the hood when the pit door was opened, and they were working on a device to take care of that. There was discussion of the air pollution problem, preparation of a control ordinance, and enforcement of such an ordinance. City Attorney Winn said he hoped to have a proposed ordinance prepared by the second meeting in July. Mr. Gates stated they were working every day to try to solve the problem.

#2815

Ordinance No. 437 G - Relating to Park Regulations and Repeal of Sections: The ordinance, as approved for first reading, had been distributed. Councilman Present discussed adding the word "possess". Councilman Eddy moved that the ordinance be adopted as distributed in the Council folders. Councilman Alt said he had found that parks generally classified as neighborhood parks do not generally permit the consumption of beer; however, Antioch and Shawnee Mission Parks do permit consumption of 3.2 beer. He reported the Recreation Commission had stated they had nothing to indicate there was a problem so they were not sure an ordinance was needed at this time. Councilman Alt stated the Park Commission had adopted the following motion: "That the Park Commission go on record as being opposed to the proposed ordinance to prohibit drinking of cereal malt beverages in the Leawood Park." Councilman Alt said he felt it had not been demonstrated that a problem existed and the ordinance had been quickly drawn. Mayor Ballard said the Park Commission had been reduced to a body concerning itself with maintenance and not necessarily activities within the park. Councilman Present urged that 3.2 beer be allowed. Chief Blume said the basis for his request for a policy guideline was a two-fold problem (1) the Department was in a quandary as to what to tell people when they inquired about drinking in the park, (2) complaints of youths congregating and drinking beer. Chief Toman said he did not feel the City should wait until it became a problem. Following discussion, the vote on the proposed ordinance was 3 in favor, 3 against. Ordinance No. 437G was adopted with Mayor Ballard casting the deciding vote in favor of adoption.

#3008

Treasurer's Report: The report had been distributed. Mr. Pendleton said he had some questions on procedure for payments on the police-courts building. Councilman Eddy stated no payments would be made unless they were certified by the architect. Mayor Ballard asked that Mr. Pendleton make a recommendation concerning investment of the sewer fund.

June 18, 1973

#3095

Plan Commission Report - Scope of Services for Comprehensive Plan: A Scope of Services presented to the City by Lawrence-Leiter & Company to do the comprehensive study for the City of Leawood had been distributed. Councilman Alt proposed that the Council adopt the scope of services so it could be made a part of a contract with HUD, Lawrence-Leiter, Kansas Economic Department, and the City. Details of the scope of services were discussed by the Council. Kent E. Crippin of Lawrence-Leiter was on hand to answer questions. Councilman Alt moved that the City Council adopt the Scope of Services for the comprehensive plan to include an official city map, this all being contingent upon final consummation of the contract. There was discussion concerning the preference that the Plan Commission draw up a contract on the basis that Lawrence-Leiter do the whole job with credit back to the City for man-hours spent. Councilman Eddy seconded the motion.

#3320

#3465

There was a short recess to change the recording tape.

Tape No. 24

Side 1

#0

Scope of Services (continued): Motion to adopt the Scope of Services carried.

#3

Discussion and Motion - 95th Street: Councilman Present said Robert Morrissey, Division Engineer, Department of Transportation, Topeka, wrote in a letter that the 95th Street project could not proceed until a final environmental impact statement had been prepared and approved; therefore, no Federal Aid funds had been approved for the project. Councilman Present called attention to the Environmental Protection Agency's statements about the need for more information on noise levels, the problem of the drainage area and additional runoff from the project, the effect on property values, and the problem of children crossing 95th Street to go to school. Councilman Present referred to a letter dated December 22, 1972, signed by Jerome H. Svore, Regional Administrator, Environmental Protection Agency. Councilman Present moved that construction shall not begin in any way, shape or form to make 95th Street a four-lane highway until the Environmental Protection Agency has approved all impact statements and has issued an official statement that it approves the issuing of Federal funds to make 95th Street a four-lane highway from State Line Road to Mission Road; seconded by Councilman Judd. Councilman Eddy stated it appeared to him the motion was redundant because the EPA did not always get around to approving impact statements. Mayor Ballard said the Kansas City Regional Office of EPA had informed him that they did not approve environmental impact statements, merely reviewed them. Mayor Ballard said he felt the motion was contradictory to the law that established the EPA; that they do not approve environmental impact statements nor the issuance of Federal funds. The matter was discussed, as well as the purpose of the motion. Motion failed by vote of 4 to 2.

#40

MAYOR'S REPORT

June 18, 1973

#130

Resolution No. 290 - Reference 95th Street: Mayor Ballard said there was no practical means by which the City could fund its share of the 95th Street project by any revenue from the 1974 budget, and he saw no alternative at this time other than to officially notify the State Highway Department that the City was not going to be able to use the Federal funds within the immediate future. Mayor Ballard read proposed Resolution No. 290; Councilman Eddy moved for its adoption. Councilman Judd objected to the reference to a 4 lane width. Mayor Ballard said he would recommend that the question of widening 95th Street go back on the ballot, preferably in November, 1974. Mayor Ballard said he was not interested in improving 95th Street as a two-lane street because he thought it would be money wasted, and other heavily traveled streets in the City needed to be improved. Councilman Present said a gentleman was talking with contractors trying to work up a proposal to present to the Council to improve 95th Street as a two-lane street for under \$200,000. Maintenance and improvement of the street was discussed. Mayor Ballard said the City would continue to fill the chuckholes and keep the road as passable as possible. Following further discussion, motion for adoption of the resolution was seconded by Councilman Evans. Resolution No. 290 was adopted by vote of 4 to 2. A copy is attached hereto as part of the record.

#291

#298

Discussion re Closing City Hall on Saturday Mornings: The Council discussed the City Clerk's recommendation that in view of the resignation of two clerks, City Hall not be open on Saturday mornings. Councilman Judd moved that the City Clerk be instructed to close City Hall on Saturday morning as a temporary measure until such time as the City Council deems it necessary that City Hall shall be open on Saturday; seconded by Councilman Alt. Motion carried.

#### NEW BUSINESS

#314

Appointment to Budget & Finance Committee: Mayor Ballard proposed the appointment of Arthur Dolliver to the Budget & Finance Committee. Councilman Evans moved that the appointment of Mr. Dolliver be approved; seconded by Councilman Alt. Motion carried.

#324

Ordinance No. 436 G - Relative to Revision of Ordinances: City Attorney Winn explained that the proposed ordinance was not a change in substance of the ordinances but was to simplify and clarify the arrangement of the ordinance book. Councilman Chase moved that the Council declare an emergency for the purpose of considering an ordinance relating to preparation of revised ordinance books; seconded by Councilman Judd. Motion carried. Councilman Chase moved that the Council adopt Ordinance No. 436 G upon first reading; seconded by Councilman Present. Ordinance No. 436 G was adopted unanimously.

#388

#398

Councilman Evans moved for a change in the agenda to take up the request for easement at this time; seconded by Councilman

Alt. Motion carried.

#400

Easement Request for Utility Pole, Public Works Property, 103rd and State Line: John Foley of Kansas City Power & Light Company and a representative of Kroh Brothers explained the request for changing a light pole from Tract J to the corner of the public works property so the line would not be over a building. A map was displayed. Mr. Foley said they needed an agreement from the City that an easement would be executed when they furnish the survey. Mayor Ballard suggested approval subject to the City Architect physically inspecting the proposed location of the pole. Councilman Eddy moved that the Mayor be authorized to enter into an agreement with Kansas City Power & Light Company to move the power pole from Tract J to the City side of the creek bank when he is fully satisfied that the City Architect has approved the move; duly seconded. Mr. Foley said they would disclaim any of the existing easement not occupied after the move. Motion carried.

#473

#489

Public Safety: Councilman Judd stated he and the Police Department had received complaints relative to Jehovah Witnesses soliciting convention rooms, and suggested that the situation be investigated. Councilman Judd mentioned there were no plantings at Roach Cadillac. John Granstedt said their plan had been approved and it was now up to the City to establish the bond requirements. Councilman Judd introduced Captain Al Sellers who will fill in while Chief Blume attends the FBI Academy.

#519

Resolution No. 291 - Agreement for Reciprocal Fire Protection Services: City Attorney Winn explained the agreement and stated it was very much to Leawood's advantage to have such agreements. Councilman Evans moved for approval of Resolution No. 291 authorizing entering into the agreement; seconded by Councilman Judd. Resolution No. 291 was adopted. A copy is attached hereto as part of the record.

#541

Resolution No. 292 - Authorizing Installation of Traffic Control Devices and Signs: Councilman Judd moved that Resolution No. 292 authorizing permanent installation of traffic control devices, be adopted; seconded by Councilman Present. Following discussion, Resolution No. 292 was adopted unanimously. A copy is attached hereto as part of the record.

#564

Authorization of Various Traffic Safety Device Changes: Councilman Judd requested Council approval of a list of recommended installations and changes involving policy and expenditure of additional monies. Councilman Present moved that the Council authorize the recommended traffic safety installations and changes. Painting of all school zones was submitted to Public Safety for a recommendation. Motion seconded by Councilman Judd. Motion carried.

June 18, 1973

#605

Agreement Relative to Installation of Traffic Signals - 89th and State Line: City Attorney Winn submitted a proposed agreement which he said conformed to the Council's earlier specifications. The agreement was discussed. Councilman Chase moved that the City of Leawood accept the agreement and authorize the Mayor to execute it on behalf of the City; seconded by Councilman Judd. Motion carried.

#670

Request for Permission to Distribute Advertising Matter - Fisher Sales & Service, Inc.: Councilman Evans moved that inasmuch as the Governing Body deems activity such as that requested to be a nuisance, that the request be denied; seconded by Councilman Eddy. Motion carried.

#682

Councilman Chase moved for an executive session to discuss status forms and the clerical situation; seconded by Councilman Present. Motion carried.

The Council adjourned to executive session at 10:40 p.m.

The Council returned to regular session at 11:14 p.m. Councilmen Alt, Evans, Chase, Present and Judd were present.

Employee Status Forms: On motion by Councilman Judd, seconded by Councilman Present, the following promotion was approved:

Steven G. Shults, from Patrol Corporal at \$845 per month to Patrol Sergeant at \$865 per month.

On motion by Councilman Judd, seconded by Councilman Present, the following promotion was approved:

Ronald A. Kossenjan, from Patrol Corporal at \$855 per month to Patrol Sergeant at \$865 per month.

On motion by Councilman Judd, seconded by Councilman Present, the following promotion was approved:

Veldon D. Prince, from Patrol Corporal at \$845 per month to Patrol Sergeant at \$865 per month.

On motion by Councilman Judd, seconded by Councilman Evans, the following promotion was approved:

Allan H. Buford, from Patrolman First Class at \$820 per month to Detective at \$840 per month.

#697

On motion by Councilman Evans, seconded by Councilman Judd, the following employment was approved:

Myra T. Torbert, as Clerk, Sewer Department, at \$450 per month.

Councilman Evans moved that in light of the hiring of the Sewer Clerk, that all clerical salaries in the administrative

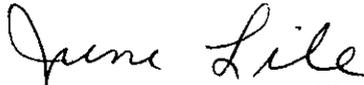
June 18, 1973

portion of the City government be reviewed by the Administrative Committee with an eye toward determining whether any adjustments are in order, and a recommendation be submitted to the Council at the next meeting; seconded by Councilman Alt. Motion carried.

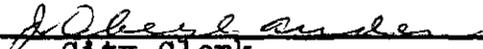
At 11:17 p.m., on motion by Councilman Judd, seconded by Councilman Chase, the meeting adjourned to Monday, July 2, 1973, 7:30 p.m.

#715

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk



July 2, 1973

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, July 2, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Alt, Evans, Eddy, Chase, Present.

Minutes: On motion by Councilman Evans, seconded by Councilman Present, the minutes of the meeting of June 18, 1973, were approved as submitted.

Visitors: Mrs. Esther T. Woodward, Elmer Selonke, Mr. and Mrs. Sid Ewald, George E. Walls, Mrs. Charles H. Retrum. Member of the Press: Bob Savino.

#732

Expansion of Indian Creek Sewage Treatment Plant: George E. Walls reviewed efforts of the South Leawood Improvement Association since 1966 in connection with the sewage treatment plant. He asked if members of the Council knew about the June 15th meeting of the County Commissioners basically on expansion of the sewage treatment plant. Mr. Walls referred to an article in the Johnson County Sun which quoted Myron Nelson as saying he would not object to running the Indian Creek facility at an overload for two to three years and that eventual expansion was a certainty. Mr. Walls requested the assistance of the Mayor and the Council in objecting strenuously to further expansion of the Indian Creek sewer plant. Mayor Ballard said he hoped a study for taking Leawood's Dyke's Creek Branch into the Indian Creek facility would be finalized and presented to the Council for a decision prior to the EPA hearing in September. Mr. Walls asked that the plant not be allowed to operate overloaded.

#843

Report from Representative of Leawood Woman's Club: Mrs. Sid Ewald read a letter from the Leawood Woman's Club advising that unless an appropriate lot were to be donated to the Club, it would be too great a financial burden for the Club to assume the task of relocating the present City Hall building. The Club suggested the building be used where it is as a community center.

#### REPORTS

#893

Treasurer: Mr. Pendleton's report was submitted.

#896

Appropriation Ordinances: Nos. 317A and 307S in the amounts of \$47,106.79 and \$3,519.61, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted. Following discussion, Councilman Evans moved to delete Warrant No. 7480 from the ordinance;

July 2, 1973

- #970 seconded by Councilman Present. Motion carried. Motion by Councilman Present that Warrant No. 7484 to Rose Publications not be paid died for lack of a second. Motion by Councilman Present to bill the homes association for \$16.75, the amount of Warrant No. 7515 died for lack of a second. There was discussion concerning Wolfgang Academy. Mayor Ballard asked that the Police Department make a more detailed report on Wolfgang activities. On motion by Councilman Aalbregtse, seconded by Councilman Present, the appropriation ordinances were approved as amended.
- #996
- #1030
- #1032 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Eddy, seconded by Councilman Present.
- #1051 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Evans, seconded by Councilman Chase.
- #1053 Public Works Department: Mr. Gray's report was submitted. Councilman Alt stated he had inspected the park. He suggested that the caboose be kept up or disposed of, and he suggested a trash barrel be put in the parking lot just north of the shelter houses. Mr. Gray added that rock was needed on the roads in the park. Councilman Alt commented that the park lacked complete facilities for small children. On motion by Councilman Alt, seconded by Councilman Evans, the report was approved.
- #1094 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Present.

#### COMMITTEE AND COMMISSION REPORTS

- #1098 Budget & Finance - Report on 1974 Budget: Councilman Evans distributed copies and reviewed the preliminary budget plan for 1974. He said the budget should be formally approved at the next regular Council meeting and should be published on August 3. He presented a financing plan for the police building which included under sources of funds 1973 budgeted capital improvements of \$29,206. He outlined assumptions made in the preliminary budget plan. Councilman Evans said the committee projected an unencumbered balance from 1973 of \$49,000. Sources of revenue were reviewed. Mayor Ballard said the department heads attended a meeting with the Budget and Finance Committee and agreed with the way the funds had been distributed; that Plan Commission items had been negotiated. Councilman Alt requested that \$350 be added to the Plan Commission budget. Councilman Evans said he had a letter from Councilman Judd stating he was in agreement with what was done to the Fire and Police budgets. Councilman Eddy stated as long as the Police Department did not have full time coverage with three men available at all times, he would not vote for the budget. The police, fire, and street

July 2, 1973

budgets were discussed.

#1901

A tornado warning sounded.

Discussion of the budget continued.

#1936

At 10:03 p.m., during discussion of the sewer system budget, Councilman Chase asked to be excused because of weather conditions, and he left the meeting.

#1956

Councilman Eddy proposed a vote of thanks to Councilman Evans' company and his secretary for typing and assembling the budget report.

After additional storm warnings, Mayor Ballard stated the Council would handle the things that needed to be handled and adjourn.

#1977

Plan Commission: Councilman Alt reported the Plan Commission held a public hearing on the zoning and subdivision regulations and would present a recommendation to make the changes. He said the Commission was working on the contract with Lawrence-Leiter.

Public Safety: No report.

Public Works Commissioner: No further report.

Sanitary Sewer Commissioner: Deferred.

#### MAYOR'S REPORT

Mayor Ballard stated a letter of resignation from Councilman Bruns had been distributed.

#1990

Upon advice of the police, the Council meeting moved to the basement.

The meeting continued in the Police Chief's office.

#### NEW BUSINESS

Building Construction Committee - Request for Council Approval of Payment of Application No. 1, Pitman Building Corporation: Councilman Eddy stated a statement in the amount of \$50,125.00 had been submitted by the contractor, and the City Architect had written a letter that the estimate was correct and should be paid. On motion by Councilman Eddy, seconded by Councilman Alt, payment in the amount of \$50,125.00 to Pitman Building Corporation was approved.

Acceptance of Resignation of Councilman Edwin E. Bruns: Councilman Aalbrechtse moved that the resignation of Councilman Edwin E. Bruns be accepted with regret; seconded by Councilman Alt. Motion carried.

July 2, 1973

Building Construction Committee - Recommendation for Approval of Form to be Used for Approving Payments and Obtaining Reimbursements: Councilman Eddy reviewed the form proposed. Following discussion, Councilman Aalbrektse moved to approve the form as distributed by Councilman Eddy; seconded by Councilman Alt. Motion carried.

Employee Status Forms: Mayor Ballard reported that the Administrative Committee had reviewed administrative staff salaries as requested at the last Council meeting. He reported that the Committee recommended the following increases in pay to be effective July 1, 1973: Jinny Oberlander, \$25.00 per month; Alice Smith, \$30.00 per month; Dorothy Holtsclaw, \$25.00 per month; and Joan Coons, \$25.00 per month. He said these increases were adequate and equitable in the opinion of the Committee. The matter was discussed. Mayor Ballard stated increases in the new budget were based on the old salaries. Councilman Aalbrektse moved to approve the status forms presented, as follows:

Jinny Oberlander, increase of \$25.00 per month;  
Dorothy Holtsclaw, increase of \$25.00 per month;  
Joan Coons, increase of \$25.00 per month;  
Alice Smith, increase of \$30.00 per month.

Motion was seconded by Councilman Evans and carried.

On motion by Councilman Evans, seconded by Councilman Alt, the following increase in pay was approved:

Christopher Lee Jones, Public Works Department, increase from \$3.32 to \$3.42 per hour.

On motion by Councilman Evans, seconded by Councilman Present, the resignation of Richard Blakey, Street Maintenance Foreman, was accepted.

On motion by Councilman Present, seconded by Councilman Alt, the following change in job title and increase in pay was approved:

Kelly Graves, to Street Department Foreman, with increase from \$3.42 to \$3.78 per hour.

On motion by Councilman Present, seconded by Councilman Alt, the resignation of Marian Selsor, Police Clerk, was accepted effective July 6, 1973.

Discussion of Proposed Police Budget: Councilman Evans asked Councilman Eddy to make a suggestion to take care of his recommendation on Police Department personnel increase. Councilman Eddy said he did not have a recommendation on where the money would come from and said he would like to think about it. Councilman Present suggested use of auxiliary police.

July 2, 1973

At 10:38 p.m., on motion by Councilman Present, seconded by Councilman Alt, the meeting adjourned to Monday, July 16, 1973, 7:30 p.m.

Donald S. Ballard  
Mayor

Jane Lile  
Council Reporter

Attest:  


Charles Anderson  
City Clerk

July 16, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, July 16, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Alt, Evans, Eddy, Chase, Present.

Minutes: On motion by Councilman Alt, seconded by Councilman Present, the minutes of the meeting of July 2, 1973, were approved as submitted.

Visitors: Esther Woodward, Ronald Dobies, Joe Middleton, Kent Crippin, Norman Schemmer. Member of the Press: Bob Savino.

OLD BUSINESS

#2020

House Interim Committee on Local Government: No report. Councilman Alt stated he was unable to attend the meeting on annexation in Topeka.

#2025

Request to Building Construction Committee to Prepare Plan for Landscaping for Police-Courts Building and Parking Lot: Mayor Ballard stated the plans for the police-courts building did not include a comprehensive plan for landscaping, and in view of the fact that the City would probably have opportunity to get donations from various organizations, a plan should be prepared. The parking lot and landscaping were discussed. Councilman Evans moved that the Building Committee be requested to present to the Council a plan for parking facilities and landscaping for the police building; seconded by Councilman Alt. Motion carried.

#2073

Report re Air Pollution Ordinance: Charles Troppito reported he had met with the Director of Pollution Control of Kansas City, Missouri, to discuss Kansas City's air pollution ordinance, and had prepared a draft of air pollution ordinance for Leawood. City Attorney Winn said he was researching the ordinance and hoped to have it ready to present to the Council at the next meeting.

#2110

Presentation of Proposed 1974 Budget: Councilman Evans pointed out changes made between the preliminary plan and the proposed budget distributed. He said he thought it could be published and public hearing held preceding the next Council meeting on August 6th. Councilman Evans suggested that ad valorem property tax be published at \$311,503 and he would determine the correct interpretation of a technicality in calculation. He said fines and fees had been decreased by about \$10,000 because of State legislation that municipalities cannot collect court costs after April 1.

July 16, 1973

#2245

The capital improvements item of \$10,121 was discussed. Councilman Present moved that the 1974 budget be adopted as submitted. Councilman Eddy stated he would still like to see the \$10,000 listed in capital improvements put in the Police Department for overtime or hiring one additional man, for a total of three on all shifts. He suggested that it come out of Item No. 164, capital improvements, or Item 618 (in view of the possibility of a bond issue to repair the City's main streets). Councilman Evans emphasized the need for a cushion between income projected and expenditures planned. Mayor Ballard stated he felt a comprehensive study was needed to determine priority of needs in the Police Department. City Attorney Winn suggested that the higher figure for fines and fees be budgeted and in the interim the possibility of increasing the fines structure be discussed. He said the philosophy of the State legislation was that court costs should not be a means of raising money for a city. Councilman Evans seconded the motion to adopt the budget and moved to amend that motion to increase the estimate of general operating revenue under the heading of fines and fees from \$43,875 to \$54,000, and to increase by \$10,125 Item 164 of the Administration budget. Councilman Chase seconded the motion to amend. Amendment carried, Councilman Eddy opposed. Motion to approve the budget carried, Councilman Eddy opposed. Date and time for the public hearing on the budget was discussed. Councilman Chase moved that the public hearing on the 1974 budget be held on Monday, August 6, 1973, at 7:00 p.m., preceding the Council meeting; seconded by Councilman Present. Councilman Eddy's motion to amend to change the time to 6:30 p.m. failed for lack of a second. Councilman Chase's motion carried, Councilman Eddy opposed. Mayor Ballard thanked Councilman Evans for the outstanding job he had done, with the Budget & Finance Committee, in preparing the budget.

#2445

#2510

#2585

Resolution re Sewer Connections on the Dyke's Creek Branch:  
Deferred to the next agenda since the resolution had not been distributed.

#2595

Ordinance - Model Zoning Code and Subdivision Regulations, 1973 Edition: Councilman Alt presented Model Zoning Code and Subdivision Regulations, 1973 edition, and proposed the adopting ordinance for first reading. Councilman Alt explained the primary changes were in the manner in which applications for zoning are presented to the Plan Commission and the approval of these applications. Charles Troppito explained Appendix 1 and a supplementary sheet. City Attorney Winn explained that the proposed ordinance was to adopt one procedure for filing zoning applications. He said substantive changes would await the completion of the comprehensive plan. Mayor Ballard stated the changes had been reviewed by the Ordinance Committee. Following discussion, it was agreed that a first reading would be delayed until a synopsis of the changes, as well as the zoning regulations and the appendix, had been submitted to councilmen for study. Enforcement of the sign ordinance was discussed relative to

July 16, 1973

real estate signs in the J. C. Nichols area and a sign at a construction site at 83rd and State Line Road.

#2837

Comprehensive Land Contract: Councilman Alt stated copies of the contract had just been received this evening. He suggested that the Plan Commission study the contract and submit it to the Council at the next meeting.

MAYOR'S REPORT

#2895

Public Works Commission Ordinance: Mayor Ballard stated a proposed ordinance concerning the Public Works Commission would probably be presented to the Council at the first meeting in August.

#2906

Kansas City Power & Light Company Easement Proposal, Police-Courts Building: It was decided the question of the easement should be submitted to the Construction Committee for a recommendation at the next Council meeting.

#2925

Telephone Company Request re Conduit, etc.: John Granstedt explained the Telephone Company request for a two-inch conduit in the slab in the basement area and recommendation reference number of lines and connections between the buildings. The matter was referred to the Construction Committee. Councilman Eddy suggested that City ownership of its telephone system be checked into. Councilman Alt suggested the committee do thorough research on maintenance and obsolescence of telephone equipment.

#3090

Glare from Lights at Roach Cadillac: John Granstedt reported the mercury vapor lights at the Roach Cadillac facility were located well onto the Missouri portion of the property but were facing Leawood at a 70° angle, 25 to 30 feet high. He suggested that Mr. Roach be asked to tilt the lights down to about 45°. Councilman Eddy mentioned the traffic hazard created by the lights. Mr. Granstedt was requested to contact Mr. Roach and ask him to tilt the angle of the lights. Mayor Ballard suggested the request be in writing. Councilman Chase will check to see that the problem is corrected. Captain Sellers suggested a letter from the Police Department to Mr. Roach advising of the traffic hazard.

NEW BUSINESS

#3175

Resolution Requiring Posting of Signs in Parks, Specifying "No Consumption of Alcoholic Beverage--Prohibited by Ordinance": Councilman Alt said such a sign was posted at the entrance to Leawood Park. Posting of similar signs in the little parks was discussed. It was agreed that such signs not be posted in the little parks unless a problem exists.

#3230

Short and Intermediate Range Street Improvement Plan: Councilman Alt reported MARC had requested all cities in

July 16, 1973

the metro-region to indicate primary and secondary streets to be included in MARC's preliminary short range and intermediate range improvement plans to 1980. A proposed list of streets in Leawood to be included was distributed. A map of the streets listed was displayed. Councilman Alt stated the plan did not constitute an application for Federal funds nor did it bind the City to apply for such funds. Councilman Alt stated he had shown Somerset Drive on the map since Prairie Village officials had indicated they would like to make improvements on it. Norman Schemmer, Assistant Director of Transportation for MARC, was present and explained the purpose of the request was to update the short range transportation plan for the area. He said the routes had to be identified in order to be placed on MARC's street network for testing purposes. Councilman Present objected to crisscrossing Leawood every square mile with four-lane through roads and added that 87th Street might as well be run through as a four-lane street. The streets included in the proposed list and the width of each was discussed.

#3530

There was a short recess to reverse the recording tape.

Side 2  
#0

Councilman Alt moved that the list distributed, with the inclusion of Somerset as Item 7, short term with two lanes, be presented to MARC as Leawood's tentative plans at this point; seconded by Councilman Evans. Following discussion of Somerset Drive and the streets listed, motion carried.

Councilman Alt reported that the County was compiling a list of road improvement needs of all municipalities and desired that the City submit within thirty days a list of roads considered to require major improvements, with the City's priorities indicated. The Plan Commission will make a recommendation. Councilman Alt said he felt the City should participate in obtaining funds outside itself where possible to help in the development of a road program. The County's capability for issuing bonds was discussed.

#170

Vacancy on the Council - Ward 4: Mayor Ballard stated after sufficient time had elapsed to allow word of the vacancy on the Council to spread, President of the Council Eddy, Councilman Judd, and the Mayor would interview people interested in being appointed to that position and would present a recommendation.

#180

Employees not to Obligate the City: Councilman Eddy cited an instance and stated it was imperative that all City employees be coached that they cannot obligate the City. The matter was discussed.

#205

Councilman Present moved for an executive session to consider employee status forms; seconded by Councilman Evans. Motion carried.

The Council adjourned to executive session at 10:14 p.m.

July 16, 1973

The Council returned to regular session at 10:30 p.m. The same councilmen were present.

#208

Employee Status Forms: On motion by Councilman Present, duly seconded, the following employment was approved:

Martha Elaine Heizer, Administration Department Clerk, at the rate of \$425 per month.

On motion by Councilman Evans, seconded by Councilman Alt, the resignation of Steven D. Philips, patrolman, was accepted effective July 6, 1973.

On motion by Councilman Evans, seconded by Councilman Present, the following employment was approved:

Michael Francis Curran, Probationary Patrolman, at the rate of \$700 per month, effective July 24, 1973.

On motion by Councilman Evans, seconded by Councilman Present, the following employment was approved:

Betty Anne Randall, Police Department Clerk, at the rate of \$400 per month, effective July 17, 1973.

#221

On motion by Councilman Eddy, seconded by Councilman Alt, the following employment was approved:

Paul Frederick Orrick, Public Works Department skilled laborer, at the rate of \$3.42 per hour.

#232

At 10:35 p.m., on motion by Councilman Alt, seconded by Councilman Chase, the meeting adjourned to Monday, August 6, 1973, 7:30 p.m., immediately following the public hearing on the budget.

  
June Lile  
Council Reporter

William W. Eddy  
-Mayor-  
President of the City Council

Attest:

J. Daniel Anderson  
City Clerk

August 6, 1973

Minutes of a Budget Hearing of the Governing Body of the  
City of Leawood, Kansas.

A hearing in connection with the proposed 1974 City budget was held at 7:00 p.m. on Monday, August 6, 1973, in the City Hall, 9615 Lee Boulevard, with President of the Council William M. Eddy presiding.

Councilmen Aalbregtse, Alt, Evans, Chase, Present and Judd were present. Also present were City Attorney Winn, Captain Sellers, Chief Toman, Charles Troppito, Phil Kline, the City Clerk and the Council Reporter.

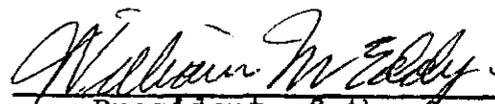
Chairman Eddy opened the hearing on the budget as published in The Johnson County Sun on July 20, 1973, to comments from the Council. Councilman Judd questioned the "contingency" fund of approximately \$10,000 established in the administrative budget. He said he felt this amount could be better utilized to obtain the seventeenth man for the Police Department which had been authorized for the past year but not implemented. Captain Sellers explained how the additional man could be utilized. Councilman Alt pointed out that the \$10,000 was not really in the budget as a contingency fund. Councilman Evans said the reason he recommended putting it in Capital Improvements was that the income was based upon being able to budget court costs after April 1.

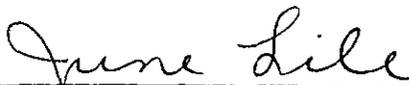
Councilman Eddy requested that since there were no comments from the city at large, Councilman Judd's comments be discussed at the appropriate place in the agenda of the Council meeting following this budget hearing.

Chief Toman commented that the way this budget was arrived at was most tasteful to the department heads.

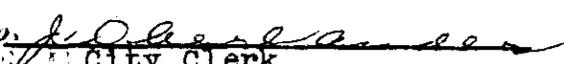
Councilman Eddy proposed a vote of thanks to Councilman Evans for preparation of the budget.

Councilman Eddy declared the budget hearing closed.

  
\_\_\_\_\_  
President of the Council

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

August 6, 1973

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, August 6, 1973, in the City Hall, 9615 Lee Boulevard, with President of the Council William M. Eddy presiding. Roll call was answered by Councilmen Aalbregtse, Alt, Evans, Eddy, Chase, Present, Judd.

Minutes: On motion by Councilman Alt, seconded by Councilman Present, the minutes of the meeting of July 16, 1973, were approved as submitted.

Visitors: Elmer Selonke, Richard Conklin, Timothy J. Margrave.  
Member of the Press: Bob Savino.

#### REPORTS

- #292 Treasurer: Mr. Pendleton's report was submitted. He was not present. On motion by Councilman Judd, seconded by Councilman Present, the treasurer's report was approved.
- #311 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Aalbregtse.
- #313 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Alt.
- #319 Police Department: Acting Chief Seller's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Present. The animal control report was discussed.
- #339 Public Works: Councilman Eddy reported the City had been notified by Gulf Oil Company that they were reneging on their contract to furnish fuel after a thirty-day cancellation period had expired; Councilman Judd and Acting Chief Sellers are working on this problem. Councilman Eddy reported a public hearing by the Kansas City District Corps of Engineers concerning Indian Lake and Tomahawk Lake would be held at Shawnee Mission South High School Auditorium at 7:30 p.m. on August 14, 1973. Councilman Eddy read from economic findings that Indian Lake had a project cost to benefit ratio of 2.51 according to the new estimates and Tomahawk Lake benefit ratio was 2.81. Councilman Aalbregtse moved for approval of the report. Councilman Judd and Councilman Eddy discussed repairs to a driveway. It was felt the City was obligated to correct the situation since work done by the City caused the damage. Councilman Evans referred to drainage behind houses on the south side of 98th Street. He said water was running over the bridge at Belinder as well as under it. Councilman Evans requested that the City get a professional opinion concerning what was inadequate
- #389

August 6, 1973

about the drainage situation and what the cost of correcting it would be. Councilman Alt said water backs up at the bridge at Lee. Phil Kline said a study of the drainage at those locations had already been made and it would be a matter of reviewing the information and writing a letter.

#427

Bids for 1973 Street Improvement Program: Phil Kline had reviewed the bids and stated Holland Construction Company was the low bidder at \$33,350.00 on one-inch overlay and seal coat; and Reno Construction Company would be the low bidder at \$37,435.50 if the alternate for the seal (one-half inch overlay) were selected. Mr. Kline strongly recommended that the low bid for half inch overlay be accepted because he felt it would do a better job and the City would be required to spend less money on those streets in the future. Councilman Present asked if the streets listed in the proposed program were the only streets that needed overlay or seal coat. Mr. Kline said the streets listed were considered a matter of priority of the improved streets examined, with the exception of 95th Street and Lee Boulevard which they were requested not to consider. Councilman Present said he felt an additional bid for an improvement for 95th Street should be included in the bids, if Mr. Kline felt 95th Street needed maintenance. Councilman Judd said repair on 95th Street had been delayed five or six years because of the excuse that it would be torn up and replaced but this had not transpired. He said the volume of traffic argument for widening 95th Street should be applied to proper maintenance of the street. He said the Council should reconsider and eliminate some of the lightly traveled streets, such as 97th and 98th which he said were in excellent condition, and spend that money doing as much as possible on more heavily traveled streets such as 95th and Lee Boulevard. The matter was discussed. Mr. Kline stated an half inch overlay would not be sufficient on 95th Street, carrying the type of traffic it does. He said from his observations, without making a study, he would not recommend anything less than a two-inch overlay. He estimated the cost of such an overlay at \$25,000 to \$30,000.

#465

Councilman Eddy said he did not feel 95th Street was being neglected, that there were other streets in worse condition, and this Council had approved a resolution to widen and rebuild 95th Street so, therefore, it would be a waste of the taxpayers' money to spend money for a two inch overlay. Councilman Present moved to reject the bids for the 1973 asphaltic overlay and seal coat work in the City of Leawood, Kansas, that the present bids be returned to the original bidders, and that they be asked to resubmit them to include maintenance on 95th Street as recommended by Mr. Kline. The chair declared out of order that portion of the motion following rejection of bids for overlay and seal. Councilman Present then moved that the bids be held in abeyance, not to be awarded until an additional bid on 95th Street for work to be recommended by Mr. Kline, had been submitted by the same contractors; seconded by Councilman Judd. Councilman Evans pointed out that the budget for street maintenance for

#620

#652

August 6, 1973

#689 this year was \$43,200, and he could see no way to add \$25,000 to \$30,000. Councilman Alt pointed out that the Council only had an observation, not a recommendation, from Mr. Kline on 95th Street. Councilman Present's motion failed by a vote of 2 for, 4 opposed.

#697 Councilman Alt moved that the bid of Reno Construction Company in the amount of \$37,435.50 for one inch overlay and one-half inch overlay (as an alternate to the seal) be accepted as submitted on August 6, 1973; seconded by Councilman Evans. Motion carried, Councilmen Present and Judd opposed.

#705 Councilman Judd moved for a change in the agenda to accommodate a visitor from Topeka for presentation of safety awards; seconded by Councilman Alt. Motion carried.

#708 Presentation of "No Death" and "Traffic Law Enforcement" Awards: Mr. Lyle Ward, on behalf of the Governor's office and the Kansas State Highway Commission, presented to the Council, the Police Department, and the citizens of Leawood, "No Death" Award and Traffic Law Enforcement Award for 1972. The work of the traffic safety squad, the Police Department, and the Public Safety Commission was commended.

#### COMMITTEE AND COMMISSION REPORTS

#730 Budget & Finance: No report.

#803 Budget Hearing Report: Councilman Evans reported a public hearing on the 1974 budget had been held at 7:00 p.m. as published, but no citizens of the City appeared to comment on the budget. Councilman Judd moved that the \$10,121 allocated to line account 164 be removed from that account and placed in the Police Department budget to expedite hiring of the seventeenth man for the department to give better coverage; seconded by Councilman Eddy. Discussion on this subject at the last meeting was reviewed. Councilman Eddy objected to delay for another year in upgrading the department. Councilman Evans said if the \$10,121 were put in the police budget, the Council would be committing money for which there really was no revenue source as it was contingent upon some restructuring of fines and fees to bring income up to the level anticipated. He urged that the proposed budget be adopted, and when income is realized, transfer it to the police department and hire the policeman. Councilman Judd's motion failed. Councilman Evans moved that the budget be submitted to the county treasurer as published and heard at the public hearing; seconded by Councilman Alt. Motion carried.

#808 Intergovernmental Cooperation & Community Affairs: No further report.

#810 Ordinance: Councilman Eddy reported the air pollution and public works commission ordinances were not yet completed.

#812 Ordinance No. 438 - Relating to Extraordinary Sick Leave: Councilman Eddy stated the City Attorney recommended that this

August 6, 1973

ordinance be passed with declaration of emergency as it was to correct provisions inadvertently omitted. Councilman Aalbrecht moved that an emergency be declared for adoption of the ordinance; seconded by Councilman Chase. Following discussion, motion carried. Councilman Judd moved that Ordinance No. 438 be adopted as presented to the Council. Ordinance No. 438 was adopted unanimously. City Attorney Winn stated a member of the ordinance committee had been designated to study the entire realm of sick leave and other administrative ordinances. Councilman Alt agreed to assist in the study if needed.

#857

Parks: Councilman Alt reported the maintenance and upkeep of the Leewood Park was good. He repeated his suggestion that a trash barrel be placed in the parking lot adjacent to the shelter houses, and said a load of gravel was needed. There was discussion concerning burning by the City of debris following storms.

#913

Letter from Board of County Commissioners Prohibiting Inflow Into Sewers: Councilman Eddy read the letter which stated cities must revise their building codes to exclude connections of basement subfloor drains as major sources of inflow. Councilman Eddy said the resolution affected the area that goes into the Indian Creek sewage treatment plant, or basically the south end of the City. John Granstedt said he had already notified builders that they can no longer hook drain tiles to the sanitary sewer. The revision will have to be added to the BOCA Code.

#951

Ordinance Relating to Model Zoning Code and Subdivision Regulations, 1973 Edition (First Reading): A synopsis of changes had been distributed. The Council discussed the ordinance and provisions of the zoning regulations, including roofing specifications and merchandise on the sidewalk. Councilman Present referred to sections 15-201 and 15-601 concerning the membership of the Plan Commission and the Board of Zoning Appeals. He urged that the section be amended to make sure at least one member from each ward is included on each of these bodies. The matter was discussed. Councilman Present moved that the provision be added to 15-201 that at least one elector be appointed from each ward to the Plan Commission; seconded by Councilman Eddy. Councilman Present said he wanted it to go on the record that he was not criticizing anyone or the appointments made so far this term, all he was trying to do by this motion was make sure that if any thoughts are to be expressed they should come from all areas of the City. Following discussion, motion carried by vote of 4 for, 3 opposed.

#1137

#1164

Councilman Present moved that the provision be added to section 15-601 that at least one elector be appointed from each ward to the Board of Zoning Appeals; seconded by Councilman Judd. Following discussion, motion failed. City Attorney Winn stated the change in the Plan Commission section may require a charter ordinance.

#1205

Councilman Eddy moved to change all references to roofing materials, such as in section 15-402(g), to state "wood shingles or equal". Following discussion, Councilman Eddy withdrew his motion but said he would like to see that paragraph changed so it was not restrictive to wood shingles. Councilman Alt suggested that the matter of roofing material and many of the other technical items be studied and included in the revisions to be made following the comprehensive study. The possibility of an architectural review board was discussed. The ordinance was approved for first reading as corrected. Chairman of the Plan Commission, Richard Conklin, stated requiring that Plan Commission members be appointed from different wards would put the Commission in a political light. Following discussion, Councilman Chase moved that the previous amendment made to section 15-201 be vacated; seconded by Councilman Aalbrechtse. Motion carried, Councilman Present opposed.

#1281

Chairman of the Plan Commission, Richard Conklin, stated requiring that Plan Commission members be appointed from different wards would put the Commission in a political light. Following discussion, Councilman Chase moved that the previous amendment made to section 15-201 be vacated; seconded by Councilman Aalbrechtse. Motion carried, Councilman Present opposed.

#1355

Plan Commission - Comprehensive Plan Contract and Letter from Kent Crippin: Upon the recommendation of the Plan Commission, Councilman Alt moved for approval of the contracts involving the City, Kansas Department of Economic Development, and Lawrence-Leiter & Company for a comprehensive development plan for the City of Leawood; seconded by Councilman Evans. There was discussion as to whether the 1973 budget could be encumbered. Councilman Alt moved that the letter contract with Lawrence-Leiter be amended to read "not to be billed in 1973" or appropriate language which the City Attorney and Lawrence-Leiter agree upon; seconded by Councilman Evans. Amendment carried. Motion as amended carried.

#1402

Membership on MARC Technical Advisory Committee on Transportation - Charles Troppito: Councilman Alt stated the Plan Commission had recommended that Charles Troppito be the City's representative on MARC's Technical Advisory Committee on Transportation. Councilman Alt moved that the Council approve the appointment; seconded by Councilman Evans. Following discussion, motion carried.

#1432

Agreement Relating to Traffic Signalization, 89th and State Line: Councilman Judd presented a revised draft of agreement dated August 2, 1973, incorporating changes requested by the Legal Department of Kansas City, Missouri, and the attorney for Kroh Bros. Kansas City wanted to coordinate the signal with their traffic signal at 89th and Ward Parkway, and Kroh Bros. wanted to include a commencement of construction date. Councilman Aalbrechtse moved for approval of the contract between the City of Leawood, the City of Kansas City, Missouri, City Bond & Mortgage Company, and Kroh Bros., Inc.; seconded by Councilman Chase. Motion carried.

#1454

Discussion of City Ordinance Violations and Action to be Taken: Councilman Judd presented a compilation of various violations of city ordinances prepared by the Police Department. He said this was to advise the Council and ask the concurrence of the Council in taking uniform action to notify

August 6, 1973

the offenders and make arrests, if necessary, as the Police Department has time to do it. Councilman Judd moved that the Council approve the action designated; seconded by Councilman Aalbrecht. Following discussion, motion carried.

#1539

Request for Street Lights, 80th Street and Sagamore and 80th Terrace and Sagamore: Councilman Judd moved that Kansas City Power & Light Company be instructed to install street lights at 80th Street and Sagamore and 80th Terrace and Sagamore; seconded by Councilman Alt. Motion carried.

#1552

Recommendation from Acting Police Chief Sellers Relative to Air Pollution Ordinance: Acting Chief Sellers stated enforcement of such an ordinance required training and certification of personnel. Councilman Judd said the Public Safety Commission felt it was not within the province of the ordinary patrolman to have to make the type of readings that would be necessary. Charles Troppito said a redraft of the ordinance had eliminated requirements for testing, that the only device would be the test for odor which was relatively simple. He said the amount of training required would be submitted to the Council along with the ordinance.

#1604

Public Works Commission: No further report.

#1607

Sanitary Sewer Commissioner: Councilman Eddy reported the City had been advised by the City of Kansas City, Missouri, of their new fee for connections. Councilman Eddy requested that no more sewer connections be issued until after he had had an opportunity to talk with Mayor Ballard. Councilman Eddy stated a report had been received on pollution in the creek north of 84th and Cherokee. Mr. Troppito was asked to advise Prairie Village of the problem. Councilman Eddy stated the report on the sanitary sewer system was available for councilmen to study, and it would be on the next agenda.

OLD BUSINESS

#1625

Approval of Pitman Building Corporation's Second Application for Payment, Police-Courts Complex: Councilman Eddy stated Pitman Building Corporation's second estimate had been approved by the Building Committee in the amount of \$32,953.00; the architect had certified that this amount was due. Councilman Chase moved that the payment be approved; seconded by Councilman Alt. Motion carried.

#1643

Kansas City Power & Light Company Easement, Police-Courts Building: Councilman Eddy reported the Building Committee recommended approval of the easement. He requested that the fact that the wires would be underground be clarified. Councilman Eddy moved for approval of the easement between the City of Leawood, Kansas, and Kansas City Power & Light Company, subject to the statement that all lines in this easement would be underground; seconded by Councilman Evans. Motion carried.

August 6, 1973

#1657

Report Relating to Lights in Parking Lot, Roach Cadillac:  
Councilman Chase stated a citizen had reported the problem had been taken care of.

NEW BUSINESS

#1670

Application for Retail Liquor License - Ranch Mart Liquor Store: On motion by Councilman Evans, seconded by Councilman Alt, the application for retail liquor license of Ranch Mart Liquor Store was approved.

#1677

Request for Permission to Solicit Funds - National Cystic Fibrosis Research Foundation: On motion by Councilman Evans, seconded by Councilman Alt, the request of National Cystic Fibrosis Research Foundation for permission to solicit funds was approved.

#1696

Appropriation Ordinances: Nos. 318A and 308S in the amounts of \$186,125.80 (including \$140,000.00 certificates of deposit) and \$50,000.08, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.

#1702

Councilman Judd moved for executive session to consider status forms for the Police Department and also a confidential expenditure by the Police Department, and further requested that Acting Chief Sellers and Lieutenant Becker be permitted to stay throughout the executive session; seconded by Councilman Evans. Motion carried.

#1709

The Council adjourned to executive session at 10:43 p.m.

The Council returned to regular session at 11:00 p.m. The same councilmen were present.

Employee Status Forms: On motion by Councilman Judd, seconded by Councilman Alt, the resignation of William Robert Huff, effective August 15, 1973, was accepted.

On motion by Councilman Judd, seconded by Councilman Alt, the resignation of Betty Anne Randall, effective July 27, 1973, was accepted.

On motion by Councilman Judd, seconded by Councilman Alt, the resignation of Joan Coons, effective July 30, 1973, was accepted.

#1716

On motion by Councilman Judd, seconded by Councilman Present, the following employment was approved:

Ronald G. Gilliland, Probationary Patrolman, at the rate of \$700 per month.

On motion by Councilman Judd, seconded by Councilman Aalbrecht, the following employment was approved:

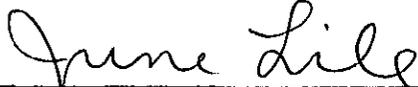
Mary Diane Windisch, Assistant Police Clerk, at the rate of \$375 per month.

August 6, 1973

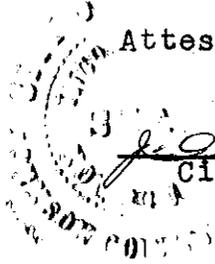
At 11:02 p.m., on motion by Councilman Judd, seconded by Councilman Alt, the meeting adjourned to Monday, August 20, 1973, 7:30 p.m.

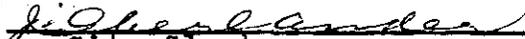
#1724

  
\_\_\_\_\_  
President of the Council

  
\_\_\_\_\_  
Council Reporter

Attest:



  
\_\_\_\_\_  
City Clerk

August 20, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, August 20, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Alt, Evans, Chase, Judd.

Minutes - Meeting of August 6, 1973: On motion by Councilman Alt, seconded by Councilman Evans, the minutes of the meeting of August 6, 1973, were approved as submitted.

Minutes - Budget Hearing: On motion by Councilman Evans, seconded by Councilman Judd, the minutes of the budget hearing of August 6, 1973, were approved as submitted.

Councilman Present entered the meeting following the vote on the minutes.

Visitors: Mrs. William R. Chadwick, J. E. Mantel, Mr. and Mrs. Tom Jay. Member of the Press: Bob Savino.

#18

Report on Sewer Study - Shafer, Kline & Warren: Phil Kline reviewed the sewer study which had been distributed entitled "Three Reports on Leawood Sanitary Sewer System," including (I) Preliminary study on the transmission of all sewage into the Johnson County Indian Creek sewage treatment plant, (II) Preliminary study for diversion and retention facilities for peak flows of sanitary sewage in North Dykes Branch District, and (III) Preliminary study of the James Branch Sewer District. He said lines in Dykes Branch and James Branch were overloaded and reviewed past efforts to alleviate the problem. He said supplementary mains in Dykes Branch would have to be constructed regardless of any other solution, at an estimated cost of \$1,600,000. Mr. Kline said copies of the reports had been submitted to the Kansas State Board of Health for review. He said he thought there was no decision to be made by the Council until the City had a response from the State Board of Health. The Council discussed the alternatives with Mr. Kline. Mr. Kline stated a sewage treatment plant for Leawood was not feasible. Mayor Ballard said the Council would have to consider what was the best economic solution, whether to pay what is probably a higher treatment bill going to Kansas City, Missouri, and not do any of the things included in this report, or going to the Johnson County Indian Creek plant and over the years paying less treatment and being able to offset the capital cost of lines and pumping stations. He said the Council needed to have some solution which it would be willing to support. The sewer fund and the cost per house of the alternative solutions was discussed. Mayor Ballard said representatives of the City would attend the EPA meeting on September 20 concerning expansion of the Indian Creek treatment plant.

#448

City Attorney's Report on Status of Lawsuit re Sewer Connections: Mayor Ballard reviewed the debate between the City and Kroh Bros. concerning 125 sewer connections. He said recently Kroh filed suit against the City to try to redeem the 125 connections. City Attorney Winn stated it was his intention now that the lawsuit had been filed to try to get a complete airing of all the issues the City feels are related to this particular sewer system.

#470

Councilman Evans moved for a change in the agenda to take up the Cloisters matter and Jay Realty matter in that order at this point; seconded by Councilman Present. Motion carried.

#475

Complaint - The Cloisters: J. E. Mantel, 8403 Cherokee Lane, stated that developers of The Cloisters, the City Architect and Building Inspector had considered Cherokee Lane to be an alley and that three story houses were being built in express violation of the 1970 Code. He asked why the zoning code was not being enforced, and added that he had not been able to obtain a zoning map of The Cloisters. City Attorney Winn said there was quite a legal question as to whether or not The Cloisters development was in fact affected by the 1970 zoning code. He said the City had been trying to apply subtle pressure on builders and owners to try to make the backs of those homes as attractive as possible, and that he was willing to continue to meet and take suggestions made by Mr. Mantel to the owner or builder involved. Mr. Troppito was requested to furnish a copy of the zoning map to Mr. Mantel. The Council discussed the matter. Mr. Mantel said he had documentation showing of his asking for assistance from the Council before the houses were built. Mayor Ballard said the matter was not quite as simple as outlined by Mr. Mantel. Mr. Mantel said to be quite honest there was nothing that could be done now, but something could have been done at the time he first made the request. Councilman Present moved that the City Attorney and the City Architect provide a written explanation of the situation within the next thirty days; seconded by Councilman Judd. Motion carried.

#598

#616

Plan Commission Report - Jay Realty's Proposed Development: Councilman Alt reported the Plan Commission had approved the concept of replatting certain large lots lying generally north of 95th Street, south of 92nd Street, east of Lee Boulevard, and west of High Drive, into smaller lots in conformance with the subdivision and zoning ordinances of the City. He said this did not give formal Plan Commission approval because only a general outline of plans was presented. Councilman Alt said Mr. Jay wanted to get the general feeling of the Plan Commission and the Council toward the development and he wanted to talk about sewer connections. Mayor Ballard said the addition of a lateral line on the sewer system would have to be approved by the State Board of Health, and he had no idea as to whether or not the State Board would approve it. He said a new sewer addition of that sort would be a very insignificant amount

August 20, 1973

because there wouldn't be any infiltration on the new lines. He said the City would not sell sewer connections there until such time as the State Board approves it. Mayor Ballard referred to a proposed resolution relative to remaining sewer connections which had not been discussed because of Councilman Eddy's absence. The Mayor said he felt he could speak for those close to the sewer problem in Leawood, that they would have no objection to selling the sewer connections for this particular plat if the State Board would approve it. Mr. Jay said he wanted tentative approval before he went to the EPA and State Board of Health. Mr. Jay explained the proposed development and discussed it with councilmen. Mr. Jay said he had brought his check to buy 19 sewer connections. Mayor Ballard said he thought that instead of allowing people to buy connections on contemplated developments, they should have to buy the connection at the time a building permit was purchased. Councilman Alt emphasized the Plan Commission had approved the concept of the development but this was in no way an endorsement of the final plans that are required to be presented to the Plan Commission. No formal action by the Council was requested.

OLD BUSINESS

#810

Ordinance Prohibiting Emissions of Visible Air Contaminants and Odors (First Reading): Sections 1 and 2 of the proposed ordinance were discussed. City Attorney Winn suggested tabling consideration of the ordinance until he had had a chance to study the full text of a recent court decision. Following further discussion, Councilman Evans moved to table pending a report back from the City Attorney; seconded by Councilman Present; motion carried.

#875

Ordinance No. 439 - Incorporating by Reference the "Model Zoning Code and Sub-Division Regulations, 1973 Edition": Councilman Alt moved that Ordinance No. 439 be adopted. City Attorney Winn stated suggestions made at the last meeting relative to substantive matters were passed on to Mr. Crippin for consideration in the comprehensive plan. Ordinance No. 439 was adopted.

#910

Status of Contract for Comprehensive Land Use Plan: Councilman Alt reported the contract had been signed by the City and forwarded to Lawrence-Leiter. They will take it to Topeka. Councilman Alt moved that the City send Lawrence-Leiter & Company a letter of Notice to Proceed with the study contingent upon State approval of the contract; seconded by Councilman Evans. Following discussion, motion carried.

MAYOR'S REPORT: No report.

NEW BUSINESS

#932

Designation of Voting Delegates and Alternates to Annual City Convention, League of Kansas Municipalities: On motion by Councilman Chase, seconded by Councilman Judd, Jinny Oberlander and Councilman Aalbrecht were designated voting delegates to

August 20, 1973

the League of Kansas Municipalities Convention. No alternates were designated.

#960

TeleCable Report: Councilman Evans read a letter from Murray Nolte of TeleCable requesting a nine-month extension of time to conclude the construction of distribution cable in Leawood South. Councilman Evans stated a six months extension of time had been granted in March, 1973, since that time the City had a considerable number of complaints from homeowners about some of the installations, about the lack of prior notice that crews would be in the neighborhoods, about entering private property and beginning construction without telling homeowners that they were there, and alleged easement violations; in addition, management of the company had changed. Councilman Evans read a letter he proposed be sent to TeleCable granting an extension of time only until September 30 and outlining assurances and schedules the City would require before considering further extension beyond that date. Councilman Evans moved that the construction extension requested by TeleCable be granted until September 30, rather than nine months, and that the letter read be sent as notification of this action; seconded by Councilman Chase. Following discussion, motion carried.

#990

#1018

Request for Permission to Solicit Funds at Ranch Mart Shopping Center - American Medical Center at Denver: Councilman Present moved that the request be approved contingent upon permission being granted by Ranch Mart and upon their providing satisfactory answers to questions on the application regarding identification of solicitors; seconded by Councilman Evans. Motion carried.

#1043

Request for Permission to Solicit Funds - Leawood Fire Department for Muscular Dystrophy Association: On motion by Councilman Judd, seconded by Councilman Present, the request was approved. Chief Toman said solicitations would be made at the intersection of 95th and Lee on September 1.

#1055

Ordinance re Reorganization of Public Works Commission (First Reading): Charles Troppito explained that the ordinance repealed certain sections of the existing ordinance, re-structured the Public Works Commission and re-defined its duties, and redefined the duties of Public Works Commissioner. Following discussion, it was agreed the first sentence of Section 3 should read, "The Public Works Commission shall be composed of three (3) members (at least one of whom shall be a councilman), the Public Works Commissioner as chairman and no more than two (2) members, all appointed by the Mayor and confirmed by the governing body in conformance to the procedure as established in Section 1-106(c) of the Revised Ordinances of the City of Leawood, Kansas."

#1155

Plan Commission Report - Reimbursement of College Tuition: Councilman Alt stated it had been the practice to pay fifty per cent of the tuition for Mr. Troppito for studies related

August 20, 1973

to his work as Administrative Assistant to the Mayor and to the Plan Commission after he had satisfactorily completed the courses. Councilman Alt moved that Mr. Troppito be reimbursed in the amount of \$70.00 in advance of the next appropriation ordinance to allow him to apply this amount to the fall semester fees coming up; seconded by Councilman Evans. Motion carried.

#1170

Ordinance Abolishing Positions of Police and Fire Commissioners (First Reading): Councilman Judd explained the appointment of both a police and a fire commissioner had caused additional work on the part of the Fire Chief, and this ordinance was proposed to return to the system whereby both the Police and Fire Departments report to the Public Safety Commission as a whole rather than a commissioner of each, mostly to expedite matters and decrease the amount of paper work. The ordinance was approved for first reading.

#1192

Block Mother Signs: Councilman Present stated a formal request would be made by Marsha Bagby School PTA for permission to post block mother signs, but in the meantime they wanted assurance that the Council approved of the program. The Council discussed placement of the signs. Captain Sellers suggested the old signs be picked up before the new ones are issued.

#1242

Councilman Judd moved for executive session to consider personnel status forms; duly seconded. Motion carried.

The Council adjourned to executive session at 10:30 p.m.

The Council returned to regular session at 10:50 p.m. Councilmen Alt, Evans, Chase and Judd were present.

Employee Status Forms: On motion by Councilman Judd, seconded by Councilman Alt, the resignation of William Franklin Hillix from the ~~Police~~ <sup>FIRE</sup> Department was accepted.

On motion by Councilman Judd, seconded by Councilman Alt, the following employment was approved:

Larry Eugene Smith, Fire Department, at the rate of \$600 per month, effective September 15, 1973.

On motion by Councilman Judd, seconded by Councilman Alt, the following promotion was approved:

Shirley Yockey, from Assistant Police Clerk to Police Clerk, at the rate of \$504 per month.

On motion by Councilman Chase, seconded by Councilman Judd, the resignations of Dana Becker, John Rector, and Steve Bergendorf from the Public Works Department were accepted.

On motion by Councilman Judd, seconded by Councilman Evans, the meeting adjourned to Tuesday, September 4, 1973, 7:30 p.m.

#1254

#1258

Attest:

June Lile  
Council Reporter

J. D. [Signature]  
City Clerk

1634

[Signature]  
President of the Council

September 4, 1973

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Tuesday, September 4, 1973, in the City Hall, 9615 Lee Boulevard, with President of the Council William M. Eddy presiding. Roll call was answered by Councilmen Aalbregtse, Alt, Evans, Eddy.

Minutes: On motion by Councilman Evans, seconded by Councilman Alt, the minutes of the meeting of August 20, 1973, were approved as submitted. This action was amended later in the meeting.

Presentation of Certificates of Appreciation and Keys to City: Deferred to the next meeting since the Mayor was out of town.

Visitors: None.

#### REPORTS

#1270

Treasurer: On motion by Councilman Evans, seconded by Councilman Alt, the treasurer's report was approved.

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Evans, seconded by Councilman Alt.

#1274

Councilman Judd entered the meeting following approval of the Municipal Judge's report. He said he would like to offer a correction of the minutes.

Minutes: On motion by Councilman Judd, seconded by Councilman Alt, the reference to the resignation of William Franklin Hillix on page 1634 of the minutes of the meeting of August 20, 1973, was corrected to read "from the Fire Department."

#1291

Police Department: Acting Chief Sellers' report was submitted and approved on motion by Councilman Evans, seconded by Councilman Aalbregtse.

#1309

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Aalbregtse, seconded by Councilman Evans.

#### COMMITTEE AND COMMISSION REPORTS

Budget & Finance: No report.

#1311

Building Construction Committee - Contractor's Third Application for Payment: Councilman Eddy reported Pitman Building Corporation's third application for payment had been approved by John Granstedt and by the chairman of the Building Committee.

On motion by Councilman Aalbregtse, seconded by Councilman Alt, payment in the amount of \$25,799.00 was approved.

#1332

Intergovernmental Cooperation and Community Affairs: Councilman Aalbregtse reported he would be unable to attend the League of Kansas Municipalities Convention in Topeka on September 30, October 1 and 2.

#1335

Ordinance No. 440 - Abolishing Positions of Police and Fire Commissioners: Councilman Alt moved that the ordinance be adopted. Ordinance No. 440 was adopted unanimously.

#1345

Ordinance re Reorganization of Public Works Commission: Councilman Eddy read a memorandum from Charles Troppito pointing out redundant wording in the proposed ordinance. Following discussion, consideration of the ordinance was deferred pending further examination by the City Attorney.

#1363

Parks: Councilman Alt reported the inside of the caboose had been painted.

#1366

Plan Commission: Councilman Alt reported the comprehensive plan was under way, and that Mr. Crippin proposed to use existing Council committees and commissions to formulate long range goals and objectives. He said citizen participation at an open session would be stressed. Methods of advising the public of the hearing were discussed. On motion by Councilman Eddy, seconded by Councilman Judd, the Plan Commission report was approved.

#1394

Public Safety: No report.

Employee Status Forms: On motion by Councilman Eddy, seconded by Councilman Evans, the following employment was approved:

Kenneth Ray Hanners, Street Department laborer, at the rate of \$3.42 per hour.

On motion by Councilman Aalbregtse, seconded by Councilman Judd, the following employment was approved:

Norene L. Laudel, Court Clerk-Violations Clerk, at the rate of \$400 per month.

#1413

Sanitary Sewer Commissioner - 1974 Sanitary Sewer Assessment: Deferred until the arrival of the City Attorney.

Sanitary Sewer Commissioner - Resolution re Dykes Branch Connections: Councilman Eddy said he had a question about the number of connections referred to in the resolution and suggested the resolution be tabled until the next meeting. Councilman Alt requested that the Sewer Clerk report as to whether or not connections were sold en masse to a developer. On motion by Councilman Evans, seconded by Councilman Alt, the resolution was tabled until the next meeting.

MAYOR'S REPORT: No report.

NEW BUSINESS

#1440

Request for Permission to Keep Pony on Premises, 9610 High Drive, Rose: Councilman Eddy read from a 1972 opinion written by the City Attorney, and from the ordinance. Following discussion, Councilman Judd moved that the Council withhold approval subject to positive approval in writing by all abutting property owners; seconded by Councilman Alt. Motion carried.

#1511

Establishment of 1974 Sanitary Sewer Assessment: Councilman Eddy reported sewer assessments totaling \$25,000 had to be certified to the County last year, and proposed that at the end of a ninety-day period for payment of the \$45.00 sewer assessment a ten per cent late fee be added, to be in effect for thirty days, and that a certification fee be added to all accounts that had to be certified to the County. He suggested that a notation be added that all due dates are "in hand at City Hall". Following discussion, Councilman Aalbrechtse moved that Sewer Commissioner Eddy work on a proposed plan for updating the sewer billing and redrawing the ordinance covering the sewer billing program, to be submitted to the next Council meeting. Councilman Aalbrechtse further moved that the City Clerk be directed to proceed with ordering the bills on the basis of a \$45.00 sewer assessment, mailing date November 1, final due date February 1, with penalty of ten per cent to be added after February 1, and an additional \$10.00 penalty after March 1; seconded by Councilman Alt. Motion carried.

#1572

#1610

Fire Department Report: Chief Toman's report was submitted and approved on motion by Councilman Evans, seconded by Councilman Judd. Chief Toman was congratulated for his appearance on television and commended for money raised by the department for the Muscular Dystrophy Association.

#1629

Request for Permission to go Door to Door - Kansas-Missouri Mission, Church of Jesus Christ of Latter Day Saints: At the suggestion of the City Attorney, Councilman Evans moved that the matter be tabled until the next meeting; seconded by Councilman Judd. Motion carried.

#1641

Request for Permission to Keep Three Dogs on Premises, 9229 Manor Road, Waldron: Following discussion, Councilman Judd moved that the request for permission to keep three dogs be subject to the owner of the animals obtaining written approval by property owners within 200 feet of the residence; seconded by Councilman Alt. There was discussion that at such time as approval of neighboring property owners is brought in, the dog owner be advised the approval shall extend until the death of one dog or termination of the lease. Motion carried.

#1682

Discussion re April Election Expense: Councilman Alt stated the City of Leawood paid \$659.60 for its share of the election

September 4, 1973

in April. He referred to a ruling by the Board of Election Commissioners that the expense in a countywide election shall be paid by the County and not by the individual entities. He felt the City should seek a refund. Councilman Alt moved that this matter be referred to the City Attorney for advice as to how to proceed; seconded by Councilman Aalbrechtse. Motion carried.

#1705 Proclamation - Voluntary Action Day: On motion by Councilman Aalbrechtse, seconded by Councilman Judd, Tuesday, September 25, 1973, was proclaimed VOLUNTARY ACTION DAY.

#1720 Proclamation - Southgate Open Days: On motion by Councilman Aalbrechtse, seconded by Councilman Alt, the days of September 13, 1973 through September 16, 1973, were proclaimed SOUTHGATE OPEN DAYS.

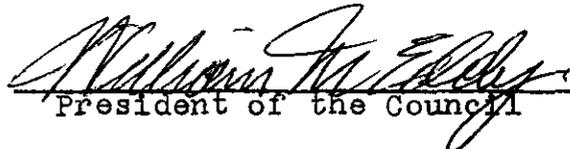
#1728 Appropriation Ordinances: Nos. 319A and 309S in the amounts of \$199,116.05 (including \$99,330.28 in U. S. Treasury Bills and \$45,000.00 in Certificates of Deposit) and \$78,015.21 (including \$20,000.00 in Certificates of Deposit), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved. During discussion of the appropriation ordinances, Councilman Alt suggested looking into the possibility of purchasing a copy machine plus a maintenance agreement in lieu of renting.

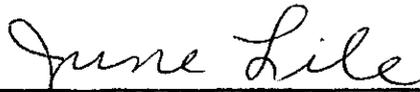
#1816 Councilman Eddy moved for an executive session to discuss pending litigation concerning the City; seconded by Councilman Evans. Motion carried.

#1821 The Council adjourned to executive session at 8:30 p.m.

The Council returned to regular session at 8:50 p.m. The same councilmen were present.

#1825 On motion by Councilman Evans, seconded by Councilman Judd, the meeting adjourned to Monday, September 17, 1973, 7:30 p.m.

  
\_\_\_\_\_  
President of the Council

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, September 17, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Alt, Evans, Eddy, Present, Judd. Councilman Aalbrecht returned to the room immediately following the roll call.

Presentation of Certificates of Appreciation and Keys to the City to Retired Officials from Last Previous Administration: Mayor Ballard presented a certificate of appreciation, a key to the City, and a gavel to Margaret W. Jordan for her service to the City as Mayor, Councilman from Ward 2, and Chairman of the Ordinance Committee.

Councilman Chase entered the meeting at 8:35 p.m. during Mrs. Jordan's remarks following the presentation.

Mayor Ballard presented a certificate of appreciation and key to the City to Richard J. Conklin for his service to the City as Councilman, Ward 3, and as a member of the Park Commission, Plan Commission, Police-Courts Building Committee, Dog Ordinance Committee, Building Code Committee, and Public Works Committee. The Mayor also presented a certificate of appreciation and key to the City to Dr. William E. Evans for his service to the City as Councilman, Ward 2, and as a member of the Intergovernmental Cooperation and Community Affairs Committee, Cable TV Committee, Dog Ordinance Committee, and Legislative Committee.

#1890

Presentation to Police Chief Richard W. Blume: Mrs. Jordan noted that Police Chief Blume had just returned to the City following completion of a course at the F.B.I. Academy and presented him a gift. Councilman Judd reported Chief Blume had received a J. Edgar Hoover Award for scholastic excellence in the course.

#1959

Proclamation - National Dog Week: Representatives of Friends of the Animals of the Greater Kansas City Animal Shelters were present in support of the proclamation. Mayor Ballard read the proclamation, and the week of September 23 through September 29, 1973, was proclaimed NATIONAL DOG WEEK.

#1988

Minutes: On motion by Councilman Judd, seconded by Councilman Alt, the minutes of the meeting of September 4, 1973, were approved as submitted.

#1992

Visitors: Linda Drummond, John M. Watts, Janis M. Watts, John J. Ruddy, Margaret W. Jordan, E. L. Akerly, Leon A. Jacobs, Dr. and Mrs. G. M. Osgood, Esther Woodward, Charles W. Duncan, Richard J. Conklin, E. Fred Sieber, George Walls. Member of the Press: Bob Savino.

## OLD BUSINESS

#2022

Councilman Evans moved for a change in the agenda to take up the resolution concerning the Indian Creek sewage treatment plant at this time; seconded by Councilman Aalbrechtse. Motion carried.

Resolution No. 293 - Re Expansion of Indian Creek Sewage Disposal Plant: Councilman Evans referred to copies of a resolution distributed which would put the City on record as opposing the planned expansion of the Indian Creek sewer plant. He stated it was important that the Council act at this meeting inasmuch as an Environmental Protection Agency hearing would be held on September 20. Councilman Evans explained the resolution. He said odors from the Indian Creek plant have been and still are a problem, and read from the draft environmental impact statement that "it may produce additional odor problems due to increased amounts of sewage being treated, air pollution from sewage sludge incineration and a possible zone of degradation in Indian Creek below the plant site." Councilman Evans stated construction of a facility to serve 428,000 population equivalent in a residential community of 12,000 with the likelihood of inflicting those conditions on its residents could not be justified and should not be allowed. He said a broader solution to the problem was in order, one that involved all area communities on both sides of the state line. Councilman Evans moved for adoption of Resolution No. 293. Councilman Alt seconded the motion and stated he was in complete agreement with the statements made by Councilman Evans. The resolution and sewage problems were discussed. Mayor Ballard said the alternative to expanding the plant would be that sewage be treated through the Blue River interceptor, and with the additional economic support that would be afforded the Blue River interceptor by all of the basin included in the expansion of the Indian Creek plant, he believed the solution of the Dykes Branch problem could be accelerated. Councilman Eddy agreed the problem should be handled on the basis of the entire metropolitan area with perhaps a bi-state sewer authority. Councilman Alt withdrew his second so members of the audience could speak. Mrs. Robert S. Woodward stated she and her husband were not opposed to any orderly expansion of necessary sewage treatment in Johnson County but were violently opposed to any town or developer sending improperly treated sewage past their windows. George Walls said he didn't think that area had to be the cesspool for Johnson County and indicated that records of efforts against the expansion of the plant were on file at City Hall. Councilman Judd said he could see no way the City of Leawood would have any control over what developers in other parts of the County were doing. E.L. Akerly said residents had been assured in the 1960's by county officials that the plant would not be expanded further. Mr. Walls stated there was discussion within the community of filing a class action suit opposing further expansion of the Indian Creek facility. Councilman Alt

#2315

#2407

again seconded the motion to adopt Resolution No. 293. The resolution was adopted unanimously. A copy is attached to these minutes. After determining that the question of sewage treatment would not come before the voters, Councilman Present requested that the matter of the April election be removed from the agenda.

#2487

Resolution No. 294 - Re Street Lights - 80th Street and 80th Terrace at Sagamore: On motion by Councilman Judd, seconded by Councilman Evans, the following resolution was adopted:

RESOLUTION NO. 294

"BE IT RESOLVED that the Mayor be authorized to sign Resolution No. 24 under Ordinance No. 264 providing for additional street lighting in the City of Leawood, Kansas, to be paid for from the City's reserve fund with the Kansas City Power and Light Co. (2 additional street lights, 80th Street and 80th Terrace at Sagamore Road)

#2502

Resolution No. 295 - Re Sanitary Sewer Connections, Dykes Branch: The number of connections referred to in the resolution was discussed. Councilman Eddy requested that in the first sentence 101 sanitary sewer connections be changed to 74, and that the second sentence be deleted. Mayor Ballard proposed that "to convert from septic to sanitary sewer" be inserted in the fourth paragraph. Councilman Judd moved for approval of Resolution No. 295 as corrected; seconded by Councilman Alt. Resolution No. 295 was unanimously adopted. A copy is attached hereto as part of the record.

#2604

Ordinance No. 442 - Re Reorganization of Public Works Commission: Councilman Eddy moved that Ordinance No. 442 be adopted as presented. Ordinance No. 442 was adopted unanimously.

#2615

Ordinance re Air Pollution: City Attorney Winn stated he had not been able to complete his study of the ordinance as requested. On motion by Councilman Alt, duly seconded, the air pollution ordinance was continued to the next meeting.

#2640

Ordinance No. 441 - Re Annual Sewer Assessment: Councilman Eddy explained the ordinance had been written to incorporate the changes in sewer billing approved at the last meeting, and moved that an emergency be declared for adoption of the ordinance; seconded by Councilman Aalbregtse. Motion carried. Councilman Eddy reviewed the changes in billing procedure. Mayor Ballard read the proposed ordinance. On motion by Councilman Eddy, Ordinance No. 441 was unanimously adopted.

#2749

Request to go Door to Door - Kansas-Missouri Mission of Church of Jesus Christ, Latter Day Saints: Councilman Judd referred to the opinion of the City Attorney which had been distributed relative to this matter. Following discussion, Councilman Judd moved that the request of the Church of Jesus

Christ, Latter Day Saints, be denied until such time as they resubmit their application specifying exact dates and times and presenting a list of the people who will be doing the solicitation; seconded by Councilman Aalbrecht. Motion carried.

NEW BUSINESS

#2790

Wolfgang Proposal: Councilman Judd referred to a letter from Wolfgang Academy stating they would increase their fees and an alternative letter requesting an increase in charges to individuals whose animals were picked up. Wolfgang Academy had been requested to send a representative to the Council meeting but none was present. Councilman Judd reviewed a letter from Friends of Animals of Greater Kansas City Animal Shelters complaining of conditions at Wolfgang Academy, and read a report from Captain Sellers that on unannounced visits he had observed no animal without food, water or shelter, no animal being disposed of, no unusual amount of flies, and cages appeared to be clean. Councilman Judd stated it was the recommendation of the Public Safety Commission that (1) the increase in rate not be approved, (2) the ordinance not be changed to permit Wolfgang to charge owners of dogs picked up, and (3) no action be taken until further proposals are made or indication given that Wolfgang can no longer proceed under the present contract. Councilman Alt moved that the Public Safety Commission recommendation be accepted; seconded by Councilman Evans. Following further discussion, motion carried.

#3043

Councilman Evans moved for a change in the agenda to consider the ordinance relative to investment of idle funds at this time as the City Treasurer needed to leave the meeting; duly seconded. Motion carried.

#3045

Charter Ordinance No. 10 - Re Investment of Idle Funds: City Attorney Winn indicated a correction in subparagraph (b) to read "time deposit open accounts". Following considerable discussion concerning the wording of a provision for investment of funds for periods less than thirty days, Councilman Present moved that consideration of Charter Ordinance No. 10 be tabled until the next meeting; duly seconded. Motion carried.

#3309

Plan Commission Report: No report.

#3315

Resolution No. 296 - Relative to Various Contracts: Councilman Eddy moved that the resolution as presented to the Council be adopted; seconded by Councilman Judd. Resolution No. 296 was adopted. A copy is attached hereto as part of the record.

#3336

Communication Grant: Councilman Judd stated the City had been awarded a communication grant in the amount of \$34,537.40, for communication equipment for the new building and for police cars. He said the City's contribution of \$8,634.35 was included in the 1974 Police Department budget. Councilman Judd

September 17, 1973

moved for permission of the Council to prepare the specifications, present the specifications to GCCA, and then advertise for bids, with the understanding that the City would commit the \$8,634.35; seconded by Councilman Present. Chief Blume stated the expenditure would not be made until 1974. Motion carried.

#3407

There was a short recess to reverse the recording tape.

Tape No. 25

Side 2

#1

Furniture for New Building: Councilman Judd stated \$8,482.00 had been approved in the 1974 budget for the purchase of furniture for the new Police-Courts Building. Because of the length of time required to obtain new furniture, Chief Blume asked for permission to obtain quotes on several proposals for new furniture. Mayor Ballard suggested that Chief Blume set up a meeting with the Administrative Committee to decide what was to be done regarding furniture for the new building.

#40

Accolades to Acting Police Chief and Fire Chief: Councilman Judd relayed the commendation of Acting Police Chief Sellers and Fire Chief Toman from Insurance Investigator Childers for the exemplary manner in which they handled their departments following an airplane crash into a home at 9707 Sagamore Road. He expressed gratitude for assistance given by neighboring cities at that time.

#54

Extension of Time for TeleCable: Councilman Evans reviewed the previous request by TeleCable for extension of time for installation of cable, resulting in a thirty-day extension being granted by the Council. Councilman Evans said he thought there was no need to grant any further extension north of I-435 as it was planned to be completed this month. He said TeleCable had now committed to bring their main cable across 119th Street without further waiting to see whether the reservoir would be built. Councilman Evans moved that a further extension of time, through May 31, 1974, be granted to TeleCable for installation south of I-435; seconded by Councilman Judd. Councilman Evans said he had received assurances that methods of notification in neighborhoods and to individual residents would change. Motion carried.

#90

Councilman Present moved to adjourn to executive session to consider personnel status forms; seconded by Councilman Judd. Motion carried.

The Council adjourned to executive session at 9:50 p.m.

The Council returned to regular session at 10:00 p.m. The same councilmen were present.

Personnel Status Forms: Councilman Judd presented the resignation of Ronald A. Kossenjan from the Police Department, the resignation of Norene Laudel from the Police Department, and

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proposed the employment of Margaret Lucille Hamer as Court Clerk-Violations Clerk.

On motion by Councilman Aalbregtse, seconded by Councilman Alt, the resignations of Ronald A. Kossenjan and Norene Laudel were accepted and the following employment approved:

Margaret Lucille Hamer, as Court Clerk-Violations Clerk, at the rate of \$400 per month.

At 10:02 p.m., on motion by Councilman Eddy, duly seconded, the meeting adjourned to Monday, October 1, 1973, 7:30 p.m.

#98

*Daniel S. Bell*  
Mayor

*Jane Lile*  
Council Reporter

Attest:  
*J. Oberlander*  
City Clerk

October 1, 1973

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, October 1, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Alt, Evans, Chase, Present, Judd.

Minutes: On motion by Councilman Judd, seconded by Councilman Present, the minutes of the meeting of September 17, 1973, were approved as submitted.

Visitors: Mr. and Mrs. Bernard S. Wagner, John M. Watts, Craig Miller, Mrs. William R. Chadwick, C. A. Jones, G. J. Donohue, Sam DeKinder, Sister Marie Coleman, Dr. and Mrs. Herbert M. Rubin, Dr. Rae Jacobs. Members of the Press: Deborah Williams, Bob Savino.

Bernard Wagner wanted assurance that street lights at 80th and 80th Terrace and Sagamore would be metal poles with underground wires. Councilman Judd said the poles would be steel and he was almost positive it would be an underground installation.

#### REPORTS

#131

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Judd.

#139

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Evans.

#145

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd. Councilman Evans asked where the City stood as far as a gasoline contract for the rest of the year. Councilman Judd said everything possible was being done to get a commitment.

#160

Public Works: Mr. Gray's report was submitted and approved on motion by Councilman Present, seconded by Councilman Alt.

#### COMMITTEE AND COMMISSION REPORTS

#172

Budget and Finance: Councilman Evans requested department heads to submit budget projections and runouts within the week; the City Clerk was requested to include Plan Commission expenditures in the Administrative runout; Charles Troppito to do Parks, Motor Fuel and Street Department; Chief Toman, the Fire Department.

Intergovernmental Cooperation and Community Affairs: No report.

#180

Ordinance:

Ordinance re Parking of Vehicles: A draft of a proposed ordinance had been distributed. Councilman Present suggested that the ordinance not confine violation to the same vehicle, but to any vehicle owned by the owner. City Attorney Winn stated the ordinance had not gone through the Public Safety Commission nor the Ordinance Committee. On motion by Councilman Evans, seconded by Councilman Present, the ordinance was referred to the Public Safety Commission.

#204

Ordinance No. 443 - Repealing Certain Sections Pertinent to Investments: Councilman Present moved that an emergency be declared for adoption of the repealing ordinance; seconded by Councilman Alt. Motion carried. Upon motion by Councilman Evans, Ordinance No. 443 was adopted.

Charter Ordinance No. 10 - Re Investment of Funds: City Attorney Winn stated wording relative to investments of less than thirty days had been changed in accordance with discussion at the last meeting. Mr. Winn pointed out a typographical error in subparagraph (a). Upon motion by Councilman Evans, Charter Ordinance No. 10 was adopted unanimously.

#234

Parks: Councilman Alt reported the parks were in good condition. He again suggested that a trash barrel be chained to a post near the parking area. He said the roads needed additional rock.

#249

Plan Commission - Recommendation re Limited Office Zoning: Councilman Alt requested Mr. Donohue, representing the people developing the land, to display a sketch showing the area proposed for rezoning. Mr. Donohue stated the area was located at approximately 8000 State Line Road, the immediate northeast corner of the City of Leawood, and consisted of 175 feet of frontage on State Line Road with a depth of 500 feet. He indicated surrounding properties. Photographs of the site were displayed. He said Interstate Federal Savings and Loan proposed to build a 7,000 square foot office building on one floor with low grade basement, for their use only. He said parking space for 72 cars was provided. Mr. Donohue said it was proposed that an existing culvert be boxed in and buried. He indicated there were two separate owners of the remaining portion of the vacant parcel of ground. He indicated a 120 foot wide area from the parking lot to the west property line which would be maintained as a green space. The Council discussed the plan and the requirements of Limited Office District zoning. Councilman Alt explained a final plan would have to be brought back before the Plan Commission and the Council for authorization even if the land was rezoned Limited Office. Councilman Alt pointed out the plan did not meet a requirement for 25-foot parking lot setback along the south property line. Craig Miller, 2004 West 81st, said he was speaking for a number of people and stated they were concerned about (1) spot zoning, that this was a fine development for a transition but, looking

#465

at the elevations, people were going to be able to see over trees and shrubbery into an asphalt jungle; the zoning would probably continue south and the asphalt jungle would expand; (2) lighting; (3) traffic; and (4) primarily a commercial environment rather than a residential environment. Dr. Rae Jacobs said a row of 50 to 80 foot trees along the banks of the creek presently provided an excellent visual block. He questioned why this area had to be developed commercially, and suggested decreasing the size of the parking lot so the creek and surrounding trees could remain, and if that could not be done, that there be a requirement that trees be put in to provide a visual block. A representative of Interstate Federal stated the savings and loan would probably never need more than 40 parking spaces. Bernard Wagner stated he was concerned about beginning commercial zoning of the remainder of the vacant property. Dr. Herbert Rubin expressed concern that it would be a lot of years before trees and shrubbery reached sufficient height to screen the area. He said the trees there were magnificent. Elaine Wagner said there were no trees that could be planted that would screen their property from the remainder of the vacant tract. Liz Rubin asked if the City would go along with requiring that 120 feet or more buffer be maintained along all of the vacant tract. There was discussion that a green belt was needed on the south end of the vacant tract also. Councilman Alt stated the Plan Commission had reviewed the matter and recommended unanimously to the City Council that this land be rezoned from R-1 Single Family Residential District to B-4 Limited Office District. He read the ordinance rezoning the tract and submitted the ordinance for first reading. There was further discussion, including the possibility of rezoning the whole vacant tract with the stipulation for a green area around it. Dr. Rubin stated if residents could be sure that the next thing coming in would have a 120 foot buffer, he thought most of them would be much more satisfied. He said it was not the present plan that worried him, it was the remainder of the vacant ground. Councilman Evans moved that the zoning request be referred back to the Plan Commission with the request for a recommendation for zoning the entire undeveloped area, including that plot and the land to the south; seconded by Councilman Judd. Following further discussion, motion carried, Councilman Alt opposed.

#592

#653

#840

#862

Plan Commission - Recommendation re Improvement of 111th Street: Councilman Alt requested that this matter be continued to the next Council meeting so that proper legal documents might be prepared.

#866

Plan Commission - 1974 Street Improvement Program: Councilman Alt said the Plan Commission had been directed to make a recommendation concerning short range development of streets within the City. He read the Plan Commission recommendation that (1) 95th Street from city limit to city limit be widened to a four lane facility, curb and gutter; (2) 103rd Street from Brookwood School to Mission Road be widened to a four

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#988 lane facility, curb and gutter; and (3) 83rd Street from city limit to State Line Road receive two lane capacity improvement. Councilman Alt stated the Plan Commission also recommended improvement of State Line Road to a four lane primary arterial with curb and gutter, from Red Bridge Road to Highway 150. Councilman Alt reviewed the short range improvement plans approved at the July 16 Council meeting. He said the need for a sidewalk west of Brookwood School should be taken into consideration. Mrs. William Chadwick emphasized the need for a sidewalk as well as a bike path. She said anything put down now would have to be torn up later and that she had a recommendation from Mr. Kline that the least expensive method to provide such a walkway and path would be to grade it for proper drainage, put down a rock base, and prime and seal with single asphaltic surface treatment. It was discussed that sidewalks were most commonly done as a special benefit district. Councilman Alt moved that the Council request the Johnson County Commission to include the following streets in its 1974 street improvement program for 50% matching funds in the following priority order: (1) 95th Street, four lane facility, curb and gutter, (2) 103rd Street, four lane facility, curb and gutter, (3) 83rd Street, improved two lane capacity, as recommended by the Plan Commission, and that the Council urge the City of Kansas City, Missouri, and Johnson County, Kansas, to proceed with the necessary improvements to make State Line from Red Bridge Road to 135th Street a four lane primary arterial with curb and gutter. Improvements to 83rd Street were discussed. Councilman Alt explained that 111th had been the No. 3 priority but now petitions had been presented to form a benefit district to develop it. There was discussion that the City's portion of the funds would probably have to come from general obligation bonds. Councilman Chase seconded the motion. Following further discussion, motion carried, Councilmen Judd and Present opposed.

#1067

#1159

#1180

Plan Commission - Comprehensive Plan Progress Report:

Councilman Alt stated the first group of work papers had been submitted to the Plan Commission covering organization, goals and objectives, policy plans and profile for social and economic characteristics of the City. Mr. Jerry Osborn of Lawrence-Leiter discussed a questionnaire proposed to be submitted to members of official bodies within the City, as well as homes association officers, PTA officers who live in Leawood, and officials of Leswood Woman's Club, to assess attitudes of people in the community as to what they would like to see maintained, what they would like to see changed. Councilman Evans suggested that questionnaires be made available to citizens at City Hall. Mr. Osborn said extra questionnaires would be made available, but the real problem was the cost of tabulating the results. Mayor Ballard requested that Charles Troppito prepare a news release advising that the form was available at City Hall.

#1284

Public Safety - Report re Wolfgang Academy: Councilman Judd

October 1, 1973

stated reports from Chief Blume reference Wolfgang Academy had been distributed. Chief Blume reported that for the last two weeks Wolfgang Academy had been physically unable to comply with their contract due to adverse publicity, lack of personnel and alleged financial difficulties. He said an inspection had been made. No animals picked up in Leawood were in custody. Chief Blume stated he had received a call from Mr. Smith of Wolfgang that he was not now going to continue in business and wished to cancel the contract with thirty days notice. Chief Blume said it was his opinion the firm had been unable to comply with the contract and suggested that the contract be cancelled at this time. He said he had authorized a stop on the check for prepayment of the contract for October. Councilman Alt moved that the contract between the City of Leawood and Wolfgang Academy, Inc. be cancelled immediately due to said Academy being unable to fulfill its contract; seconded by Councilman Chase. Councilman Judd moved to amend the motion to include that the \$390.00 advance payment for the month of October be revoked; seconded by Councilman Present. Amendment carried. Councilman Alt's motion carried.

#1321

#1333

Public Safety - Letter of Commendation of Chief Blume from Director of FBI: Mayor Ballard read a letter from Clarence M. Kelley, Director of the Federal Bureau of Investigation, commending Chief Blume upon his successful completion of twelve weeks of study at the FBI National Academy with the achievement of straight A's in all courses. For this achievement, he was awarded the John Edgar Hoover Certificate of Scholastic Excellence.

#1350

Public Works: No report.

Sanitary Sewer Commissioner: No report.

#### MAYOR'S REPORT

#1352

Letter regarding American Royal Tickets: Mayor Ballard read a letter from County Commissioner Robert Davis advising that the evening of Monday, October 22, had been designated local government night at the American Royal Livestock and Horse Show, and asking that the City Hall handle tickets. Mayor Ballard asked that anyone interested in attending contact the City Clerk.

#### OLD BUSINESS

#1365

Report re The Cloisters: Mayor Ballard stated a legal opinion had been distributed to the Council but Mr. Mantel had not been given a report. He said John Granstedt's report was now prepared. City Attorney Winn hesitated to have his legal opinion given to Mr. Mantel and suggested that Mr. Granstedt's report be submitted. Councilman Chase moved to table the matter; seconded by Councilman Alt. Following discussion, motion carried, Councilmen Present and Evans opposed.

NEW BUSINESS

#1398

Roofing Requirements: Councilman Evans suggested that something be done about roofing requirements especially in view of the fact that residents in the north part of the City need to re-roof their houses. Provisions of the ordinance and of the deed restrictions were discussed. Councilman Alt said when technical requirements of zoning regulations are changed in connection with the comprehensive plan, such change would be considered. City Attorney Winn suggested that Lawrence-Leiter be informed that provision for an architectural review board was considered high priority and request that they draft an ordinance as soon as possible. Following discussion of substitutes for wood shingles, Mayor Ballard requested that Charles Troppito research the matter and report to the next meeting of the Council.

#1468

Pitman Building Corporation's Fourth Application for Payment: Mayor Ballard stated the application had been approved by John Granstedt and the Chairman of the Building Committee. Timing of receipt of monies from grants was discussed. Chief Blume was requested to check into receivables from grants before the next payment is made to the contractor. On motion by Councilman Judd, seconded by Councilman Evans, the fourth payment to Pitman Building Corporation, in the amount of \$47,121.00, was approved.

#1515

Request for Permission to Solicit Funds - Leawood Lions Club: Councilman Judd moved that the Leawood Lions Club request for permission to solicit be approved subject to compliance with requirements of the application; seconded by Councilman Chase. Motion carried.

#1528

Cure of Ars Solicitation: Councilman Present said Cure of Ars was presently soliciting throughout Leawood for athletic equipment. He asked if application had been made for a permit to solicit and, if not, that they be notified that application was necessary.

#1538

Treasurer's Report: Mr. Pendleton's report was submitted.

#1553

Appropriation Ordinances: Nos. 320A and 310S in the amounts of \$236,780.84 (including \$150,000.00 in certificates of deposit) and \$4,009.47, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.

#1572

Animal Hospital Report: Mayor Ballard requested that copies of a report by Chief Blume on animal hospitals be distributed to the Council.

#1588

Employee Status Forms: Councilman Judd presented the status form and moved for acceptance of the resignation of Dennis R. Dierks as Fire Inspector; seconded by Councilman Present. Motion carried.

October 1, 1973

On motion by Councilman Judd, seconded by Councilman Alt, the following employment was approved:

Nick L. Montee, Fire Inspector, at the rate of \$650 per month.

On motion by Councilman Judd, seconded by Councilman Present, the following employment was approved:

Timothy Forrest Bowyer, Probationary Firefighter, at the rate of \$600 per month.

#1605

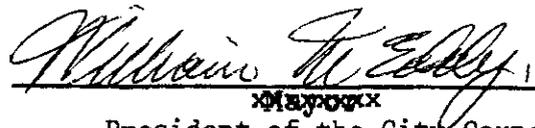
Commendation to Fire, Police and Public Works Departments:  
Councilman Alt moved that the Council go on record as commending the Fire, Police, and Public Works Departments for their handling of the recent airplane crash; duly seconded. Motion carried.

#1614

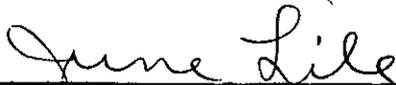
Hospitalization Insurance for Marian Selsor: City Attorney Winn explained that Marian Selsor had been terminated because of a disability but that she should have been placed on leave of absence or sick leave. Mr. Winn recommended that the Council retroactively approve putting Mrs. Selsor back on the City's hospitalization policy for a period of nine months. Following discussion, Councilman Chase moved that the Council ratify the acts of the City Clerk in reinstating Mrs. Selsor's health insurance coverage as of August 1, 1973, and further moved that the City continue both the life and health insurance premiums on Mrs. Selsor for the nine month disability period so that she may thereafter pick up the premium, and that the City be reimbursed for such premiums by Mr. Selsor during such nine month period; seconded by Councilman Alt. Motion carried.

#1719

At 11:10 p.m., on motion by Councilman Present, duly seconded, the meeting adjourned to Monday, October 15, 1973, 7:30 p.m.

  
~~Mayor~~

President of the City Council

  
Council Reporter

Attest:

  
City Clerk

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, October 15, 1973, in the City Hall, 9615 Lee Boulevard, with President of the Council William M. Eddy presiding. Roll call was answered by Councilmen Aalbregtse, Evans, Eddy, Present, Judd.

Minutes: On motion by Councilman Judd, seconded by Councilman Present, the minutes of the meeting of October 1, 1973, were approved as submitted.

OLD BUSINESS

#1628

Request for Permission to Proselyte in Leawood - Church of Jesus Christ of Latter Day Saints: There was discussion that information on the application would have to be more specific. It was agreed that the City Clerk should request again specific information concerning the days, hours and individuals involved in the solicitation.

#1648

The Cloisters: Councilman Present moved that the motion to table the matter of The Cloisters be brought from the table; seconded by Councilman Eddy. Motion carried. Councilman Present then moved that the matter of The Cloisters be put on the agenda of November 5, 1973; and that Mr. Mantel be advised that the matter would be discussed at that time; seconded by Councilman Judd. Motion carried.

#1670

Acquisition of Land for Fire Station No. 2: Councilman Judd reported it was the consensus of the Public Safety Commission that such option should be exercised, and he moved that the Council approve exercising of the option on the land for Fire Station No. 2 in the sum of approximately \$15,000, as budgeted; seconded by Councilman Evans. Councilman Eddy suggested that a sign be placed on the site so councilmen might see physically where it was.

Councilman Chase entered the meeting at 7:40 p.m. during discussion of the option to purchase land for the fire station.

Following discussion, the motion and second were withdrawn and Councilman Judd moved that acquisition of the land be put on the agenda of the meeting of November 5; seconded by Councilman Present. Motion carried.

Councilman Evans moved that visitors be recognized at this time; seconded by Councilman Present. Motion carried.

#1737

Visitors: Joseph S. Davis, Jr., Philip K. Kline, John M. Watts, Mrs. William R. Chadwick, John A. Redmon. Member of the Press: Bob Savino.

#1743

Petition for Walkway and Bike Path: Mrs. William R. Chadwick submitted a petition, which she said had signatures of 156

Leawood residents, demanding that the City Council construct an adequate asphalt walkway and bike path on 103rd Street from Brookwood School to Mission Road for the safety and welfare of children. Councilman Eddy requested that the Public Safety Commission look at the area and make a recommendation to the Council at the next meeting, and that the Public Works Department consult with the Public Safety Commission.

#1789

Report on Roofing Requirements: Charles Troppito stated the report was not ready and it would be on the agenda of the next meeting.

Limited Office Zoning -8000 State Line Road: Mrs. Herbert M. Rubin inquired whether the zoning would be discussed at this meeting. Councilman Eddy advised her that since Councilman Alt was absent, it would be put on the agenda of the next meeting.

NEW BUSINESS

#1814

Public Safety - Selection of Police Cars for 1974: Councilman Judd reported requests for bids for 4 marked patrol vehicles and 2 administrative vehicles had been sent to 19 dealers, with the following bids received:

Midway Leasing, total gross bid	\$17,784.00
Ray Smith Ford	\$52,835.00
Shawnee Mission Ford (non-maintenance and no loaner arrangement)	\$21,377.76

Upon the unanimous recommendation of the Public Safety Commission, Councilman Judd moved that the bid of Midway Leasing in the amount of \$17,784.00 be accepted; seconded by Councilman Eddy. Motion carried.

#1863

Recommendation re Proposed Prohibitions for Overnight Parking: Councilman Judd referred to a letter dated October 11, 1973, from Chief Blume stating that the proposed overnight parking ordinance was unnecessary and potentially extremely difficult to equitably enforce. Councilman Judd stated it was strongly recommended by the Public Safety Commission that further study be given this matter for a better and more enforceable solution. He moved that the matter be re-directed to the Ordinance Committee to work out in conjunction with Public Safety an ordinance relative to parking on residential streets; seconded by Councilman Chase. Councilman Present stated the Public Safety Commission had been directed specifically to analyze a possible provision for violation not limited to one vehicle but to any vehicles of an owner. Chief Blume discussed difficulties of enforcement from a community relations point of view. Councilman Eddy requested that Councilman Present work with the Public Safety Commission on the matter. Motion re-directing the ordinance to committee carried.

#1947

Request for Permission to Solicit - Unification Church: Councilman Eddy called the Council's attention to the abnormally high percentage of cost of solicitation. City Attorney Winn stated the application had technical defects, and he was dubious of the legal standing of the organization. Councilman Judd moved that the request for permission to solicit be denied subject to a greater amount of information being furnished and a more realistic benefit ratio; seconded by Councilman Chase. Motion carried, Councilman Present abstaining.

#1992

Application for Cereal Malt Beverage License - Stateline Racquet Club: City Attorney Winn stated the application was in order. On motion by Councilman Evans, seconded by Councilman Aalbregtse, the application was approved, Councilman Eddy abstaining.

#2014

Resolution No. 297 - Granting Consent for the Creation of Blue River Sewer Sub-District No. 2, Johnson County, Kansas: Councilman Eddy stated the Sewer Committee recommended adoption of the resolution. Councilman Eddy moved that Resolution No. 297 be adopted. There was discussion of the resolution and the area involved in the sewer sub-district. Mr. Phil Kline indicated the boundaries of the proposed district and said the County had negotiated with Kansas City, Missouri, to receive the sewage. He indicated the flow of the sewage and said there would be no pump stations in the area. Mr. Joseph Davis stated there was no possible way sewage from the area in the proposed sub-district could be transported to the Indian Creek plant. Following discussion, Councilman Present seconded the motion. Resolution No. 297 was unanimously adopted. - A copy is attached hereto as part of the record.

#2192

#2211

Plan Commission Report: No report.

#2219

Approval of Street and Storm Drainage Plans for Extension of 140th Drive and 142nd Drive in Subdivision of Merry Lea Farms: Councilman Eddy explained that the plans had been inspected by the City's engineering consultants, had been approved, and met the specifications of the City of Leawood. Councilman Eddy moved for approval of street and storm drainage plans for extension of 140th Drive and 142nd Drive in the subdivision of Merry Lea Farms. Following discussion, the motion was seconded by Councilman Evans and carried.

#2303

Employee Status Forms: Councilman Judd presented status forms and moved for approval of employment of the following:

Stephen Lynn Birks, as Probationary Firefighter, at the rate of \$600 per month, effective November 1, 1973;

Paul Francis Arnold, as Probationary Firefighter, at the rate of \$600 per month; effective November 1, 1973;

October 15, 1973

Ronald L. Anderson, as Probationary Patrolman, at the rate of \$700 per month, effective October 15, 1973.

The motion was seconded by Councilman Aalbrechtse and carried.

Councilman Eddy presented the status form and moved for approval of the following employment:

Zelma Nadine Martin, Clerk, Administration Department, at the rate of \$425 per month.

The motion was seconded by Councilman Evans and carried.

#2387

Charter Ordinance No. 11 - Relating to Qualifications of City Officers: City Attorney Winn explained the proposed ordinance would provide that removal from the City of any officer required to be a qualified elector shall not occasion a vacancy in such office. Councilman Aalbrechtse moved that an emergency be declared for the adoption of proposed Charter Ordinance No. 11; seconded by Councilman Judd. Motion carried. Upon motion by Councilman Judd, Charter Ordinance No. 11 was adopted unanimously.

#2472

Ordinance No. 444 - Relating to Qualifications of City Officers: Councilman Judd moved that an emergency be declared for adoption of the ordinance relating to qualifications of City officers; seconded by Councilman Present. Motion carried. On motion by Councilman Judd, Ordinance No. 444 was unanimously adopted.

#2485

At 8:55 p.m., on motion by Councilman Present, seconded by Councilman Chase, the meeting adjourned to Monday, November 5, 1973, 7:30 p.m.

#2513

*William W. Eddy*  
\_\_\_\_\_  
President of the Council

*Jane Lile*  
\_\_\_\_\_  
Council Reporter

Attest:  
*[Signature]*  
\_\_\_\_\_  
City Clerk

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, November 5, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Alt, Eddy, Present, Judd.

Presentation of Certificates of Appreciation to Appointed Official and Committee and Commission Members, from Last Previous Administration: Mayor Ballard presented certificates of appreciation to Robert Blattenberg, for his service to the City as Councilman, Ward 3, Chairman of the Budget and Finance Committee, Administrative Committee, City Hall Expansion Committee, Wage and Salary Committee; and to James M. Fellenstein, for his service to the City as a member of the Board of Zoning Appeals. Mr. Blattenberg introduced his guest, an AFS student from Italy. Certificates will be distributed to Charles Hansel, Bill Fish, C. Nelson Fisher, William S. Johnson, Everett Mealman, Charlotte Raisbeck, and Louis Weith, Jr.

#24 Minutes: On motion by Councilman Judd, seconded by Councilman Present, the minutes of the meeting of October 15, 1973, were approved as submitted.

#27 Visitors: Bob Blattenberg, Jim Fellenstein, Sister Marie Coleman, James Mantel, Mr. and Mrs. B. F. Wagner, C. A. Jones, Lewis White, E. M. Douthat. Member of the Press: Bob Savino.

#### REPORTS

#36 Treasurer: Mr. Pendleton's report was distributed. On motion by Councilman Judd, seconded by Councilman Alt, the treasurer's report was approved.

Councilman Chase entered the meeting at 7:35 p.m. following approval of the treasurer's report.

#41 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Present, seconded by Councilman Alt.

#49 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Present.

#52 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Present.

#64 Letter of Commendation of Rescue Squad: Mayor Ballard read a letter of commendation of the rescue squad from John M. Hewitt during an emergency on October 20 when his wife became acutely ill.

#80

Public Works: Mr. Gray's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Eddy. Mr. Gray reported a walkway and bike path had been completed on 103rd Street from Brookwood School to Mission Road.

## COMMITTEE AND COMMISSION REPORTS

#95

Budget and Finance: Mayor Ballard conveyed the request of Councilman Evans that all department heads submit a budget runout for the rest of the year by Friday, November 9, if possible. Mayor Ballard reported anticipated revenue from the Motor Fuel Tax Fund was now \$108,000.

#105

Acquisition of Land for Fire Station No. 2: Mayor Ballard reported that Councilman Evans indicated he saw no reason from a financial point of view not to go ahead with exercise of the option for purchase of land for Fire Station No. 2. Councilman Judd moved that the City commit \$15,270 for the purchase of land at 127th and Mission Road for the purpose of Fire Station No. 2 to conform with the extension of the option granted the City, and exercise the option on the land at this time; seconded by Councilman Alt. Motion carried, Councilman Eddy abstaining.

#120

Intergovernmental Cooperation and Community Affairs: Mayor Ballard referred to Councilman Aalbrektse for recommendation a request from Mayor Charles Wheeler of Kansas City, Missouri, that Leawood consider being involved in the establishment of a drum and bugle corps for the metropolitan Kansas City area. Councilman Judd reported that St. Joseph Hospital was now attempting to locate south of I-435 between State Line and Wornall Road and there would be a meeting on November 13 at 7:30 p.m. at Center Junior High School relative to this matter. He suggested that Councilman Aalbrektse be advised of this meeting.

#162

Ordinance - First Reading of Ordinance Relating to Cereal Malt Beverages: Councilman Eddy explained that the proposed ordinance would make technical changes to comply with State legislation, such as, changing "resident of the City" to "resident of the County" and "calendar year" to "annual basis". Councilman Eddy reported the Ordinance Committee recommended approval of the ordinance and that this be considered a first reading.

#175

Zoning Ordinance Relating to Limited Office District: Councilman Eddy presented the ordinance originally submitted on October 1, 1973, and reconsidered by the Plan Commission on October 29, 1973. The form of the ordinance was discussed. City Attorney Winn suggested it be in different form, deleting the findings. Councilman Alt read the recommendation of the Plan Commission, "that the City Council proceed with approval of the preliminary plan as submitted by Interstate Savings and Loan Association, that the City Council recommend to Interstate that they apply to the Board of Zoning Appeals for a permanent variance to permit construction of a parking lot to serve their building with lesser capacity than proposed,

November 5, 1973

but sufficient to accommodate the needs of the proposed building, to save the maximum number of trees to the rear or toward the western edge of the property, that the City Council recommend to Interstate that they apply to the Board of Zoning Appeals for a permanent variance with regard to the 25 foot parking lot setback stated in paragraph 15-408(j)3 of the zoning ordinances so that the parking lot can be constructed substantially as depicted on the drawing, and finally that the City Council be informed that this City Plan Commission is satisfied that there are sufficient safeguards in the form of existing City ordinances and subdivision regulations to insure compliance with the final plan as submitted by Interstate if this zoning is permitted by the City Council." Councilman Alt indicated that the area under consideration included 2.03 acres. Councilman Eddy submitted that prior to zoning an area 175 feet by 500 feet that zoning of the entire area should take place. Councilman Alt stated the Plan Commission recommended after action was taken on its first recommendation above, that the Council initiate action to zone the remaining two unimproved tracts to the south of the Interstate property on State Line Road to Limited Office District. The recommendations were discussed. Mr. Alt said the Plan Commission felt Interstate had a right to have a denial or a grant, and recommended that Interstate's parcel be zoned separately and then the balance of the area be zoned likewise. Restrictions under the zoning code were discussed. City Attorney Winn stated he felt the application should be considered on its merits and that the ordinance needed redrafting before a second reading. Some way to create long range protection by ordinance for the 120 foot green strip was discussed. Gerald Donohue of Roger Cohen & Company stated adjoining property owners were not really opposed to the application of Interstate, and safeguards were contained in the City's zoning regulations. He referred to the number of times representatives of Interstate had appeared before City bodies on this matter. Craig Miller said the whole area should be considered, and referred to the zoning code provision that requirements shall not be interpreted or implemented in a manner that will adversely affect the uses of the property immediately adjacent to the property proposed for Limited Office District zoning or that will be detrimental to the public welfare and the interests of the community. He said he did not think the building proposed was in the interest of the community. Bernard Wagner asked what was the difference in the ordinance presented at this meeting and the one presented earlier. Councilman Alt said there was no difference. The Council discussed tying down the 120 feet and the rest of the area in an ordinance at this time. Councilman Present moved that the ordinance relating to the zoning of Lot 4, NEL-ARO, be approved for first reading but resubmitted in proper form at the next Council meeting for second reading and final consideration; seconded by Councilman Alt. Revision of the draft of ordinance was discussed. City Attorney Winn suggested that he and Mr. Alt, after consultation with the applicant, be directed to draft an ordinance for first reading

#428

#552

November 5, 1973

#620  
#640  
at the next meeting consistent with the City's zoning ordinances with the additional stipulations that the Council had indicated it would like to have incorporated in a zoning ordinance with regard to this tract. The motion and second were withdrawn. Councilman Alt then moved that the proposed ordinance for the zoning of Lot 4, NEL-ARO, a subdivision of land in Johnson County, Kansas, be referred to the City Attorney and to himself, as a member of the Plan Commission, to redraft and submit for first reading at the next Council meeting, incorporating insofar as possible the protections that the Council desires; seconded by Councilman Judd. Motion carried. Craig Miller suggested that a definite plan and study be made as to what is to be done with the balance of the property. Councilman Judd moved that the Plan Commission be instructed to consider and make a recommendation relative to definite zoning and control factors for the remaining two lots of this plot and to present a recommendation at the first practicable Council meeting, within a month's time at maximum; seconded by Councilman Present. Councilman Judd stated he felt it would be well to have the recommendation prior to a public hearing. Motion carried.

#662  
Councilman Present requested a show of hands as to how many were in the audience regarding The Cloisters and how many in regard to 11th Street, and moved for a change in the agenda to consider The Cloisters as the next order of business, followed by 11th Street; seconded by Councilman Alt. Motion carried.

#667  
The Cloisters: James Mantel stated he had not received a report authorized by the Council on August 20 to be given him within thirty days. He asked for that report, a zoning map of the area, and copy of the building permits for Lots 46, 57 and 58. Councilman Present explained the Council had tried to conform to the thirty days. Mayor Ballard said this was a very complex problem and he had not been able to ascertain anything the City could do. Councilman Present read a letter from Taylor Brady, building inspector, stating measurements of the residence at 8405 Ensley Place (on Lot 46). Councilman Eddy explained that there were two different building codes involved, the people who built the houses signed a building permit that said they would comply with the zoning ordinances of 1970, but the houses were built in accordance with the 1968 zoning ordinances. Jinny Oberlander said she thought the problem hinged on when this plat was approved, which code would be effective, and when the forms were changed. Mayor Ballard said it would take a lot longer than the Council had at this meeting and suggested that representatives of the Council investigate the matter. Councilman Eddy said he felt a survey and recommendation should be made concerning the surface drainage, and that the developer come up with a positive plan to take care of it. Following discussion, Councilman Alt moved that a committee be appointed to look into this matter and report back to the Council; seconded by Councilman Judd. Councilman Eddy moved to amend the motion in that the committee report to the Council by the first meeting in December; seconded by Councilman Present. Amendment

#738

#776

November 5, 1973

carried. Motion carried. Mayor Ballard designated Councilmen Present and Chase to represent the Council on the committee, with the City Architect and City Attorney as part of the committee, and emphasized that they seek a solution, not merely report. Mr. Mantel said he felt it was very important for the committee to determine under which law the houses were built.

#810

Resolution No. 298 - Improvement of 111th Street, Roe Boulevard to Nall Avenue: Phil Kline referred to a preliminary plan done in 1970 on 111th Street from I-35 east to Roe Avenue. He said petitions had been circulated for the implementation of the project from Metcalf east and that the Overland Park petition was already completed and filed. He said the City of Leawood had a petition from its one resident, Mr. Douthat, who owns all of the frontage on the south side from Nall to Roe, petitioning the City to create a benefit district for a road to be constructed on right-of-way 110 feet wide, 55 feet in Leawood, and assess him \$35.00 per abutting foot, the County to pay fifty per cent, and the City to pay \$24,180. Councilman Alt stated the improvement of 111th Street would be in conformance with the City's short and intermediate range street improvement program, and reported that the Plan Commission unanimously recommended to the City Council acceptance of Mr. Douthat's petition for improvement of 111th Street from Nall to Roe and that Mr. Douthat be assessed in the manner provided in the petition as submitted, and the remaining City portion of the construction costs be financed through the issuance of temporary notes during the 1974 fiscal year, payable in the 1975 fiscal year through the issuance of general improvement bonds. Existing zoning and future plans were discussed. Councilman Alt said he felt it was a very fine improvement for the City at very little cost. City Attorney Winn explained that the resolution before the Council authorized the project to go ahead and authorized and directed that the Council pay for the improvement when the final cost is determined. Mayor Ballard reviewed the project from an investment standpoint. City Attorney suggested minor additions to the resolution. Councilman Alt moved that the City Council approve the resolution relating to the improvement of 111th Street within the City of Leawood, Kansas, and further relating to the creation of a special benefit district and the issuance of general obligation bonds of the City of Leawood, Kansas; seconded by Councilman Present. City Attorney Winn requested a roll call vote on the resolution. Resolution No. 298 was adopted unanimously. A copy is attached hereto as part of the record. Councilman Eddy asked if it would be construed as a conflict of interest if he voted for the resolution and then the company he was associated with did the work. City Attorney Winn answered "no", however, at the time the contract was being considered Councilman Eddy would have to abstain. Mr. Kline pointed out the County would be the administering agent of the contract.

#1030

#1060

#1101

Parks - Request for Purchase of Riding Mower: Councilman Alt was instructed to bring bids to the Council.

November 5, 1973

Roach Cadillac and Eugene Brown Building: Councilman Eddy said he understood the City had never gotten a bond from Roach Cadillac. He said the lights were still shining out into the street. Non-compliance with planting requirements at Roach Cadillac and the Eugene Brown Building were discussed. Councilman Eddy asked that the matter be put on the agenda of the next meeting.

#1133

Public Safety: No report.

#1135

Plan Commission - Report re Comprehensive Plan: Councilman Alt reported that on November 12 the public had been invited to meet at Brookwood School for a report on the comprehensive plan. Reports on the comprehensive plan will be submitted to councilmen.

Public Works: No report.

Sanitary Sewer Commissioner: No report.

#### OLD BUSINESS

#1166

Report from Construction Committee - Police-Courts Complex - Pitman Construction Corporation's Application for Payment No. 5: Councilman Eddy moved that Pitman Construction Corporation's Application No. 5 in the amount of \$55,468.00 be approved; seconded by Councilman Chase. Mayor Ballard reported a check had been received from GCCA. Motion carried. Expected completion date and change orders were discussed. Councilman Eddy resigned as Chairman of the Building Committee, saying he did not have the time to do the job. Councilman Eddy moved that change orders 2 through 6 be approved; seconded by Councilman Alt. Motion carried.

#1246

Request for Permission to Proselyte - Latter Day Saints: Councilman Judd said the excessive length of time of the request concerned him. He moved that the petition of the Church of Jesus Christ of Latter Day Saints to proselyte in the City of Leawood be accepted as submitted with the exception that the dates of solicitation be changed to a thirty-day period from the date of acceptance; seconded by Councilman Alt. Motion carried, Councilman Eddy opposed.

#### NEW BUSINESS

#1269

Resignation of Councilman Eddy from Public Works Committee, as Sanitary Sewer Commissioner, and from the Building Committee: Councilman Eddy's formal resignation from the Public Works Committee and as Sanitary Sewer Commissioner had been received. Councilman Judd moved that the resignations be accepted; seconded by Councilman Chase. Councilman Eddy suggested that his resignation from the Building Committee be included also. Councilman Judd moved to amend his motion to include acceptance of the resignation of Councilman Eddy from the Building Committee; seconded by Councilman Chase. Motion as amended carried.

#1280

Recommendation re Council Vacancy, Ward 4: Mayor Ballard stated there were three candidates for the position. He reported that the committee's unanimous recommendation was that Mr. John Watts be appointed to fill the vacancy to the end of the term. Mayor Ballard read information concerning Mr. Watts. Upon motion by Councilman Judd, seconded by Councilman Chase, the appointment of John Watts to fill the vacancy in the position of Councilman, Ward 4, for the remainder of the unexpired term, was approved.

#1308

Report re Roofing Material: Charles Troppito requested that this matter be put on the agenda of the next meeting since Councilman Evans was not present at this meeting.

#1312

Request for Permission to Solicit Candy Sales - Campfire Girls, Inc., Sunflower Council: City Attorney Winn suggested that if possible specific names of the girls should be furnished. Councilman Present suggested that the approval stipulate that they be in uniform. Councilman Judd moved for approval of the request subject to the Campfire Girls, Inc., Sunflower Council, being advised that all solicitors be in uniform; seconded by Councilman Present. Motion carried.

#1326

Request for Permission to Keep Peacocks on Premises: Councilman Present said he would like to know what the intentions were in keeping the birds, and how they would be caged. Mayor Ballard requested that Councilman Chase investigate the matter, give instructions to the City Clerk, and make a recommendation. Councilman Eddy's motion to disapprove the request to keep peacocks at 2820 West 82nd Street failed for lack of a second.

#1379

Resolution Reference Charges for Copies of Revised Ordinances: The City Clerk was requested to make a recommendation for the charges at the next Council meeting.

#1395

Discussion Relative to a City Emblem: Councilman Present asked if the Council wished the committee composed of Councilmen Aalbrecht, Evans and Present for certain items on the new building, to consider the possibility of a city emblem. The matter was discussed. Chief Toman stated Dennis Dierks, a volunteer fireman, was trained in graphic design and suggested that he be given the project. Councilman Present stated he would get in touch with Mr. Dierks.

#1420

Discussion Relative to Reporting from the Recreation Commission: Councilman Present suggested that the Council should have a report or copies of the minutes of the Recreation Commission. Mayor Ballard suggested that the Recreation Commission be put on the Council agenda from time to time. Mr. Troppito stated the Commission was now in the process of preparing a quarterly report for distribution. It was agreed that copies of the minutes of the Recreation Commission be included in the Council folders.

#1437

Discussion Relative to Trash Collection at the Ranch Mart Shopping Center: Councilman Present referred to a letter

November 5, 1973

from a resident complaining of noise from trash collection at Ranch Mart in the early morning hours. Councilman Present said he had talked with Mr. Regnier and the matter was being taken care of. He suggested that the letter be filed for reference. Chief Toman said he had urged that the trash be picked up regularly.

#1457

Personnel Status Forms: Mayor Ballard presented the status forms. On motion by Councilman Eddy, seconded by Councilman Chase, the following promotions were approved:

Robert Hayes, from the Park Department to Foreman of the Street Department, with increase in pay to \$705 per month, effective November 1, 1973;

Kelly Graves, from laborer in the Street Department to Foreman of the Park Department, at the rate of \$675 per month, effective November 1, 1973.

#1474

Appropriation Ordinances: Nos. 321A and 311S in the amounts of \$79,171.97 (including \$30,000.00 in certificates of deposit) and \$265,379.14 (including \$260,000.00 in certificates of deposit), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.

At 11:00 p.m., on motion by Councilman Chase, seconded by Councilman Present, the meeting adjourned to Monday, November 19, 1973, 7:30 p.m.

#1505

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest: \

  
\_\_\_\_\_  
City Clerk

November 19, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, November 19, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Alt, Evans, Chase, Judd.

Minutes: On motion by Councilman Judd, seconded by Councilman Alt, the minutes of the meeting of November 5, 1973, were approved as submitted.

Visitors: Mike Richmond, Mrs. B. F. Wagner, Phillip Boesch, Mrs. Esther Woodward, G. J. Donohue, J. E. Middleton, Richard Conklin. Member of the Press: Bob Savino.

OLD BUSINESS:

#1515

Ordinance No. 446 - Relating to Cereal Malt Beverages: On motion by Councilman Aalbregtse, Ordinance No. 446 was adopted.

#1536

Plan Commission - Ordinance No. 445 - Relating to Rezoning of a Certain Tract to Limited Office District: Councilman Alt introduced the ordinance for rezoning of the North 175 feet of Lot 4, NEL-ARO, from the present R-2 to Limited Office District. He referred to a memorandum from Richard Conklin, Chairman of the Plan Commission, recommending a policy that B-4 zoning be granted to Inter-state Federal with no additional stipulations and that amendments to the zoning code be passed, including a section entitled "Urban Redevelopment," and incorporated prior to a decision on the present applicant's final development plan. City Attorney Winn and Councilman Alt had drawn up and distributed an ordinance which included stipulations desired by the Council. Councilman Alt recommended that the ordinance be adopted and that an emergency be declared for its adoption at this meeting. Richard Conklin, Chairman of the Plan Commission, was present to answer questions of councilmen. Mr. Conklin's memorandum was discussed. Mayor Ballard suggested that Charles Troppito draft a resolution requesting the Plan Commission to make a recommendation on the remaining two tracts within a certain period of time. City Attorney Winn suggested that the Plan Commission seek professional help from Lawrence-Leiter. Councilman Judd moved that an emergency be declared for the purpose of passing Ordinance No. 445 relating to the rezoning of the north 175 feet of Lot 4, NEL-ARO, a subdivision of land in Johnson County, Kansas, as drawn; seconded by Councilman Alt. City Attorney Winn explained that the ordinance drafted by Mr. Alt and himself zoned the property and limited its use to a Savings and Loan facility or other banking or financial institution, and limited the use of the west 120 feet of said tract to "open space". There was

#1651

#1699

discussion that Mr. Conklin's memorandum recommended an ordinance for rezoning with no restrictions. Motion to declare an emergency carried. Councilman Alt then read and moved for the adoption of Ordinance No. 445. Provisions of the ordinance were discussed. Ordinance No. 445 was unanimously adopted. Reduction in parking was discussed with Mr. Donohue.

#1775

Ordinance Relating to Acceptance of Deed from Kroh Bros. Development Co., Inc. Conveying a Tract of Ground to be Used for 89th Street; and Traffic Signal, 89th and State Line: Mayor Ballard reviewed the situation and displayed a map showing the property vacated by the City, the property still owned by the City, and the part of the street still in Kroh Bros. name. He said it was at this street that arrangements had been worked out (between the City of Kansas City, Missouri, Ward Parkway Shopping Center, Mr. Kleb, Kroh Bros., and the City of Leawood) for installation of a traffic light. He said the arrangement fell through because Mr. Kleb reneged on his original agreement because 89th Street was a private street and there was no public egress from the Kleb Building onto State Line Road. Mayor Ballard said because of the legal implication that the building did not have public egress and the public safety situation at the corner, he thought the Council should go ahead and accept title to that property and get the street light put in. He said in view of the situation, Leawood was not going to get the street light taken care of unless the Council accepted the property for the street. City Attorney Winn pointed out that the ordinance before the Council provided that before acceptance of the street it must be brought up to City standards. Councilman Alt stated the Plan Commission had voted to recommend acceptance of the deed.

#1854

Councilman Judd stated there was quite a bit of cross traffic between the two buildings of Black & Veatch and they were very much desirous of having a stop light for safety purposes. He said Mr. Kleb had backed off from his original proposal to pay \$4,500 for the light, and now would pay a maximum of \$1,700, but Black & Veatch had persuaded City Bond & Mortgage Co. that it was absolutely essential to get some protective measures at that intersection. Charles Troppito reported that it appeared extremely doubtful that Mr. Kleb would even pick up the \$1,700. Councilman Judd said City Bond & Mortgage Co. had indicated they would be willing to go ahead on one-fourth of the installation cost if they could be assured that 89th would be a public street. The situation was discussed. Councilman Judd's motion to declare an emergency for the adoption of the ordinance relating to acceptance of deed from Kroh Bros. Development Co. failed for lack of a second. Councilman Judd stated he felt it showed an absolute disregard of public safety and public welfare on the part of this Council if it did not get the light. Councilman Judd suggested that the Council accept

#2031

#2061

November 19, 1973

- #2078 for first reading the ordinance relating to acceptance of deed from Kroh Bros. Development Company, conveying to the City of Leawood a tract of ground to be used for street purposes, otherwise known as 89th Street west of State Line Road, and give the Plan Commission time to review the file on the street prior to second reading. Councilman Alt moved that the Council direct the Plan Commission to take a further look at the matter and report back prior to the next Council meeting; seconded by Councilman Aalbregtse. Motion carried.
- #2096 Plan Commission - Report re Comprehensive Study: Councilman Alt reported that Lawrence-Leiter made a public presentation to about 80 citizens at Brookwood School. A copy of the material presented was not yet available for distribution to councilmen.
- #2105 Report re Roach Cadillac: Deferred until the next meeting.
- Report re Eugene Brown Building: Deferred until the next meeting.
- #2108 Report re Roofing Materials: Charles Troppito displayed various types of roofing materials, including asphalt shingles. He presented a list of addresses outside Leawood with the specific roofing materials installed. John Granstedt reminded the Council that the restrictions on roofing materials were covered in the deed restrictions as well as in the ordinance. Mr. Troppito said in the majority of the areas of the City roofing materials were dictated by deed restrictions and if the Council did change the ordinance the people would still be affected by the deed restrictions. He presented a summary of the deed restrictions for each homes association in the City, and the ordinance requirements. He displayed a map showing areas in the northern part of the City which had deed restrictions and those that did not. The Council discussed how a citizen could get relief from deed restrictions. City Attorney Winn said it took a high percentage of signatures or a suit in district court. John Granstedt said the Kroh Bros. deed restrictions were automatically renewed every five years and stipulated that any change had to be made prior to the fourth year. City Attorney Winn suggested obtaining of petitions for change of deed restrictions would be much easier if Kroh Bros. would support the concept. There was discussion of the procedure and fee for applications to the Board of Zoning Appeals. Mr. Troppito suggested that the Council consider an architectural review board for southern areas of the City and making deed restrictions subject to it.
- #2280 Request for Permission to Keep Peacocks on Premises: Councilman Chase reported that Mrs. Beglin had asked that her request be withdrawn inasmuch as she had shipped the two peacocks to a farm.

MAYOR'S REPORT: No report.

NEW BUSINESS:

#2301

Resolution No. 299 Designating Holidays: On motion by Councilman Aalbrecht, seconded by Councilman Alt, Resolution No. 299 designating holidays was adopted. A copy is attached hereto as part of the record.

#2308

Resolution No. 300 - Relating to Charges for Revised Ordinances: Upon recommendation by the City Clerk, Councilman Judd moved that Resolution No. 300 establishing charges for copies of Revised Ordinances be adopted; seconded by Councilman Chase. The resolution was adopted unanimously. A copy is attached hereto as part of the record.

#2319

Resolution No. 301 - Relating to Investment of Idle Funds: A letter from William E. Franklin, Chairman of the Johnson County Council of Mayors, urging that cities adopt a resolution calling on legislators not to adopt further restrictive measures on investment of idle funds was distributed. On motion by Councilman Alt, seconded by Councilman Judd, Resolution No. 301 was adopted. A copy is attached hereto as part of the record.

#2336

Report on Relocation of St. Joseph Hospital: Councilman Judd reported he had attended a meeting on November 13th at which presentations were made for the relocation of St. Joseph Hospital south of I-435 between State Line and Wornall Road with a 300 bed hospital and satellite hospitals for walk-in emergency care at Grandview, Lee's Summit and Oak Grove. He said he presented as an individual some of the facts about how it would reduce the time for code blue runs from Leawood.

#2414

Rate Reviews and Salary Ranges for 1974, Fire and Police Departments: At the suggestion of Mayor Ballard that the Administrative Committee needed to study the rate reviews and salary ranges for the City as a whole, the matter was deferred.

#2439

Employee Status Forms: Councilman Judd submitted three status forms relative to the Police Department and moved for their approval, as follows:

Michael F. Curran, Probationary Patrolman, merit increase to \$725 per month, effective November 1;

Mary Diane Windisch, Clerk, Police Department, merit increase to \$400 per month;

Ronald G. Gilliland, Probationary Patrolman, merit increase to \$725 per month.

The motion was seconded by Councilman Alt and carried.

Councilman Judd presented the status form of Stephen L. Birks

for termination as Probationary Firefighter, as it had been discovered he had misrepresented certain facts in applying for the position. On motion by Councilman Judd, seconded by Councilman Alt, the termination was approved.

#2471

Public Safety - Resolution No. 302 - Proposal to Submit Expanded Traffic Squad Grant: A memorandum from Chief Blume and a proposed resolution had been distributed. Councilman Judd explained that the application was to augment the uniformed patrol by addition of two more traffic duty officers and a clerk on a 75/25 basis, at a cost to the City of \$4,800. Chief Blume said adoption of the resolution would not commit any funding but would authorize submission of the application. Councilman Alt moved for adoption of Resolution No. 302 authorizing application for an expanded Highway Safety Project Grant from the United States relating to the city-wide plan for police traffic service; seconded by Councilman Judd. Resolution No. 302 was adopted. A copy is attached hereto as part of the record.

#2506

#2548

Public Safety - Proposal to Purchase Walkie-Talkie Radios For Police Department: A memorandum from Chief Blume had been distributed. Councilman Judd urged approval of the purchase of four walkie-talkies at a maximum expenditure of \$3,047.00. On motion by Councilman Judd, seconded by Councilman Evans, the expenditure of \$3,047.00 was approved for the purchase of four walkie-talkie radios and the necessary supporting equipment.

#2576

Opening of Bids for Furniture for New Building: Mayor Ballard stated bids would be opened at this meeting, and a meeting would be held on November 26th to evaluate the bids. Chief Blume stated the specifications were sent to twelve suppliers. He reviewed the request for bids. Bids were opened, as follows:

Olathe Office Supply, Inc.	\$15,486.02
Police	\$6,118.97
Council	4,267.38
Civil Defense	1,381.28
Court	3,718.39

Rainen Business Interiors	\$17,898.09
Police	\$8,173.33
Court	2,940.00
Council	4,526.00
Civil Defense	2,258.76

Cramer Industries, Inc.	\$20,301.31
Police	\$10,222.00
Civil Defense	2,152.24
Council	3,705.07
Court	4,222.00

Modern Center, Inc. (items bid individually, no total shown)

November 19, 1973

Scott Rice Office Design Centers		\$21,318.00
Police	\$10,205.00	
Court	3,337.00	
Council	4,111.00	
Civil Defense	3,665.00	

Designed Business Interiors		\$21,638.00
Police	\$10,468.00	
Court	3,995.00	
Council	4,558.00	
Civil Defense	2,617.00	

Councilman Judd moved that the bids for furniture for the new police-courts complex be referred to the Administrative Committee for consideration and recommendation; seconded by Councilman Evans. Motion carried.

#2743

Steel for Jail Cells: At the suggestion of Mayor Ballard the Council accepted the proposal of Builders Steel to furnish jail cells for \$7,580.00. It was noted that more than that amount had been allowed.

Councilman Judd moved for an executive session for the purpose of discussing personnel; seconded by Councilman Aalbregtse. Motion carried.

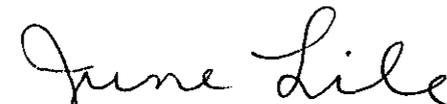
The Council adjourned to executive session at 9:40 p.m.

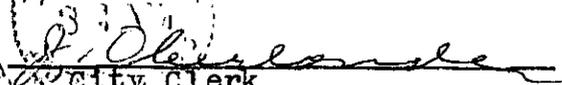
The Council returned to regular session at 10:10 p.m. The same councilmen were present.

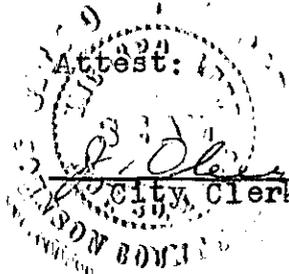
#2783

On motion by Councilman Aalbregtse, duly seconded, the meeting adjourned to Monday, December 3, 1973, 7:30 p.m.

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Council Reporter

Attest:   
 \_\_\_\_\_  
 City Clerk



December 3, 1973

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, December 3, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Evans, Eddy, Chase, Watts, Present, Judd.

Minutes: On motion by Councilman Judd, seconded by Councilman Present, the minutes of the meeting of November 19, 1973, were approved as submitted.

Visitors: Sister Marie Coleman, Mary Ann Schrack, Thomas W. Flynn, Richard Luthy, Joe Middleton. Member of the Press: Bob Savino.

#### REPORTS

- #5 Treasurer: The treasurer's report was submitted. Mr. Pendleton stated a finance meeting was planned to make a tentative review of the balance of the year. There was discussion concerning delay in payments from Civil Defense and that a meeting had been set to discuss the matter with the three government offices. On motion by Councilman Present, seconded by Councilman Judd, the report was approved.
- #27 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Aalbregtse.
- #30 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Eddy.
- #31 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Present.
- #39 Public Works: Mr. Gray's report was read and discussed, including the need for new lines at 95th Street and State Line and 95th Street and Mission Road, manhole rings, safety markers at Lee Boulevard and Somerset and improved student walk on north side of that intersection. On motion by Councilman Aalbregtse, seconded by Councilman Judd, the report was approved.

#### COMMITTEE AND COMMISSION REPORTS

- #75 Budget and Finance: Councilman Evans requested that all department heads submit their final budget runouts through the end of the year by Friday.
- #79 Intergovernmental Cooperation and Community Affairs: Councilman Aalbregtse reported he had investigated the

establishment of an area-wide drum and bugle corps and found that municipal participation was not particularly sought, but rather support from civic groups and chambers of commerce. He said a film was available concerning the matter.

#90

Ordinance No. 447 - Relating to Acceptance of Deed from Kroh Bros. Conveying Ground to be Used for 89th Street: Charles Troppito showed an engineering drawing showing ownership of the street. He reported the Plan Commission had considered the request of the Council and unanimously recommended that the City Council accept the deed for 89th Street to State Line and also that the Council be made aware of the Plan Commission's opposition to any extension of this street over to Lee Boulevard. Following discussion of the condition of the street, Councilman Aalbrechtse moved to amend the ordinance conveying land for 89th Street by adding ", and receipt of certification of the City Engineer." Motion was seconded by Councilman Eddy and carried. Councilman Eddy then moved for approval of Ordinance No. 447 accepting deed from Kroh Bros. Ordinance No. 447 was adopted unanimously. Councilman Judd requested that notification of the Council's action be sent to City Bond & Mortgage Company.

#160

Upon his request because of illness, Councilman Judd was excused from the meeting at 8:15 p.m.

#180

Parks: No report.

Plan Commission: No report.

Public Safety: No report.

#182

Public Works: Mayor Ballard proposed the appointment of Councilman Alt as chairman of the Public Works Committee and Councilman Present as a member, the appointments to be considered at the next meeting.

#187

Sanitary Sewer - Resolution No. 303 - Relating to Sewer Connections: City Attorney Winn explained that the proposed resolution was a clarifying resolution concerning sewer connections. Councilman Eddy moved for approval of Resolution No. 303 to replace Resolution No. 295; seconded by Councilman Evans. Resolution No. 303 was unanimously adopted. A copy is attached hereto as part of the record.

#205

Councilman Eddy moved for a change in the agenda to consider Damming of Dykes Creek Branch in Prairie Village at this time; seconded by Councilman Aalbrechtse. Motion carried.

#209

Damming of Dykes Creek Branch in Prairie Village: Councilman Eddy referred to an opinion of the City Attorney dated May 18, 1973, that without a permit from the State Engineer it was illegal to dam a stream. Councilman Eddy presented Richard Luthy who said that a couple of weeks ago the creek by his home had quit running. Upon investigation he found that J. C. Nichols Company had built a series of check dams

December 3, 1973

on the stream fed by a spring on the Wolf property. He expressed concern that in a dry year the dams would cause a series of stagnant pools instead of a flowing stream. He asked that the City of Leawood take action to have the dams removed. He showed pictures of the dams. Mayor Ballard stated he had prepared a letter to be sent to Mayor Franklin of Prairie Village concerning the problem. It was agreed that the Mayor should send the letter to Mayor Franklin, that the City Attorney should send a letter to the Chief Engineer of the Division of Water Resources, and that J. C. Nichols Company officials should be invited for a discussion of the situation, with the City Attorney, the Mayor and Councilman Eddy.

MAYOR'S REPORT

#267 Date for Special Meeting: Following discussion, it was decided that the final meeting for 1973 would be held on Thursday, December 27th.

#288 Request for Use of Office Space: A letter from District Attorney Jordan requesting use of office space for a special project was referred to Chief Blume.

OLD BUSINESS

#293 Report re Roach Cadillac: Mayor Ballard stated there seemed to be a personnel problem, and instructions of the Council were not carried out. It was agreed that Mayor Ballard should discuss the matter with Mr. Roach at his convenience.

#303 Report re Eugene Brown Building: Charles Troppito reviewed background information concerning the Eugene Brown Building, including stipulations that screening was to be a minimum height of six feet and of sufficient density to provide visual and headlight screening, a retaining wall was to be installed to screen the lights of cars, and parking lot lights were not to exceed 12 feet in height. Mr. Troppito reported Mr. Brown was notified by letter dated October 4 that the screening was in violation and that he had fifteen days to either correct the problem or file for variance with the Board of Zoning Appeals; he did neither. City Attorney Winn suggested landscaping be pinned down before buildings are occupied. Assessment of a per diem penalty was discussed. The project was assigned to City Attorney Winn with Councilman Eddy assisting. They were given authority to do whatever was necessary to get the situation corrected.

#363 Licensing of Real Estate Agents: Councilman Eddy requested that licensing of real estate agents be put on the agenda of the meeting of December 17th.

#370 95th Street: Since the financial report for the end of the year was not yet available, Councilman Present requested that this item be taken off the agenda until after the first of the year.

#372 Report re The Cloisters: Councilman Present reported a request had been sent to Mr. Mantel that he state what his complaints were and to list residences involved in those complaints. Mr. Mantel's reply had just been received. At Councilman Present's request, Councilman Chase moved that the committee be given a thirty-day extension of time to present a report; seconded by Councilman Present. Motion carried.

#379 Enforcement of Dog Ordinance: Deferred pending report from meeting with Prairie Village.

#381 Special Committee Report - Police-Courts Complex: Councilman Present stated the committee would meet Saturday. It was discussed that the dedication of the building be held in May and that the plaque state the dedication date.

#392 Special Remarks - Councilman Present: Deferred on request of Councilman Present.

#396 Consideration of Interlocal Agreement Between Johnson County, Overland Park and Leawood, re Public Improvement of 111th Street: Councilman Eddy moved that the Mayor be authorized to sign the agreement on behalf of the City of Leawood; seconded by Councilman Evans. Motion carried.

#399 Recommendation for Purchase of Furniture - Police-Courts Building: A report had been distributed. Mayor Ballard stated the Administrative Committee recommended that the City Council authorize the purchase of items listed from the Scott Rice Company, 2940 Main Street, Kansas City, Missouri, for a total amount of \$22,993.32. The Mayor reported that the committee recommended that the court wing be equipped for both the council meetings and for the courtroom, and no furniture be purchased at this time for the downstairs meeting room originally contemplated as council chambers. The recommendation was discussed. Pictures of the furniture proposed to be purchased were displayed. Mayor Ballard stated the furniture was provided for in the 1974 budget, but use of anticipated carryover from 1973 was contemplated. Councilman Aalbrechtse moved that the Mayor and/or the Committee be authorized to place the order with the Scott Rice Company for the furniture as listed; seconded by Councilman Evans. Motion carried.

#510

NEW BUSINESS

#515

Approval of Pitman Building Corporation Application for Payment No. 6: Mayor Ballard reviewed the application, including the contractor's affidavit and the statement of John Granstedt. Councilman Present moved for approval of the contractor's application for payment No. 6 in the amount of \$44,550.00; seconded by Councilman Evans. Motion carried.

#540

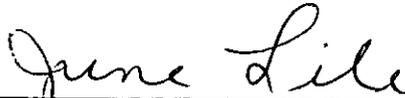
Insurance Committee Report: Councilman Chase reported that the City's Workmen's Compensation policy, administered by

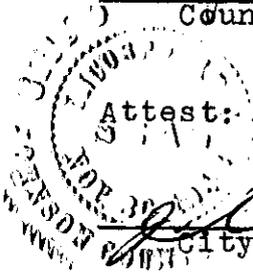
December 3, 1973

#697

At 10:00 p.m., on motion by Councilman Aalbregtse, seconded by Councilman Watts, the meeting adjourned to Monday, December 17, 1973, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter



  
\_\_\_\_\_  
City Clerk

(Tape recorder  
did not record)

December 17, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, December 17, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Alt, Evans, Eddy, Present, Judd, Watts.

Minutes: On motion by Councilman Evans, seconded by Councilman Present, the minutes of the meeting of December 3, 1973, were approved as submitted.

Visitors: Jack Bell, Robert F. Redmond. Member of the Press: Bob Savino.

Presentation of Mayors' Christmas Tree Bowling Tournament Check: Jack Bell presented to Mayor Ballard a check in the amount of \$392.00 representing proceeds from the 1973 Mayors' Christmas Tree Bowling Tournament at King Louie Ranchmart. At Mayor Ballard's request, the check was presented to Robert F. Redmond representing the Greater Kansas City March of Dimes.

#### OLD BUSINESS

Appointments to Public Works Commission: Mayor Ballard proposed the appointment of Councilman Alt as Chairman of the Public Works Commission and Councilman Present as a member of that Commission. On motion by Councilman Eddy, seconded by Councilman Judd, the appointments were approved.

MAYOR'S REPORT: No report.

#### NEW BUSINESS

Public Works: Bid Opening - Riding Mower for Parks: Charles Troppito reported requests for bids had been sent to three Allis-Chalmers dealers but only one bid had been received. The bid was opened, as follows:

Shriver Lawn & Garden, Gardner, Kansas	\$1,982.50
Less trade-in	1,065.62
	<u>\$ 886.88</u>

Mr. Troppito pointed out that if the quote was correct, there was an error in subtraction. Following discussion, Councilman Judd moved that the Council accept the bid of Shriver Lawn & Garden, amount not to exceed \$916.88 maximum, considering a trade-in allowance of \$1,065.62; seconded by Councilman Alt. Motion carried, Councilman Eddy opposed.

Bid Opening - Roof for Public Works Building: Charles Troppito reported bids had been received in the amounts of

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\$5,544, \$5,978, \$5,100 for replacing the roof, and bids of \$4,480 and \$4,740 for repair of the roof. Consideration of the bids was deferred to a later date as the funds would come out of the 1974 budget.

Bid Opening - Public Works Truck: A tabulation of bids was distributed. Councilman Eddy moved for approval of the bid of Westfall GMC Truck, Inc. in the amount of \$6,137.86; duly seconded. The advantages of having the Public Works trucks of the same make were discussed. Motion carried.

Discussion Relative to Occupation Licenses: At the request of Councilman Eddy, this matter was deferred to the second meeting in January. Councilman Eddy asked that councilmen think about licensing of real estate agents.

Plan Commission Report: Councilman Alt reviewed a letter from Richard E. Duncan of the City Development Department of Kansas City outlining alternatives of land use in the Ward Parkway Corridor, and recommending Alternative III, low density office or medium density apartments, with further controls, as the most feasible. Councilman Evans moved that the matter be sent to the Plan Commission for a recommendation; seconded by Councilman Present. Motion carried.

Request for Street Light on Cul-de-sac North of 85th Terrace on High Drive: Councilman Judd explained that homeowners on the cul-de-sac had requested a street light be installed due to the fact that the energy crisis was forcing residents to shut off gas lights. The request for the light had been approved by the Police Department. Councilman Eddy proposed that the suggestion be made to these people that they convert their lights to electricity, that the Council needed to be careful of the funds it approved if lights in the area could be switched from gas to electricity. There was discussion that the light was needed anyway. Councilman Judd moved that the Council approve a street light for the cul-de-sac north of 85th Terrace on High Drive; seconded by Councilman Evans. Motion carried.

Joint Proposal for Animal Control: Councilman Judd reported the Chiefs of Police of Prairie Village and of Leawood got together and worked out the joint proposal for animal control distributed to councilmen. He said the total cost for Leawood would be \$5,438.20, and \$4,750.00 had been budgeted. Councilman Judd said he thought the proposal would benefit Leawood and that a resolution would be in order to accept the proposal. Mayor Ballard suggested that a resolution be drafted for consideration at the next meeting. Councilman Present said he did not feel the proposal was adequate and he felt Leawood should allot its own funds and enforce its own ordinances. Councilman Eddy said it seemed this was a case where the City needed to cooperate with another city; Councilman Evans agreed. Councilman Judd stated the Leawood ordinance would be enforced under the joint proposal at a minimal cost and service would be provided seven days a week. Councilman Eddy moved that a

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resolution be prepared to enter into an agreement with the City of Prairie Village for animal control in accordance with the letter of Chief of Police Blume dated December 13; seconded by Councilman Evans. Motion carried, Councilman Present abstained.

Opening of Bids - Communications Equipment: Deferred.

Approval of Cereal Malt Beverage Licenses: All the applications were renewals and the City Attorney had approved the applications. Councilman Evans moved that cereal malt beverage licenses be approved for Leawood South Golf & Country Club, Inc., Martin's Finer Foods, Inc., Ranch Mart Bar-B-Q, Pumpernik's, King Louie Ranch Mart, and Gates & Sons Barbecue, Inc.; seconded by Councilman Alt. Motion carried.

Revenue Sharing: Councilman Evans stated the Council had not formally approved the designation of Revenue Sharing funds, and moved that the 1973 Revenue Sharing money in the amount of \$29,000-plus be set aside for financing of the Police Building, the funds to be transferred from the Revenue Sharing account to the Building Fund account on the recommendation of the Treasurer or the Budget & Finance Committee as needed; seconded by Councilman Judd. Motion carried.

Application for Permit to Distribute Advertising Material under Section 8-304(f): Mayor Ballard suggested that the application be referred to Public Safety. Councilman Evans moved that the application of The Lewis Brucker Company regarding distribution of advertising material be referred to the Public Safety Commission; seconded by Councilman Judd. Councilman Aalbrecht noted that the material had already been distributed over part of the City. Motion carried.

Ordinance No. 448 - Providing for Establishment of Wage and Salary Schedules for City Employees: Following discussion, Councilman Eddy moved that the ordinance providing for establishment of wage and salary schedules for City personnel be considered on an emergency basis; seconded by Councilman Judd. Motion carried. Councilman Eddy then moved that Ordinance No. 448, providing for establishment of wage and salary schedules, be adopted with the following changes: In Section 2, item (d), strike out bookkeeper and insert Assistant Financial Clerk; delete item (f) under Section 2 and item (g) become item (f), and (f) goes to item (l) under Section 5; under Section 3, item (h) be Clerk Trainee rather than Student Clerk. Ordinance No. 448 was adopted as amended.

Payroll Rate Review for City Personnel: A tabulation showing current salary and proposed salary for City employees was distributed. On motion by Councilman Evans, seconded by Councilman Eddy, salary schedules were approved as follows:

December 17, 1973

JOB TITLE	NAME OF EMPLOYEE	CURRENT SALARY	PROPOSED SALARY
<b>Administration:</b>			
City Attorney	Larry Winn III	\$ 335.00	\$ 360.00
Asst. City Atty.	Ronald Reuter	184.00	200.00
Asst. to Mayor	Charles Troppito	765.00	850.00
City Clerk	Virginia Oberlander	953.60	1,050.00
Council Reporter	June Lile (per hour)	2.75	3.00
Bd. Zon. Appls. Secy.	June Lile (per hour)	2.45	3.00
Administration-Clerk	Alice Smith	516.00	570.00
"	Martha Heizer	425.00	467.50
"	Z. Nadine Martin	425.00	467.50
"	Myra Torbert	450.00	475.00
Finance Clerk	Dorothy Holtsclaw	625.00	700.00
Court Clerk	Margaret Hamer	400.00	440.00
Judge	James Cope	315.00	340.00
<b>Police:</b>			
Police Chief	Richard Blume	1,250.00	1,400.00
Captain	Al Sellers	1,075.00	1,215.00
Lieutenant	H. Robert Becker	1,000.00	1,130.00
Detective	Allan Buford	840.00	955.00
Sergeant	Veldon Prince	865.00	977.00
"	Steven Shults	865.00	977.00
"	Robert Wells	875.00	997.00
Sgt. - Traffic Squad	Wayne Sharp	900.00	1,026.00
Patrolman - Traffic Squad	Craig Hill	740.00	814.00
Patrolman 1st Class	Royce Bounds	750.00	825.00
" " "	James Cox	750.00	825.00
" " "	Merle Ganaden	830.00	905.00
" " "	Brian Lane	810.00	899.00
Patrolman - Prob.	Ronald Anderson	700.00	749.00
"	Michael Curran	725.00	776.00
"	Ronald Gilliland	725.00	776.00
Police Clerk	Shirley Yockey	504.00	575.00
Asst. Police Clerk	M. Diane Windisch	400.00	440.00
School Crossing Guard	Dorothy Way (per hour)	2.75	8.75 (per day)
<b>Fire:</b>			
Fire Chief	Jourdan Toman	1,350.00	1,485.00
Captain	Abney Benoit	900.00	1,000.00
"	Gary Scheer	900.00	1,000.00
"	Jerry Strack	900.00	1,000.00
Lieutenant	Milton Sidebottom	775.00	860.00
"	Dennis Thomason	775.00	860.00
Firefighter 1st Class	Carl Andrew	665.00	790.00
" " "	Lee Bledsoe	725.00	825.00
" " "	Conley P. Cornell	640.00	770.00
" " "	Robert Haskin	675.00	790.00
" " "	Robert Sharp	650.00	770.00
" " "	Steven Wilson	640.00	770.00
" " "	Paul Arnold	600.00	675.00
" " "	Timothy Bowyer	600.00	675.00
" " "	Larry Smith	600.00	675.00
Fire Inspector E.E.A.	Nick Montee	650.00	

December 17, 1973

Public Works:

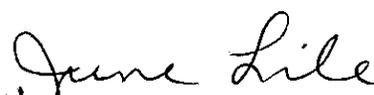
Superintendent	Will E. Gray	1,000.00	1,100.00	
Asst. Sewer Supt.	Jack Moore	685.00	750.00	
Foreman	Robert Hayes	705.00	775.00	
Foreman Park Dept.	Kelly Graves	675.00	730.00	
Mechanic	Emery Ingram (per hour)	4.14	4.50	per hour
Laborer	Christopher Jones	" 3.42	3.66	"
"	Leonard Breiner	" 3.96	4.36	"
"	Kenneth Hanners	" 3.42	3.66	"
"	Paul Orrick	" 3.42	3.66	"
"	Harvey Rodabaugh	" 3.42	3.66	"

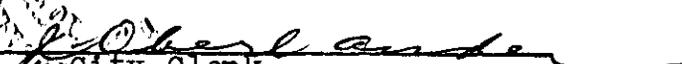
Special Committee Report: Councilman Present distributed a sheet containing suggested wording for a plaque for the new police-courts building. He said the committee had decided to place the plaque on the lefthand side inside the entryway. Councilman Present presented a booklet showing the style of the plaque and printing that would go on it. He said the size of the plaque, with the suggested wording, had been recommended to be 24" x 16", at a cost of \$245.76. Councilman Present said the committee recommended the name "Police and Court Building". He asked approval of the expenditure of \$245.76 and the wording. Councilman Present moved that the committee be authorized to order a bronze plaque for the Police and Court Building dedication ceremony; seconded by Councilman Aalbrechtse. Motion carried.

Chief Toman thanked the Council on behalf of the Fire Department for the generous increases in salary for that department.

At 8:45 p.m., on motion by Councilman Present, duly seconded, the meeting adjourned to Thursday, December 27, 7:30 p.m.

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Council Reporter

Attest:  
  
 \_\_\_\_\_  
 City Clerk

December 27, 1973

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Thursday, December 27, 1973, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbrecht, Alt, Evans, Chase, Present, Judd, Watts.

Police Chief Blume, Fire Chief Toman, Charles Hansel, the City Clerk and the Council Reporter were also present.

Mayor Ballard announced that former Councilman Cliff Johnson had suffered a heart attack and flowers had been sent on behalf of the City.

#5  
#54  
Approval of Appropriation Ordinances: Councilman Evans stated the appropriation ordinances presented would be within the budget, and he proposed that furniture for the new building be charged against this year's budget. The appropriation ordinances were examined by councilmen. Upon motion by Councilman Evans, Appropriation Ordinances Nos. 323A and 313S in the amounts of \$78,785.27 and \$394,760.14 (including \$390,000.00 certificates of deposit), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were approved.

#56  
Plans for City Administrator's Department: Mayor Ballard reviewed preliminary work done on setting up the City Administrator's Department. He said the present plan was to split the City Clerk's budget for 1974 into two separate budgets, one for the City Administrator and one for the City Clerk. He said initially everything having to do with the sewers and everything having to do with land development would be under the City Administrator, and the City Administrator would handle public works as part of his function. Mayor Ballard said the target date for hiring a City Administrator was July 1. He said Shirley Yockey would serve as Administrative Assistant to the City Administrator, to run the office, with Charles Troppito, Alice Smith, Nadine Martin, and perhaps Frances Farrar in that department. Mayor Ballard reviewed locations of the people and offices in the new building.

#131  
Commitments from 1973 Budget: Councilman Evans moved that the previous commitment for furniture for the police building, not to exceed \$22,993.00, be committed against the 1973 general operating fund, that the portion of it going into the police part of the building and civil defense area be charged against the Police budget, and that part going into the court and council chamber be charged to the Administrative budget; seconded by Councilman Judd. Motion carried.

Following discussion concerning the amount remaining in the 1973 budget, Councilman Evans moved for approval of two

December 27, 1973

purchase orders, No. 306 to Ranch Mart Interiors, Inc. for \$1,058.00 for draperies, to be charged against the Police Building Fund, and No. 307 to Apeco Corporation for a copy machine in the amount of \$1,695.00, to be charged against the Administrative budget; seconded by Councilman Alt. Motion carried.

#205

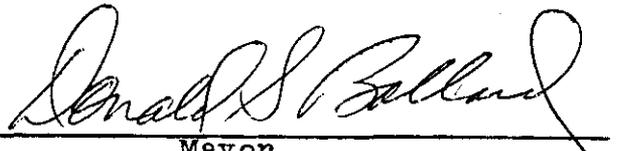
Charles Hansel suggested the Council might consider stock-piling sand, salt, gravel, etc. Following discussion, Councilman Alt moved that the Council authorize the expenditure of not to exceed \$3,000.00 for public works materials such as sand, gravel, tires and salt; seconded by Councilman Present. Motion carried.

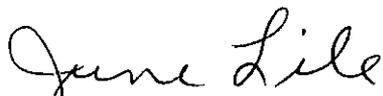
#255

Commendation: Councilman Alt read a letter from the Police Department stating that no traffic accidents were reported to the Police Department within city limits on December 19 and 20 when streets were ice covered, and commending Mr. Gray and his crew for their good work and cooperativeness. Councilman Alt moved that the Council commend the Public Works Department and the Street Department for their efforts and the Police Department for its vigilance in calling the dangerous situation to the attention of the Street Department; seconded by Councilman Judd. Motion carried.

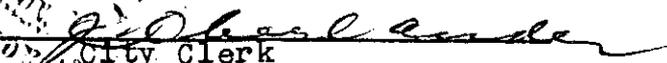
At 8:35 p.m., on motion by Councilman Judd, seconded by Councilman Aalbregtse, the meeting adjourned to Monday, January 7, 1974, 7:30 p.m.

#267

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

January 7, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, January 7, 1974, in the City Hall, 9615 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Evans, Chase, Watts, Present, Judd.

Minutes - Meeting of December 17, 1973: On motion by Councilman Judd, seconded by Councilman Present, the minutes of the meeting of December 17, 1973, were approved as submitted.

Minutes - Meeting of December 27, 1973: On motion by Councilman Judd, seconded by Councilman Watts, the minutes of the meeting of December 27, 1973, were approved as submitted.

Visitors: Sister Marie Coleman, J.E. Middleton, Richard E. Duncan. Member of the Press: Bob Savino.

#### REPORTS

- #7 Treasurer: No report.
- #17 Municipal Judge: Judge Cope's report was submitted. Councilman Judd commented there seemed to be a lot of dismissals. Following discussion, Mayor Ballard suggested that the Public Safety Commission look into some of the files on dismissals and perhaps issue a set of instructions to the prosecutor to the effect that when a case is dismissed he should note his satisfaction with the fact that it was dismissed. Councilman Judd requested that Mr. Reuter be invited to the next Public Safety Commission meeting. On motion by Councilman Present, seconded by Councilman Judd, the report was approved.
- #80 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Present. Chief Toman said fire loss for 1973 was about one-third of the loss in 1972.
- #88 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Watts.
- #102 Public Works: Mr. Gray's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Present. Mayor Ballard expressed appreciation for the tremendous job done on the streets during the recent snowstorm.

#### COMMITTEE AND COMMISSION REPORTS

- #112 Budget and Finance: Councilman Evans suggested that in light

January 7, 1974

of the rising gasoline prices and an article in the evening paper indicating that gasoline tax revenue received by the State may be down, the City should be cautious in spending the Motor Fuel Tax Fund this year, as it is likely the amount budgeted to come from that source may not be fully realized.

#130

Re-Allocation of Funds, 1974 Budget: An outline of the financial aspect of organizational changes outlined by the Mayor at the last meeting had been distributed. Councilman Evans explained that it was a re-allocation of budgeted funds. Mayor Ballard reviewed the changes to be made. Councilman Evans moved that the re-allocation of funds among General Operating accounts as outlined in the Mayor's proposal be approved; seconded by Councilman Judd. Following discussion, motion carried.

#163

#182

Intergovernmental Cooperation and Community Affairs: No report.

Ordinance: No report.

Parks: No report.

#187

Plan Commission: Charles Troppito distributed copies of a letter from Richard E. Duncan of the Kansas City, Missouri, City Development Department. Mr. Duncan was present to answer questions regarding restudy of the Ward Parkway Corridor. Mr. Troppito reviewed the history of the Ward Parkway Corridor plan covered by Leawood Resolution No. 210. He said a number of factors had occurred that made the existing plan unworkable, and applications had been made for commercial uses. Mr. Troppito said Kansas City had developed a restudy of the corridor area which culminated in the development of land use alternatives and development policies which the Council had requested that the Plan Commission review and present a recommendation. Mr. Troppito read the Plan Commission's recommendation indicating its concurrence with the recommendation of the Kansas City Development Department specified as number III, recommending low density office as a goal for the Ward Parkway Corridor, and further indicating the Plan Commission's strong opposition to Alternatives IV, V, and VI because these forms of development would create very unfavorable impacts on Leawood residents along the corridor, and further indicating approval of the nine development policies as listed in the letter of December 4. Mr. Troppito said the Kansas City Plan Commission had deferred action on the selection of alternatives until its January 9th meeting to allow Leawood time to consider and present their favored alternative. The Council discussed the restudy plans with Mr. Duncan. A sample motion prepared by Councilman Alt was discussed.

#445

Councilman Chase moved that the Leawood City Council indicate its concurrence with the recommendation of the Department of City Development, Kansas City, Missouri, specified as alternative III, recommending Low Density Office Use as the

goal for development of the Ward Parkway Corridor, as follows:

"III. Low-medium density office (F.A.R. .3) or medium density apartments (12 D.U./acre) Such an office building would be similar to the existing Eugene Brown Office building which is located at 83rd and State Line Road. A development such as this would allow approximately 300,000 square feet of additional office space which would generate 3,000 automobile trips per day. This type of development would require intersection improvements at 75th Street and State Line, at 75th Street and Ward Parkway, and 75th Street and Wornall. This development would also bring Ward Parkway and State Line Road up to near vehicular capacity.

"With a .3 F.A.R. and a  $2\frac{1}{2}$  story height limit, the designers would have enough open space to design an aesthetic buffer area. Planting strips and planted dirt mounds along Ward Parkway could be used to enhance the character along the western lane of Ward Parkway and simultaneously screen parking areas and offices bulk from the traveling public.

"A height limitation of  $2\frac{1}{2}$  stories would insure that the new development is in keeping with the scale of the existing offices and residential uses. Such heights would blend into the surrounding tree cover and not protrude to such a height that it would be obtrusive. The  $2\frac{1}{2}$  story height requirement along with an F.A.R. of 0.3 would provide ample opportunity for integrating parking, building and landscaping in a pleasing manner."

along with the nine development policies as listed in said department's letter of December 4th, as follows:

- "1. Encourage consolidation of property into significant areas of unified ownership or control as indicated by the development unit concept.
- "2. Do not consider any area smaller than a development unit for rezoning.
- "3. Encourage development or administrative offices only.
- "4. Make all rezoning subject to the adoption of a plan. This plan should include a definitive site plan, grading plan and landscaping plan.
- "5. Prohibit any new curbcuts on either Ward Parkway or State Line.
- "6. Orient all structures toward the interior of corridor and provide for interior pedestrian circulation.

- "7. Require densely landscaped buffer along periphery of corridor.
- "8. Restrict F.A.R. to 3.0 or less.
- "9. Restrict height limit to 2½ stories."

and further that the Mayor be instructed to prepare a letter to the Kansas City, Missouri, Plan Commission notifying them of the City Council's recommendation and further urging the Kansas City, Missouri, Plan Commission to prepare a Land Use plan within the guidelines of Alternative III and its development policies, to be submitted to the Governing Bodies of both Kansas City, Missouri, and Leawood, Kansas, in resolution form, for joint approval; and further that the Council concur with the Leawood Plan Commission's strong opposition to Alternatives IV, V, and VI as outlined in Mr. Richard E. Duncan's letter of December 4, 1973, to the Kansas City Plan Commission, because those forms of development would create very unfavorable impacts on the Leawood residents along the corridor; seconded by Councilman Present. Motion carried.

#453

Public Safety - Ordinance No. 449 - Relative to Computation of Sick Leave for Commissioned Police Officers, and Applicable Definitions and Repeal of Sections: Councilman Judd referred to a detailed letter written by Chief Blume relative to changing the work week of police officers from four 10-hour days to five 8-hour days. Councilman Judd recommended that an emergency be declared to implement the new procedure before the beginning of the second semester of college as many of the men were enrolled. The ordinance was discussed. Chief Blume displayed a graph showing times policemen were physically present in each of the plans. He said coverage would be much more comprehensive on the five day week. Councilman Judd moved that an emergency be declared for adoption of the ordinance relating to computation of sick leave for commissioned police officers, applicable definitions and repeal of sections; seconded by Councilman Present. Motion carried. Councilman Judd then moved that Ordinance No. 449 be adopted as presented. Ordinance No. 449 was adopted unanimously.

#531

#543

#552

Opening of Bids - Police Communications Equipment for New Police Building: Councilman Judd opened responses to requests for bids, as follows: RCA indicated they were unable to submit a bid; Motorola indicated objection to the fact that none of their recommendations for changes in specifications that were proprietary to one manufacturer were accepted, so they were unable to submit a competitive bid; and a lengthy bid from General Electric. The responses were referred to the Public Safety Commission for review and Chief Blume was authorized to forward the bid responses to GCCA. Chief Blume stated GCCA had approved the specifications much prior to the Motorola representative's recommendation.

#593

Public Works Commission: Councilman Present stated the Commission was presently investigating purchase of a sign-

January 7, 1974

making machine. He asked that department heads indicate special sign needs to the Commission to make sure the machine was capable of making same.

#605 MAYOR'S REPORT: Mayor Ballard stated John Granstedt had been taken to the hospital but he was apparently all right.

#615 Change Order No. 11, Police-Court Complex: Mayor Ballard reviewed the changes covered by the change order for electrical modifications and carpeting in the total amount of \$2,486.00, to utilize the downstairs area for the City Administrator's department. Councilman Chase moved that Change Order No. 11 be accepted; seconded by Councilman Watts. Motion carried, Councilman Present abstained.

#658

#### OLD BUSINESS

#667 Dams on Dykes Creek Branch: City Attorney Winn reviewed the complaint of citizen, Richard Luthy, that J. C. Nichols Company had constructed a series of dams in the Corinth Paddock development. Mr. Winn said two engineers from the Water Resources Department had met with J. C. Nichols representatives and himself. Mr. Winn reviewed letters received from the engineers subsequent to that meeting. He said the dams were constructed with a series of mechanical valves so water could be released at all times. He pointed out that during construction, the stream had been dammed completely. He said the Corinth Paddock development covered only one-tenth of the watershed area. City Attorney Winn concluded that the Nichols Company probably was not in violation of the statute requiring a permit; that it was conceivable they might have violated some private water rights downstream which was a matter between those individuals and the Nichols Company; that it was premature to determine whether they were in fact causing any problems until such time as the construction was completed and a dry season encountered. The matter was discussed. Councilman Present moved that a letter be written to the J. C. Nichols Company with a copy to Mr. Luthy, asking for a program on what they plan to do regarding release of water from the dams; seconded by Councilman Watts. Motion carried.

#### NEW BUSINESS

#761 Ordinance Relative to Vacancy in Office (First Reading): City Clerk Jinny Oberlander explained the ordinance proposed was to add the words "for the balance of the unexpired term" which had been omitted during codification.

#789 Discussion Relative to Revoking of Occupation License: Councilman Judd moved that consideration of this matter be postponed until the next meeting; seconded by Councilman Present. Motion carried.

#802 Pitman Building Corporation Application for Payment No. 7, Police-Court Complex: Mayor Ballard stated the application

January 7, 1974

in the amount of \$42,406.00 had been approved by John Granstedt. On motion by Councilman Chase, seconded by Councilman Evans, the application for payment was approved. The City's cash situation was discussed.

#830

Appropriation Ordinance: No. 324A in the amount of \$37,942.56, providing for payment of certain claims against the City, was approved.

#843

Proposal for Rodent Control - Allied Exterminators, Inc.: A proposal by Allied Exterminators, Inc. dated December 28, 1973, for rodent control in the amount of \$650.00, was distributed at the Council table. Upon recommendation of Mayor Ballard, Councilman Present moved that the proposal as submitted by Allied Exterminators, Inc. be accepted, the amount to be charged to the Sewer Department; seconded by Councilman Judd. Motion carried.

#865

Recommendations for Audit: Treasurer Pendleton stated recommendations for the audit for 1973 would hopefully be presented at the next meeting. Mayor Ballard suggested developing a standard format for budget runouts on 8½ x 11 paper.

#876

At 9:45 p.m., on motion by Councilman Present, seconded by Councilman Watts, the meeting adjourned to Monday, January 21, 1974, 7:30 p.m.

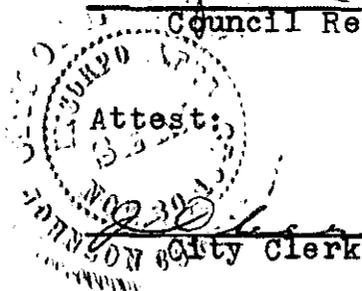


Mayor



Council Reporter

Attest:



City Clerk

January 21, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held on Monday, January 21, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding.

While awaiting a quorum, Council members present informally heard the complaint of Mr. and Mrs. Charles L. Fonger relative to a bubble canopy over a swimming pool at 9415 Manor Road.

The meeting was called to order at 8:08 p.m. Roll call was answered by Councilmen Evans, Chase, Watts, Present, Judd.

Visitors: Mr. and Mrs. Charles L. Fonger, James M. Stacy.  
Members of the Press: Bob Savino, S. Allen Winchester.

#880

Landscape Plan for Eugene Brown Building: James M. Stacy was present on behalf of the building owner. City Attorney Winn reported the Eugene Brown Company had agreed to plant 20 evergreens with good breadth and 3 to 4 feet high at planting. Mr. Stacy presented a landscape plan and explained that the existing plants were well knitted but were a little low; he said 20 plants of good size had been ordered, and his company hoped to more than satisfy the minimum requirements delineated by the City Attorney. Mr. Winn indicated the problem area on a plot plan, as well as the two Leawood homes which had been bothered by headlights from the parking area. Mr. Stacy said the planting would be done when weather permitted. On motion by Councilman Evans, seconded by Councilman Judd, the landscaping plan for the Eugene Brown Building was approved as submitted in the Rosehill Gardens letter of January 17, 1974. Copies of correspondence and the landscaping plan are attached hereto as part of the record.

#924

#930

Minutes: On motion by Councilman Judd, seconded by Councilman Present, the minutes of the meeting of January 7, 1974, were approved as submitted.

#### OLD BUSINESS

#933

Ordinance No. 450 - Relative to Vacancy in Office: Mayor Ballard read the old and the new wording, explaining that the purpose of the proposed ordinance was to add the words "for the balance of the unexpired term". Upon motion by Councilman Judd, Ordinance No. 450 was adopted unanimously.

#943

The Cloisters: Councilman Present asked that this matter be held in abeyance until John Granstedt was out of the hospital.

#### MAYOR'S REPORT

Mayor Ballard reported that the organization of the City Administrator's office and the move to the new building were

From the  
desk of... CHARLES TROPPITO

1-22-74

~~January~~ June:

Attached is a copy  
of correspondence &  
plan for Eugene  
Brown Bldg. which  
city council voted to  
incorp. by reference  
into minutes of  
1-21-74 meeting.

*Mr Ballard*

# Eugene D. Brown Company

## Realtors

7219 Metcalf, Shawnee Mission, Kansas 66201 - Phone: 913/432-6666



Serving Greater  
KANSAS CITY

January 17, 1974



Mr. Larry Winn, III: City Attorney  
City of Leawood, Kansas  
9615 Lee Boulevard  
Leawood, Kansas 66206

RE: EUGENE D. BROWN BUILDING  
8301 State Line

Dear Mr. Winn:

As promised in our letter to you January 10, 1974, we are sending herewith the proposed landscape plan for the area to the West of the North Section of the West parking lot of our building at 8301 State Line.

The landscape plan was developed and drawn by Mr. Kenneth F. Kennedy of Rosehill Nurseries, after a thorough explanation to him of your recommendations in our meeting at the site on December 28, 1973.

The Rosehill plan details the type and placement of the nursery stock as well as the dimensions. We hope that this plan will be both functional and an aesthetic addition to the City and our property.

If the plan meets with the approval of the City Council we will take steps to implement it as soon as weather permits.

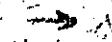
Once again, our thanks to Mayor Ballard, to Mr. Troppito and to you for your assistance and cooperation in resolving this problem.

We look forward to hearing from you following the Council Meeting of January 21, 1974.

Respectfully,

*James M. Stacy*  
James M. Stacy,  
Property Manager

encl.  
JMS/bl  
cc Mr. Eugene D. Brown  
Mr. Charles Troppito



STATE LINE

1" = 20' scale

20 Cavendish  
PLANT 5' O.C.

Barberry hedge O.P.  
Wigelia O.P.

Eugene Brown Bldg  
8300 State Ave

# Eugene D. Brown Company

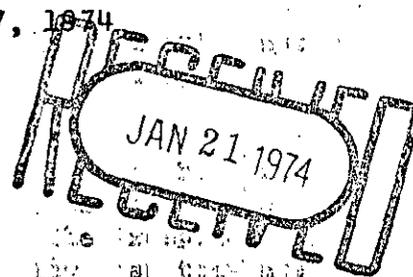
## Realtors



Serving Greater  
KANSAS CITY

7219 Metcalf, Shawnee Mission, Kansas 66201 - Phone: 913/432-6666

January 17, 1974



Mr. Larry Winn, III: City Attorney  
City of Leawood, Kansas  
9615 Lee Boulevard  
Leawood, Kansas 66206

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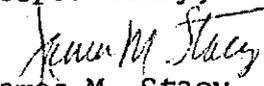
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Respectfully,

  
James M. Stacy,  
Property Manager

encl.  
JMS/bl

cc Mr. Eugene D. Brown  
Mr. Charles Troppito

Since 1914  
EVERT ASJES

# Rosehill

GARDENS, INC.

9300 HOLMES ST. / 816-523-2448 / KANSAS CITY, MO. 64131

January 17, 1974

Eugene Brown Building  
Attn: Mr. Eugene Brown  
8300 State Line  
Kansas City, Missouri 64112

Dear Mr. Brown:

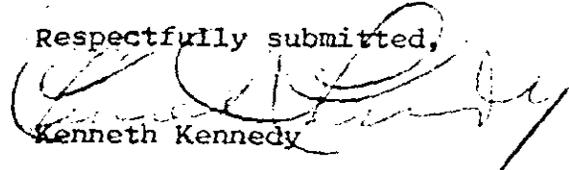
We are pleased to submit the following estimate for additional landscaping at the Eugene Brown Bldg.

20	Juniper Canaerti 3-4'	20.00	400.00
200	Lbs. Sheep Manure	6.70	13.40
	Peat Moss 6 cu. ft.		7.50
			<u>420.90</u>
	3% Mo. Sales Tax		14.73
			<u>\$ 435.63</u>

The above includes cost of planting, unless such foreign material as rock, heavily compacted sub soil, tree stumps, roots and or any other unforeseen obstructions are found in existing sub soil for which there will be an additional charge for removal.

Guarantee: All plant material is guaranteed to be replaced without charge if failing to grow within one year from date of installation, excluding negligence on part of owner to carry out instructions for adequate watering and normal care, theft of plants or vandalism.

Respectfully submitted,

  
Kenneth Kennedy

KK/kg

STATE LINE →

1" = 30' scale

20' canopy 34'  
PLANT 5' O.C.

Barberry hedge O.P.  
Weigela O.P.

Eugene Brown Bldg.  
8300 State Ave

January 21, 1974

progressing, and he hoped the move would be completed in a short period of time.

#954

Report re Dams on Dykes Creek Branch: City Attorney Winn reported Mr. Pollock of the J. C. Nichols Company had replied to his letter relative to their plans regarding release of water from the dams. Mr. Winn said the reply indicated a general willingness to cooperate but contained nothing specific at this time as to regulating the flow of water. Mayor Ballard urged that the matter not be dropped until the City had received a satisfactory answer from the Nichols Company, and that the City take every precaution to insure that there was a continuous flow of water in the creek.

#987

Discussion of Status of Street Light at 89th and State Line: Councilman Judd inquired as to the status of the street light. Mayor Ballard stated no response had been received from Kroh Bros. in regard to the 89th Street light; that two letters had been written, the second proposing that the City bring the street up to serviceable standards on the basis that Kroh Bros. would pay to the City the estimated cost of the street repair. Mr. Winn stated a Kroh Bros. attorney had asked for an interpretation regarding what constituted making the street serviceable. Following discussion of the matter, Mayor Ballard suggested that Mr. Troppito send Kroh Bros. a copy of the City's street specifications.

#1028

Comment Concerning Absence of President of the Council: Councilman Present noted that Councilman Eddy had resigned from all positions of responsibility except Presidency of the Council and he had failed to appear for "quite a few" of the past Council meetings. Councilman Present wondered whether it was of concern to the Council to determine Councilman Eddy's intentions as to whether he planned to remain a member of the Council, and added that the Council was having difficulty finding a quorum at times because of the continual nature of the absence of Councilmen Eddy and Aalbrechtse. Mayor Ballard said he would mention to Councilman Eddy that Councilman Present had inquired.

#### NEW BUSINESS

#1047

Discussion Reference Animal Control Contract: An agreement for animal control for the City of Leawood in conjunction with Prairie Village, signed by the Mayor of Prairie Village, had been distributed. While City Attorney Winn had not reviewed the contract, Councilman Judd said the Assistant City Attorney had rendered a verbal opinion that it was in order. Following discussion of the contract, including the provision that "Leawood shall reimburse Prairie Village for any losses Prairie Village may have as a result of carrying out the terms of this Agreement," a motion for its approval was withdrawn and the contract was referred to City Attorney Winn for review.

#1129

Approval of Cereal Malt Beverage License - Taco Villa: City Attorney Winn stated the application of Taco Villa was now

January 21, 1974

complete and that it was in compliance with the state statute. On motion by Councilman Present, seconded by Councilman Judd, the application was approved.

#1144

Recommendation re Annual Audit: City Treasurer Pendleton stated a proposal had been received from Hollis, Kuckelman & Van De Veer of Olathe, to audit all City funds for 1973 and review compliance under Federal Revenue Sharing, the fees not to exceed \$2,100.00. He recommended that the proposal be accepted. On motion by Councilman Evans, seconded by Councilman Chase, the firm of Hollis, Kuckelman & Van De Veer was approved as auditors for 1973.

#1177

Discussion and Display - New Police Uniform: Chief Blume reported police uniforms would be changed from brown to traditional police navy blue. He said hats, coats and leather work had already been changed; that the \$100 budgeted for each officer for uniforms would be sufficient to purchase the new trousers and shirts; and that he hoped to effect the change by the date of the dedication of the new building. He said an officer would model the uniform for the Council. Councilman Chase moved that the Council approve the changing of the color of Leawood police uniforms from brown to navy blue; seconded by Councilman Watts. Motion carried.

#1226

Resolution No. 305 - Honoring Mrs. Grace Curtis Kilroy on Her 100th Birthday: On motion by Councilman Evans, seconded by Councilman Judd, Resolution No. 305, honoring Mrs. Grace Curtis Kilroy on her 100th birthday was approved. A copy of the resolution is attached hereto as part of the record.

#1236

#1251

Discussion Relative to Swimming Pools and Accessories: Councilman Present moved that the Mayor direct the City Attorney to submit to the Council a legal opinion as to whether a swimming pool bubble canopy falls under present City ordinances; seconded by Councilman Evans. City Attorney Winn requested that a member of the staff provide him with a review of the facts concerning the complaint of Mr. and Mrs. Fonger. Charles Troppito was requested to prepare a review of the facts. Motion carried.

#1268

Public Safety - Employee Status Form: On motion by Councilman Judd, seconded by Councilman Evans, a pay increase was approved, as follows:

Ronald L. Anderson, Patrolman, from \$749 to \$774 per month.

#1279

Report re Review of Police Judge Report: Councilman Judd stated Ron Reuter and Judge Cope had met with the Public Safety Commission to discuss dismissals, and had come up with a plan to show more information, including the reason for dismissals.

#1298

Discussion re Revocation of Occupation License: Councilman Judd reported the problem had been corrected.

January 21, 1974

#1320

Employee Status Form: On motion by Councilman Present, seconded by Councilman Judd, the following employment was approved:

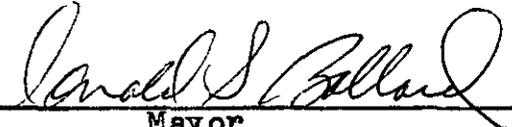
Frances Farrar, Sewer Department Clerk, at the rate of \$500 per month.

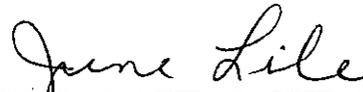
#1334

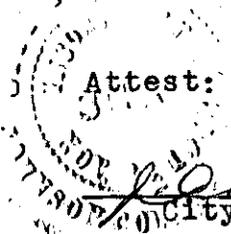
Legislation Pending in Topeka: City Attorney Winn suggested that the Council keep themselves informed of legislation pending in Topeka. Mayor Ballard said copies of the bill on annexation would be sent to certain city officials. It was reported Rep. Burke would appear before the Council, probably at the next meeting, to discuss legislation affecting the City.

At 9:10 p.m., on motion by Councilman Watts, seconded by Councilman Present, the meeting adjourned to Monday, February 4, 1974, 7:30 p.m.

#1368

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:  
  
  
\_\_\_\_\_  
City Clerk

February 4, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held on Monday, February 4, 1974, at 7:30 p.m., in the Police and Court Building, 9617 Lee Boulevard, with President of the Council William M. Eddy presiding. Roll call was answered by Councilmen Aalbregtse, Alt, Evans, Eddy, Watts, Judd.

Also present were: Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Charles Troppito, the City Clerk and the Council Reporter. City Treasurer Pendleton arrived later in the meeting.

Minutes: On motion by Councilman Judd, seconded by Councilman Watts, the minutes of the meeting of January 21, 1974, were approved as submitted.

#1376

Visitors: Sister Marie Coleman, Saul Ellis, C. W. Stratford, Robert Londerholm, Bill Shafer, Gary J. Corser, Gary D. Raffety, Kent Crippin. Member of the Press: Bob Savino.

Councilman Chase entered the meeting at 7:35 p.m., following recognition of visitors.

#### REPORTS

#1394

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Evans. Councilman Judd called attention to the summary of dismissals added to the report.

#1406

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Alt.

#1410

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Watts.

#1412

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Watts.

#### COMMITTEE AND COMMISSION REPORTS

#1415

Budget and Finance: No report.

Intergovernmental Cooperation and Community Affairs: No report.

Ordinance: No report.

#1432

Parks: Councilman Alt reported the parks were in good condition. On motion by Councilman Alt, seconded by Councilman Watts, the preceding committee reports were approved.

February 4, 1974

#1440

Plan Commission - Proposed Rezoning, 111th and Roe:  
Councilman Alt stated the Plan Commission was recommending to the City Council the rezoning of two tracts at 111th and Roe Avenue under two separate ordinances which were being presented to the Council for first reading. Councilman Alt read the Plan Commission recommendation that the zoning requested for Planned Multi-Family Residential zoning at approximately 111th and Roe, as submitted by Planned Communities, Inc. be recommended by the Plan Commission to the City Council for granting of zoning requested, with the understanding that a letter of intent (satisfactory to the City Attorney) will be received from Planned Communities, Inc. with regard to improvement of 111th Street to serve the multi-family zoning requested, and that Planned Communities, Inc. will provide to the City Council a letter to the effect that they will accomplish the items at variance with the model zoning code as stated in the Zoning and Platting Subcommittee's report of January 22, 1974. Councilman Alt also read the Plan Commission recommendation that the Limited Office Zoning at 111th and Roe as requested by Planned Communities, Inc. be recommended to the City Council by the Plan Commission for approval of the zoning requested; that after discussion and consideration of the Zoning and Platting Subcommittee report of January 25, 1974, and the Land Use Plan adopted by the City on December 22, 1969, the Plan Commission believed that the zoning requested was in substantial compliance with the zoning ordinance.

#1654

There was discussion concerning whether the Council was to decide at this meeting on multi-family development in that area or whether it was in effect approving or disapproving a preliminary plan. City Attorney Winn urged that the Council listen carefully to the presentation to be made because the final plan had to be in substantial compliance with what was presented at this meeting. In answer to inquiry by Councilman Judd, Councilman Alt stated abutting property owners were notified of the Plan Commission hearing concerning the rezoning and no objections to the zoning were voiced; that the sewer districts had been established and the City Engineer had reviewed storm drainage, sewers, etc., and the plan was in line with Lawrence-Leiter's preliminary plans. Councilman Alt referred to the Zoning and Platting Subcommittee's letter of January 22, 1974, to the Plan Commission Chairman, and reviewed in detail the items listed by the subcommittee as requiring clarification. On motion by Councilman Chase, seconded by Councilman Alt, the Council agreed to proceed with hearing the preliminary plan.

#1742

#1797

Presentation of Preliminary Plan for Multi-Family Development at Approximately 111th and Roe: Saul Ellis, president of Planned Communities, Inc., developer of the project, introduced C. W. Stratford, partner; Dean Smith, representing the architectural firm; Gary Corser, land planner; Bill Shafer, representing the engineering firm; and

February 4, 1974

#1819

Mr. Warren, owner of abutting property. Upon inquiry by the City Attorney, Mr. Ellis said he was familiar with the general method of proposed financing of the widening of 111th Street west of the project. Gary Corser, landscape architect and land planner, displayed a drawing of the project. He said the project would relate closest to the townhouses and condominiums at Leawood South except that this would be a total planned community. Mr. Corser presented copies of a resume on the development. He explained that the proposed planned multi-family residential area was basically a 23 acre development with 111 residential for-sale townhome units of approximately 1,400 to 2,000 square feet, to sell for approximately \$50,000 to \$60,000. He said market studies indicated an empty-nest type market for people who already live in Leawood whose children had grown. He said there was one entry off 111th Street directly across from the existing Mission Road entry. He said property to the north was Fox Hill Office Park; that the remainder was undeveloped at this time except for scattered residential properties. Mr. Corser said the plan was developed in relationship to the current land use plan of Leawood adopted in 1969, which indicated that the corner of 111th and Roe was commercial and to be surrounded at some future date by a multi-family type development. He said they had tried to keep the project as close to a residential scale as possible. He said the buildings were all two, three and four unit buildings, on private auto courts tied into a parkway approach, and that community recreation facilities would be provided. He said a homes association would be formed to maintain all perimeter and exterior improvements on the property, including roof repair, outside maintenance, street repair, snow removal, pool maintenance, lawn care, etc. He said all of the minor changes suggested in the letter read by Mr. Alt would be made by the developer before approval of the final plan. Mr. Corser presented a letter, as requested by the Plan Commission, which indicated that when the final plan was presented to the City the developer would conform to all requirements of the City. He said he had a letter of intent from the developer which indicated his intent to dedicate the proper right-of-way for 111th Street to the City and make the improvements. The Council discussed the plan with Mr. Corser. Mr. Corser said the density on this project was 5.15 units per acre, open space was 55 per cent of the property, and maximum building coverage was 21 per cent of the land. He stated parking for almost five cars per unit was provided, and that it would be a requirement in the deed restrictions that all boats and campers be parked in additional covered parking facilities. Charles Troppito stated the plan had been submitted to Chief Blume and Chief Toman for their review and comment at the next Public Safety Commission meeting, before the second reading of the ordinance. Councilman Alt moved that the Council allow Mr. Corser to make a presentation in connection with the Limited Office District there; seconded by Councilman Watts. Motion carried.

#1973

#1976

Presentation of Preliminary Plan for Limited Office District Development at 111th and Roe: Mr. Corser said the proposed office district was on a tract of slightly more than 5 acres directly adjacent to and designed to tie in with their proposed residential development just presented. An architectural elevation of the proposed office district was presented. Mr. Corser said it was basically a two-cluster building with total square footage between 50,000 and 55,000, with access off Roe. He said the building proposed was very complementary to the existing Fox Hill development, and would be of the small occupant type. Bob Londerholm, attorney representing Mr. Warren, said they had no opposition to the plan, but they wanted the Council to be aware that they planned to proceed forthwith with application for commercial type zoning on the ten acres owned by Mr. Warren at the corner of 111th and Roe. Kent Crippin of Lawrence-Leiter stated his firm had reviewed the matter with the Plan Commission and had presented a preliminary plan for that area which matched what was being proposed by the developer. Mr. Shafer said the area was in Indian Creek Sewer Sub-district No. 5. Councilman Alt reviewed in detail the Zoning and Platting Subcommittee's letter of January 25, 1974, to the Plan Commission Chairman, concerning "assumptions and/or defects" in the proposal with respect to Section 15-408 of the code.

#2007

#2021

#2092

Ordinance Relative to Rezoning a Certain Tract at Approximately 111th and Roe to Limited Office District B-4 (First Reading): Councilman Alt read the ordinance relating to rezoning a tract of land to limited office district B-4, subclassification 2, and moved that it be approved for first reading; seconded by Councilman Eddy. Councilman Alt pointed out a report from the Public Safety Commission on the development plan would be heard at the second reading of the ordinance. Motion carried.

#2114

Ordinance Relating to Rezoning a Certain Tract at Approximately 111th and Roe to Planned Multi-Family Residential District R-3 (First Reading): Councilman Alt read the ordinance and moved that it be approved for first reading; seconded by Councilman Aalbrechtse. Motion carried.

#2125

Recommendation Relative to Amended Douthat Petition Concerning Proposed Improvement of 111th Street: Councilman Alt requested that this matter be removed from the agenda for further consideration.

#2132

Public Safety - Status Form - Police Department: Councilman Judd moved that the resignation of Allen H. Buford, detective, be accepted; seconded by Councilman Watts. Motion carried.

#2143

Animal Control Contract: Copies of a revised contract had been distributed. City Attorney Winn explained that the "hold harmless" provision on page 3 had been narrowed down to negligent acts arising out of this particular contract. He said the City's insurance carrier now had Prairie Village as a named insured on the liability policy. Councilman Judd

- #2160 moved that the President of the Council be instructed to sign the agreement for animal control, in lieu of the Mayor being present, so that the contract may be implemented at the earliest practicable date; seconded by Councilman Chase. Motion carried.
- #2167 Treasurer's Report: Mr. Pendleton stated new reports were in the process of being developed, including a detailed report for each department and a summary for each councilman. He said the budgets had been broken down by months. On motion by Councilman Eddy, seconded by Councilman Aalbrechtse, the treasurer's report was approved.
- #2200 Discussion Relative to Gasoline Supply: Councilman Judd moved that this matter be discussed in executive session at the end of the Council meeting because of companies and personalities involved; seconded by Councilman Watts. Motion carried, Councilman Eddy opposed.
- #2208 Resolution No. 25 under Ordinance No. 264 (Kansas City Power and Light Company) for Installation of One Additional Street Light on High Drive north of 85th Terrace: Councilman Judd moved that the Council approve the letter addressed to Kansas City Power & Light Company authorizing the installation of one additional 11,000 lumen mercury vapor lamp on steel pole at the location shown on the plat, and made part of Resolution No. 25 under Ordinance No. 264, in the manner and upon the terms and conditions set forth in such resolution; seconded by Councilman Chase. Motion carried.
- #2231 Public Works: Councilman Alt reported he and Councilman Present had drafted an outline of manner of operation and duties of the Public Works Commission.
- OLD BUSINESS
- NEW BUSINESS
- #2239 Resolution No. 306 in Support of First National Leukemia-Thon: Councilman Eddy read the resolution in support of a twenty-four hour Radio and TV Thon in the Kansas City Metropolitan Area beginning Saturday, February 16, and ending Sunday, February 17, 1974, to raise money for research to combat leukemia. On motion by Councilman Aalbrechtse, seconded by Councilman Evans, the resolution was adopted. A copy is attached hereto as part of the record.
- #2257 Appropriation Ordinances: Nos. 325A and 314S in the amounts of \$177,876.46 (including \$120,000.00 Certificates of Deposit) and \$3,247.37, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.
- #2286 Pitman Building Corporation Application for Payment No. 8, Police-Court Complex: Upon motion by Councilman Judd, seconded by Councilman Alt, Pitman Building Corporation

cc: Chief  
Blume  
2/15/74  
ml

A RESOLUTION PROVIDING FOR PUBLIC ELECTRIC STREET LIGHTING IN THE CITY OF LEAWOOD, KANSAS, AND CONTRACTING WITH KANSAS CITY POWER & LIGHT COMPANY, ITS SUCCESSORS, ASSIGNS, AND GRANTEEES TO FURNISH PUBLIC ELECTRIC STREET LAMPS FOR THE CITY OF LEAWOOD, KANSAS, FOR A TERM BEGINNING WITH THE DATE HEREOF AND ENDING UPON TERMINATION OF THE CONTRACT SET FORTH IN ORDINANCE NO. 264 OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, Kansas City Power & Light Company, a corporation, does now maintain in the City of Leawood, Kansas, electric street lamps under authority of and upon the terms and conditions set forth in Ordinance No. 264 duly adopted by said City and effective as of the 23rd day of June, 1966; and

WHEREAS, Section 7 of said Ordinance No. 264 provides for the installation of additional electric street lamps upon resolution duly adopted by the City providing for such additional electric street lamps and upon acceptance thereof by Kansas City Power & Light Company, all upon the terms and conditions and subject to the provisions of Ordinance No. 264 of said City; and

WHEREAS, the City of Leawood, Kansas, has from time to time by resolutions, as authorized by Section 7 of Ordinance No. 264, authorized additional street lamps as specifically described in said Resolutions; and

WHEREAS, the City of Leawood, Kansas, does now desire the installation of one (1) additional street lamp all in the manner provided for in Ordinance No. 264 of said City and the terms and conditions set forth in said Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

Section 1. In order to promote the welfare, comfort, and convenience of the City of Leawood, Kansas, its inhabitants, and the public generally and in consideration of the benefits to be derived by said City and the inhabitants thereof through the maintenance and operation of additional street lighting in said City, there is hereby granted to Kansas City Power & Light Company for a term beginning with the date hereof and ending upon termination of the contract set forth in Ordinance No. 264 of said City, the right, authority and power to maintain in the City of Leawood, Kansas, an additional electric street lamp as described below. The number, type and size of the lamp to be installed, owned, operated and maintained by Kansas City Power & Light Company is as follows:

- 1 - 11000 lumens mercury vapor street lamp on steel pole and served underground with cable under sod.

Said street lamp shall be located in accordance with the plat attached hereto, incorporated herewith, and made a part hereof and further identified by the signature of the Mayor of the City.

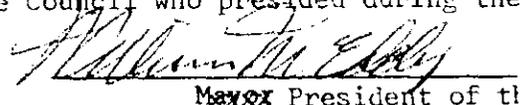
Kansas City Power & Light Company agrees to install, own, operate and maintain the street lamp described above, and the City of Leawood, Kansas, agrees to pay the Company each month an amount equal to one-twelfth the total annual bill due for said street lamp which shall be determined according to Kansas Rate Schedule No. 2-ML-72 on file with the State Corporation Commission of the State of Kansas. At the beginning date of the term of this resolution said rate is \$94.32 per lamp per year.

Section 2. Sections 2, 3, 4, 5 and 6 of Ordinance No. 264 of the City of Leawood, Kansas, are included in and made a part of this resolution in the same manner as if the same were fully set forth herein and the adoption of this resolution shall not be construed as affecting the validity of Ordinance No. 264, but the same shall remain and be in full force and effect, except as specifically modified and extended as set forth herein.

Section 3. Upon the adoption of this resolution by the City of Leawood, Kansas, the Mayor of said City shall order as provided for in Section 7 of Ordinance No. 264 the installation of said lamp attaching thereto an executed copy of this resolution, and within thirty (30) days from and after the receipt of such order by Kansas City Power & Light Company, its associates, successors, or assigns, said Company shall file with the City Clerk of said City its written acceptance of the provisions hereof; and upon said acceptance being filed as herein provided, this resolution shall constitute a contract between the City of Leawood, Kansas, and Kansas City Power & Light Company for the period set forth herein, and in the event of the failure of said Company to file such acceptance within the time specified in this section, then this resolution shall ipso facto cease and become null and void.

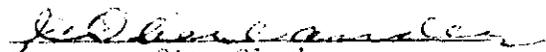
Adopted this 4th day of February, 1974.

Approved by the ~~Mayor~~ President of the Council who presided during the Mayor's absence.



~~Mayor~~ President of the Council

Attest:



City Clerk

February 4, 1974

Application for Payment No. 8 in the amount of \$10,145.00 was approved.

#2328

The Council adjourned to executive session at 9:10 p.m. as moved earlier by Councilman Judd.

The Council returned to regular session at 9:20 p.m. The same councilmen were present.

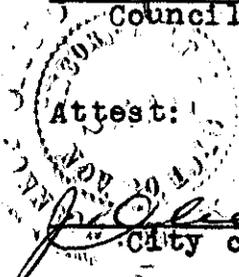
Councilman Judd announced the new pumper for the Fire Department was scheduled to be unloaded on February 5.

#2345

By a roll call vote, the date of the next meeting was determined, and the meeting adjourned to Monday, February 18, 1974, 7:30 p.m.

*William W. Eddy*  
\_\_\_\_\_  
President of the Council

*Jane Lile*  
\_\_\_\_\_  
Council Reporter

Attest:  


*J. Oberlander*  
\_\_\_\_\_  
City clerk

February 18, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held on Monday, February 18, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding.

While awaiting a quorum, Council members present informally heard the complaint of Mrs. Hazel Kerns, 9619 Lee Boulevard, concerning bright lights around the Police and Court Building.

The meeting was called to order at 7:50 p.m. Roll call was answered by Councilmen Alt, Evans, Watts, Present, Judd.

Also present were: Police Chief Blume, Fire Chief Toman, John Granstedt, Charles Troppito, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Evans, seconded by Councilman Alt, the minutes of the meeting of February 4, 1974, were approved as submitted.

Visitors: Mrs. Hazel Kerns, Patricia Shade, C. L. Fonger, Mr. and Mrs. J. R. Beach, Ruth Cooney, C. W. Stratford, Saul Ellis, Bill Shafer, Spencer Henry, Marvin Richmond, J. E. Middleton. Member of the Press: Bob Savino.

#2365

Discussion of Dykes Branch Sewer Situation: Mrs. Patricia Shade asked the outcome of a meeting in Topeka with State Health Department officials. Mayor Ballard reported Phil Kline, Councilman Present and the Mayor met with officials of Kansas Health Department to review the report prepared on Dykes Branch by Shafer, Kline & Warren. He added that the meeting was set up prior to Mrs. Shade's letter and was an essential part of prior planning to determine whether or not the Health Department agreed with the proposals in the report. Mayor Ballard said there was very little difference of opinion on proposed solution of the problem. He said the City was going to take steps to make application for Federal funds to help finance sewer construction, and he hoped to get considerable feedback from EPA, Kansas Health Department, and Kansas City Pollution Control people as to what they wanted Leawood to do. Mrs. Shade asked if the County had formally advised Leawood that they would no longer allow contamination of Dykes Creek. The Mayor said neither the County nor the EPA would issue such an order because of the danger of backing the sewage into somebody's house; that the City had kept the County, State and EPA informed of everything it was doing in an effort to get the problem corrected. Mrs. Shade asked if the application for funds had been completed and submitted to EPA. Mayor Ballard answered that some of the preliminary work was being done, and that the City's plan was to build a supplementary line to the Dykes Branch, connecting ultimately

with the Blue River interceptor, and at this particular time building a holding basin was not anticipated. Mrs. Shade asked why approximately 82 permits for new connections had been allowed within the last two and one-half years. Mayor Ballard said he was sure there had not been 82 permits issued in the area in question. He stated a detailed study of the necessity of stopping all future connections on the Dykes Branch until the problem was corrected revealed that cutting off development would not reduce the amount of pollution involved to any extent because the sanitary sewage represented a very minor part of the total flow, the problem was infiltration. Mayor Ballard said the line that served The Cloisters did not have any effect on the line Mrs. Shade was concerned about.

#2555

Councilman Present moved for a change in the agenda to consider the item relative to swimming pools at this time; seconded by Councilman Judd. Motion carried, Councilman Alt voting nay.

#### OLD BUSINESS

#2565

#### Discussion Relative to Swimming Pools and Accessories:

Councilman Present reviewed that the City Attorney had been instructed to give a legal opinion on bubble tops for swimming pools; that Mr. Winn stated in his opinion that the bubble top at 9415 Manor Road was in violation of city ordinance and subdivision regulations, and recommended that the Ordinance Committee draw up some ordinances on swimming pools and all relative equipment. Mayor Ballard said he had met with John Granstedt, Taylor Brady, and Charles Troppito, and it was agreed that an order would be issued giving the owner of the property at 9415 Manor Road 10 days to correct the problem and informing him of action that would be taken if it were not corrected. Charles Troppito said in the letter to be sent the need to fix the drainage would be cited and if intent to get it done was not expressed within 10 days, that would be taken up also. John Granstedt stated the installations had not been made in accordance with the building permit. There was discussion that the bubble must be removed and the drainage corrected. Mrs. J. R. Beach stated water from the bubble and concrete around the pool drained onto her yard. She expressed concern that the drainage not be diverted to come onto her property at another place. She objected to the appearance of the bubble. Mayor Ballard directed Mr. Granstedt to make sure the letter that goes out of City Hall had all of the violations stipulated, being very specific. Councilman Alt requested that the setbacks be checked.

#2865

Recommendation Relative to Proposed Rezoning, 111th and Roe:  
Councilman Judd stated the Public Safety Commission considered the planning for multi-family housing on 111th Street east of Roe Boulevard, and found that there were certain requirements that had not been met. Chief Toman explained the adjustments and corrections necessary to meet the requirements of Public

Safety, as follows: (1) a minimum of eight-inch mains and minimum of four hydrants be installed at the intersections of the cul de sacs, and two of the same type hydrants be installed in the limited office district, one preferably at the south entrance off Roe to the parking lot and one on the northeast corner of the same parking lot; (2) that the streets be 22 feet between curbs with a guarantee that there would be no on-street parking; and (3) that there be another means of ingress and egress. Chief Toman also determined from the developer that the office building would be classified as a two-story building and that fire wall requirements would be met. Councilman Judd suggested that the matters which Chief Toman had mentioned be put down in black and white and incorporated into final designs for the zoning so there would be no question about it at a future time. Mr. Ellis said he thought all that could come in the final plans before construction was begun. There was discussion concerning whether or not the Council should go ahead with a second reading of the ordinances for rezoning.

#3127

Ordinance Relative to Rezoning Certain Tracts at Approximately 111th and Roe to Planned Multi-Family Residential: Councilman Alt moved that the Council continue the second reading of the multi-family ordinance to date certain, the first meeting of the Council in March, at which time the developer shall have in the hands of the City Council a letter certifying to all of the various stipulations that have been discussed before, including ingress and egress, fire hydrants, street widths, etc. Following discussion, Councilman Alt's motion was seconded by Councilman Evans and carried.

#3241

Ordinance Relative to Rezoning Certain Tracts at Approximately 111th and Roe to Limited Office: Councilman Alt moved that the second reading of the limited office ordinance be continued to date certain, the first Council meeting in March; seconded by Councilman Judd. Motion carried.

## MAYOR'S REPORT:

#3282

Resolution No. 307 Authorizing the Mayor to Initiate Litigation for the Purpose of Voiding a Certain Contract Purporting to Permit the Location and Construction of a Certain Sewer Line and Lift Station Designed for Exclusive Use of Foxcroft Addition: A copy of the resolution was distributed. Mayor Ballard said he had received a copy of a letter from Mrs. Ahern of Kroh Bros. to Kansas City Power & Light Company requesting that Kroh Bros. no longer be billed for the electrical charges on the pump station. He explained that the City had no income from which to replace or maintain the pump. The Mayor said in discussions with Max Bagby and Larry Winn the conclusion was that suit should be filed to get the contract nullified on the basis that at the time the line was turned over to the City there was not any indication that the pump station was going to be involved and there was serious doubt as to whether or not the Council that voted on it ever had any idea that there

February 18, 1974

was a pump station involved. Councilman Present moved for acceptance of Resolution No. 307; seconded by Councilman Judd. Resolution No. 307 was adopted unanimously. A copy is attached hereto as part of the record.

#3347

Committee to Study Working Hours of Clerical Personnel: Mayor Ballard announced he had assigned a committee, with Councilman Evans as chairman, to study the working hours of clerical personnel in the City Clerk's office, the City Administrator's office and the Police Department to determine what the hours should be. Councilman Evans said he had been out of town and was not prepared to report.

NEW BUSINESS

#3361

Approval of Project Architect's Statement for Fourth Payment for Architectural Work: Copies of the statement had been distributed. John Granstedt reported that the final inspection by the Federal government on the Police Building had been made; that they requested that the City make its final payment to the contractor as rapidly as possible and reduce the amount to not greater than \$10,000 because the Federal government was calling in funds in this area; that they would like to have turned in the final receipted bills for payments made on miscellaneous items and the architectural costs on the emergency operating center. Mr. Granstedt stated the statement submitted was for the balance due on architectural work less ten per cent because two light fixtures and a transfer switch had not been delivered. The Council discussed the advisability of authorizing the total amount for architectural work to expedite payment from E.O.C.

#3458

There was a short recess to reverse the recording tape.

Tape No. 29

Side 2

#0

Approval of Architect's Statement for Fourth Payment (cont.): Councilman Alt moved that the Council approve two separate payments for a total of \$4,505.75 to John Granstedt for architectural work; seconded by Councilman Present. Motion carried.

#6

Request for Permission to Solicit - Heart Association: On motion by Councilman Evans, seconded by Councilman Alt, the request was approved.

#10

Request for Permission to Solicit - Kansas City Association for Retarded Children, Inc.: On motion by Councilman Watts, seconded by Councilman Alt, the request was approved.

#15

Discussion Relative to Occupation Licenses and Discussion Relative to Mayor and Council Salaries: These two items were held in abeyance since Councilman Eddy was not present.

#16

Parks Commission Report: Councilman Alt reported the park was in good condition for this time of year.

#21

Public Works Commission Report: Councilman Alt stated he and the City Hall had received complaints from people who had paid their sewer assessment after the deadline and their checks had been returned. Councilman Alt moved that the Public Works Commission take a look at the present sewer bill form to determine if it could be improved next year, and make a recommendation to the Council; seconded by Councilman Present. Motion carried.

#38

Public Safety Report:

Discussion of Bids for Police Communications Equipment: Councilman ~~Alt~~ <sup>Judd</sup> reported that due to the objection by Motorola Company on the initial specifications for the communications equipment, the bids were put out again. He said only two bids were received, one from General Electric and one from Motorola Company, and the General Electric bid was \$11,332.50 lower than the Motorola bid. Councilman Judd moved for approval of the General Electric bid for submission to the State offices for their final determination of the equipment meeting their requirements and specifications; seconded by Councilman Alt. Following discussion, motion carried. *g.o./ink*

#63

Recommendation on Turn Arrows at 103rd and State Line:

Councilman Judd moved that the Council approve installation of turn arrows at 103rd and State Line; seconded by Councilman Alt. Motion carried.

#66

Discussion of Activities of Jehovah's Witnesses: Councilman Judd stated through some error the Jehovah's Witnesses felt that all they needed to do to solicit and/or pass out literature was to come to the police station and list their names. He said the City Clerk had been instructed to write them a letter informing them that each time they wanted to solicit they must first obtain permission from the Governing Body. Councilman Judd said he felt this was essential because literature on doorknobs was an invitation to burglars. *cc. Sellers 1/14/74*

#81

Employee Status Forms - Police Department: Councilman Judd moved that the resignation of Michael Francis Curran, Police Patrolman, be accepted; seconded by Councilman Evans. Motion carried.

#86

On motion by Councilman Judd, seconded by Councilman Watts, the following employment was approved:

Sammy M. Tucker, Jr., Patrolman First Class, at the rate of \$810 per month.

#100

On motion by Councilman Judd, seconded by Councilman Alt, the following employment was approved:

Donald E. Brazelton, Probationary Patrolman, at the rate of \$750 per month.

#114

On motion by Councilman Judd, seconded by Councilman Watts, the following employment was approved:

February 18, 1974

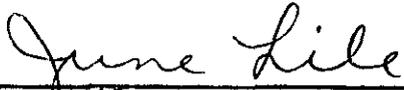
Michael L. Stewart, Probationary Patrolman, at the rate of \$750 per month.

There was discussion that Leawood's police salary schedules were equal to or better than other cities in Johnson County of equal size, but that Leawood's fringe benefits were not comparable. Councilman Present suggested use of volunteers to release funds for improvement of fringe benefits.

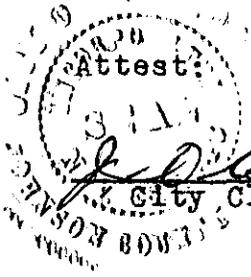
At 9:37 p.m., on motion by Councilman Alt, seconded by Councilman Watts, the meeting adjourned to Monday, March 4, 1974, 7:30 p.m.

#160

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:  
  
\_\_\_\_\_  
City Clerk



March 4, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held on Monday, March 4, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Evans, Eddy, Chase, Watts, Present, Judd.

Also present were: Police Chief Blume, Fire Chief Toman, Charles Troppito, Will Gray, the City Clerk, and the Council Reporter.

Minutes: Councilman Judd requested that the minutes of the meeting of February 18, 1974, be corrected by changing "Councilman Alt" to "Councilman Judd" in the first line following the heading of the second paragraph on page 1703. On motion by Councilman Present, seconded by Councilman Judd, the minutes of the meeting of February 18, 1974, were approved as corrected.

Visitors: Pat Shade, Linda Forsythe, Virginia Mathis, Sister Marie Coleman, Chuck Stratford, Saul Ellis. Member of the Press: Bob Savino.

#177

Mrs. Mathis asked about a new sewer district recently voted on by the County Commissioners. Mayor Ballard referred her to Mr. Troppito for more information.

#### REPORTS

#196

Treasurer: No report.

#200

Discussion of Dykes Branch Sewer Situation: Mrs. Pat Shade asked where sewage from proposed units at 111th Street would go. Mayor Ballard said it would go into the Indian Creek treatment plant and had nothing to do with sewers in the north end of the City. Mrs. Shade then asked if Mr. Kline or the Mayor was advised at a meeting in Topeka to immediately start drawing up plans for placement of holding basins. Mayor Ballard stated the City's representatives were advised to make application to the EPA for funds and that was being done. Linda Forsythe referred to radio reports that Mr. Gray of the State Health Department had said Leawood had to immediately begin work on holding basins. She said she wanted something done in the interim until the interceptor is built. Councilman Present said his impression at the Topeka meeting was that the only solution to the situation until the Blue River interceptor went in was holding basins which must become a part of a permanent sewer system in order for the EPA to contribute to the financing. Mrs. Forsythe objected that the proposal being drawn up for presentation to EPA did not mention holding basins, but only the permanent solution of parallel lines which depended upon construction of the interceptor. Mayor Ballard said a

#229

#272

March 4, 1974

#356 letter had been drafted to Kansas City, Missouri, inquiring as to Kansas City's intention on the Blue River interceptor. Financing of sewer improvements was discussed. Mayor Ballard said the only way to solve both the problem of backup in basements and pollution in the creeks from the bypasses was to build a parallel line and some system of holding basins. He said he felt, however, putting all that money into the holding basin if it were to be used for only a short period of time would be very hard to justify. Mr. Shade asked if there could be a determination of whether or not the holding basins would fit into a permanent solution. Mayor Ballard said when the application was filed the holding basin situation would be discussed and some decision made. Mr. Shade stated he didn't think residents were informed of the problem, that it may be expensive to solve on an interim basis, but the citizens should decide through the voting process. Councilman Eddy suggested that persons interested in the problem talk to Mayor Ballard about the different proposals that have been made, plans drawn, etc. to try to get the situation alleviated.

#### REPORTS (continued)

- #472 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Aalbrechtse.
- #474 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Present, seconded by Councilman Judd.
- #483 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Aalbrechtse.
- #486 Public Works: Mr. Gray's report was submitted and approved on motion by Councilman Aalbrechtse, seconded by Councilman Watts.

#### COMMITTEE AND COMMISSION REPORTS

- #489 Budget and Finance: Councilman Evans stated, judging from the first franchise tax payments received, it was almost certain that the amount budgeted for state gasoline tax would not be realized. He suggested that councilmen needed to be very careful about spending money. Councilman Evans presented and reviewed a statement concerning the financial status of construction of the police building showing total cost of \$422,000 and revenue for that purpose of \$427,000. He said there were no estimated costs for the parking lot or for landscaping. Councilman Evans suggested if the excess shown on the statement did not cover it, that funds for the parking lot be taken out of the capital improvements account. Mayor Ballard asked that Charles Troppito request John Granstedt to make an estimate for the parking lot and present it to the Budget and Finance Committee.
- #563

March 4, 1974

#575

Intergovernmental Cooperation & Community Affairs: No report.

Ordinance - Discussion of Ordinance Relative to Mayor and Council Salaries: Councilman Eddy referred to a proposed ordinance distributed. Councilman Judd said in view of cut-backs in revenues, he was opposed to any salaries for the mayor and councilmen; that all took office knowing there was no pay connected with it, and he felt any funds would be better applied to obtain fringe benefits for full time employees. Councilman Evans stated such salaries were not budgeted and he felt money would be better spent to hire a City Administrator and get staff to do some of the work for councilmen. He read Councilman Alt's note that he was opposed to the payment of salaries to the mayor and councilmen because he did not believe it would provide incentive, present members were elected or appointed knowing there was no remuneration, and money was not provided in the 1974 budget. Councilman Aalbrecht stated he was against payment of such salaries. Councilman Present moved that the ordinance relating to the payment of salaries to the mayor and councilmen be tabled; seconded by Councilman Chase. Motion carried.

#619

#624

Parks: No report.

Plan Commission - Ordinance No. 451 Relative to Rezoning a Certain Tract at Approximately 111th and Roe to Planned Multi-Family Residential (Second Reading): Charles Troppito stated applicants for the rezoning had submitted a letter listing all of the agreements as requested by the Council. Councilman Evans stated Councilman Alt had indicated to him that he believed Mr. Ellis had complied in every way requested by the Council. On motion by Councilman Present, Ordinance No. 451 relating to the rezoning of a certain tract at approximately 111th and Roe to Planned Multi-Family Residential District R-3, was adopted unanimously.

#650

#661

Ordinance No. 452 Relative to Rezoning a Certain Tract at Approximately 111th and Roe to Limited Office (Second Reading): On motion by Councilman Present, Ordinance No. 452 relative to rezoning a certain tract at approximately 111th and Roe to Limited Office District B-4, subclassification 2, was adopted unanimously.

#670

Public Safety - Status of Traffic Signalization at 89th and State Line Road: City Attorney Winn reported Phil Kline had made an engineering report on what was needed to be done to put the road in proper condition for acceptance by the City. Labor was estimated at \$1,620.00, material \$2,205.00, equipment \$1,080.00, or a total of \$4,905.00. Mr. Winn said he had obtained a commitment from Kroh Bros. attorneys as to the amount they were willing to contribute but the commitment was far short of the amount estimated by Mr. Kline for materials. Mayor Ballard explained the circumstances surrounding the traffic signal and acceptance of the street by the City. He had suggested that the City furnish the

PLANNED COMMUNITIES, INC.  
4121 West 83rd Street - Suite 145  
Prairie Village, Kansas 66208

February 28, 1974

City Council  
Leawood, Kansas 66207

Gentlemen:

This communication will serve, as required by the City Council at its meeting held February 18, 1974, as a Letter of Intent from the undersigned, Planned Communities, Inc., 4121 West 83rd Street, Prairie Village, Kansas, whereby said corporation, as the constructural owner and proposed developer of the approximately 27-28 acres located at or near the southeast corner of the intersection of 111th Street and Roe Boulevard, Leawood, Kansas, will agree to incorporate the items listed below in the final working drawings and engineering of the aforementioned project submitted for zoning.

Planned Communities, Inc., agrees:

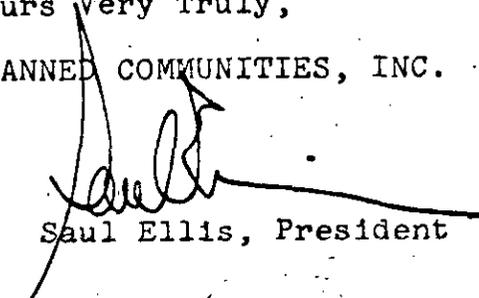
1. To dedicate 55' of right-of-way for Roe Boulevard and 55' of right-of-way for 111th Street. Deeds of such dedication will accompany submission of the final plan.
2. To provide access for reasons of public safety, from the multi-family area through the limited office area to allow for a second means of ingress and egress.
3. To the following: If at a future date, 111th Street and Roe Boulevard are widened by the forming of a benefit district, and if we still own the land, then we will be willing to participate, in proportion to the amount of front footage which we own and abuts 111th Street and Roe Boulevard, in a similar agreement which the City will negotiate with the other abutting property owners. If however, we do not own the land (these are "for sale" units), then, of course, the terms of the benefit district would have to be negotiated with the new owners.
4. That all setback requirements of the zoning ordinance will be met and set forth on the final plan.
5. That all streets will be constructed in accordance with appropriate specifications and standards acceptable to the City.
6. That means of illumination will be incorporated in the final plans.

7. That in the Deed of Restrictions "all campers and boats will be parked only in the covered parking areas provided for them" and will be shown on the final plan.
8. To show evidence that there are no existing covenants of deed restrictions on the land at this time.
9. To show the exact number of parking places on the final plan.
10. To show a schedule of construction for each phase of the total project.

Yours Very Truly,

PLANNED COMMUNITIES, INC.

by

  
Saul Ellis, President

SE:ie

March 4, 1974

labor and Kroh Bros. furnish the materials needed to bring the street up to City specifications. The matter was discussed. City Attorney Winn will present the plans and specifications and the estimate to Kroh Bros. and report.

#769

Councilman Present moved for a change in the agenda to take up the request for permission to keep a riding horse at 151st and Mission Road at this time; seconded by Councilman Judd. Motion carried.

#773

Request for Permission to Keep a Riding Horse on Premises, 151st and Mission Road: Ralph B. Goodrick, Jr. referred to his letter requesting permission to keep a riding horse on property he had contracted to purchase at 151st and Mission Road. He stated he would be living on the premises. City Attorney Winn suggested that the permission be for a two-year period. Mr. Goodrick said he would also need to build a barn. There was discussion that a variance to permit the barn should be obtained from the Board of Zoning Appeals. Councilman Evans moved that the Council grant Ralph B. Goodrick, Jr. permission to keep a horse on his lot at 151st and Mission Road for a period of two years; seconded by Councilman Judd. Motion carried.

#802

#812

Public Works - Request for Council Authority to Purchase 3-M Sign Machine: Councilman Present referred to information distributed concerning a sign machine. He said funding was available and the Public Works Department felt the machine would pay for itself the first year. The matter was discussed. Councilman Present moved that the Public Works Department be allowed to spend \$1,750.00 for the purchase of a sign making machine from 3-M Company; seconded by Councilman Judd. Motion carried.

#877

#880

Insurance Committee Report: Councilman Chase stated the agent for the City's present insurance carrier had inspected the new building, as well as the old City Hall building, and had mailed an interim policy which had not as yet been received. He said the agent was in the process of preparing a proposal for the new building.

#### MAYOR'S REPORT

#896

Meeting Concerning Solid Waste: Mayor Ballard urged councilmen to attend the March 9th meeting of the Council of Mayors at the Northeast Johnson County Courthouse at 9:00 a.m. having to do with discussion of the solid waste problem. At the suggestion of Councilman Evans, the City Clerk was directed to prepare a letter to the homes associations encouraging participation in the March 9th meeting. Bob Scroggins, representative of one of the homes associations, inquired what would be discussed at the meeting. Mayor Ballard read the notice of the meeting.

#942

Report on Sewer Litigation: City Attorney Winn reported that the Kansas Supreme Court had upheld the City of Leawood in a

March 4, 1974

suit filed by a citizen challenging the City's right to increase the sewer assessment over the original amount set out by Kroh Bros. City Attorney Winn further reported that Hall officials had been consulted to determine whether they would have any interest in resolving the problem concerning the sewer line and pump station serving the Foxcroft Addition. They will consider it and advise the City. Mr. Winn stated the City hoped to secure a prompt determination by the court as to whether or not the City's counterclaim for \$1,600,000 damages against Kroh Bros. was a valid one.

OLD BUSINESS

#968

Discussion of Dams on Dykes Creek Branch: Councilman Eddy referred to correspondence from Richard F. Luthy. City Attorney Winn commented on sections of law cited by Mr. Luthy and explained that water rights were primarily private questions. He said Mr. Luthy may have three or four legal remedies himself and he would like to pursue informal negotiations with the Nichols Company to determine what, if anything, they would do to try to help people downstream. Mayor Ballard said he felt the City should make every effort to insure that water continues to flow in the creek. City Attorney Winn stated he would write J. C. Nichols Company indicating that it appeared the project was nearing completion and the possibility of a problem still exists, that complaints still pour in, and Leawood wants some indication of cooperation on their part. The matter was discussed. Councilman Eddy said he would like to see the State Health Department, Attorney General's office, and the EPA advised by the City of the problem. Mr. Winn said he felt J. C. Nichols Company should be given one more opportunity to tell Leawood what, if anything, they intend to do in the way of letting the flow continue. The matter is to be on the agenda of the next meeting.

#1137

Dedication Plaque, New Police-Court Complex: Councilman Present displayed a replica of the dedication plaque and asked for approval of the size. Following discussion, Councilman Chase moved that the plaque as presented be adopted; seconded by Councilman Aalbrechtse. Motion carried.

NEW BUSINESS

#1190

Request for Permission to Keep a Third Dog on Premises at 9218 State Line Road: Following discussion, Councilman Present moved that the applicant, Thomas W. Brooks, be requested to appear at the next Council meeting to discuss his application, with proof of approval by all adjoining neighbors; seconded by Councilman Aalbrechtse. Motion carried.

#1225

Discussion Relative to Occupation Licenses: Councilman Eddy stated he would prefer not to discuss the matter at this meeting, due to the hour, but asked that councilmen consider the problem of why some people were required to

March 4, 1974

get an occupation license and others were not. Mayor Ballard said he felt the City needed to have a comprehensive study of revenue producing areas with the idea of generating more revenue from such sources as occupation licenses, building permits, etc. He said he felt the City needed a way to know when a sale of property takes place. The Mayor suggested that perhaps the sign ordinance could be revised to provide a notification sign which had to be rented or leased from the City. Councilman Chase moved that this be put on the agenda of the next meeting; seconded by Councilman Watts. Motion carried.

#1291

Appropriation Ordinances: Nos. 326A and 315S in the amounts of \$134,850.67 (including \$50,000.00 certificates of deposit) and \$507,495.77 including \$500,000.00 certificates of deposit), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved, Councilman Eddy voting nay.

#1355

Pitman Building Corporation Application for Payment No. 9, Police-Court Complex: Councilman Evans moved that Pitman Building Corporation application for payment No. 9 in the amount of \$49,168.82 be paid except that \$10,000.00 be held back pending the final inspection and approval of the building; that any funds required to make that payment over and above those now existing in the Police Building Fund be taken from General Operating and then be repaid to General Operating after the Civil Defense grants are received; seconded by Councilman Aalbrecht. Motion carried. Mayor Ballard stated he and John Granstedt would make the final inspection of the building. He invited the Building Committee to take part in the inspection. Councilman Present pointed out some defects in paneling and finish.

#1382

Discussion Relative to Swimming Pool and Equipment at 9415 Manor: Councilman Present read a letter addressed to the Council from Mr. Scali stating that he had taken down the bubble cover on his swimming pool and cut fence posts down to fence height, put a redwood border around the bottom of the fence that encloses the pool and caulked same. Councilman Present asked if the Council had any other instructions for Mr. Scali, that according to his information he had done everything in accordance with ordinance. Councilman Present said the neighbors were not objecting to anything else as long as the bubble had come down. Mayor Ballard said another letter was going to Mr. Scali to the effect that fences are measured from the ground and his was in violation, that the ground water situation must be corrected to the point that there will not be any drainage to the adjacent house, and questioning whether or not a slab of that magnitude should be built eight inches from the property line. Mayor Ballard said Mr. Scali had violated the ordinance so far as the building permit was concerned with almost total disregard and he apparently did not get approval from John Granstedt on the second sketch. Councilman Present said according to Mr.

March 4, 1974

Scali, he had approval and he was doing everything that the Council had requested of him. Councilman Present asked that the Council remember that the neighbors were not objecting to the concrete, and that the Council not ask Mr. Scali to pull up the concrete. Councilman Judd said he thought the Council ought to consider the neighbors who brought the complaint in the first place, and ought to pursue it. The matter was discussed.

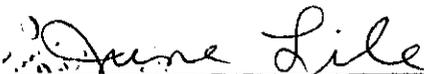
#1491

Councilman Eddy moved that the meeting adjourn to Monday, March 18, 1974, at 7:30 p.m., in the new Council chamber upstairs; seconded by Councilman Aalbregtse. Following discussion, Councilman Evans moved to amend the location to downstairs; seconded by Councilman Judd. Amendment carried. Motion as amended carried.

#1514



Mayor

  
Council Reporter

Attest:

  
City Clerk

March 18, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held on Monday, March 18, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbregtse, Evans, Watts, Present, Judd.

Also present were: Police Chief Blume, Fire Chief Toman, City Treasurer Pendleton, City Attorney Winn, Charles Troppito, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Judd, seconded by Councilman Watts, the minutes of the meeting of March 4, 1974, were approved as submitted.

#### OLD BUSINESS

#1522 Request for Permission to Keep a Third Dog on Premises at 9218 State Line Road - Thomas Brooks: Mr. Brooks read and submitted a statement dated March 17, 1974, signed by adjoining neighbors Ned D. Blackwell, James Newman, Rosemary Glendenning, and Ed Kennedy, that they had no objection to his keeping a third dog. Mr. Brooks said his lot was a double lot and adequately fenced. Councilman Evans moved that Mr. Brooks' request be approved; seconded by Councilman Watts. Councilman Evans explained that he did not put a time limit on the permission because Mr. Brooks had specified the dog by name, Wilhelm. Motion carried.

#1570 Visitors: Mrs. John Watts, Pat Shade, Elmer F. Selonke, Thomas Brooks. Member of the Press: Bob Savino.

#1579 Discussion Relative to Corinth Paddock Project, Dams on Dykes Branch Creek: City Attorney Winn reported he had written an additional letter to the Nichols Company, and Clarence Roeder, managing director of Corinth Paddock, had offered to appear before the Council to discuss the project. Councilman Present moved that the J. C. Nichols Company representative come to the second meeting in April; seconded by Councilman Judd. Motion carried.

#1589 MAYOR'S REPORT

Mayor Ballard requested an executive session at the end of the meeting to discuss the City Administrator situation.

#### NEW BUSINESS

#1592 Approval of Newsletter: Text of a proposed newsletter was discussed, including the fact that there would be a subsequent whole newsletter devoted to the sewer situation. Mayor Ballard said the Recreation Commission was putting out a newsletter on

- its own. Mayor Ballard suggested that under "City Administrator Department Formed" the words "a City Administrator Department has been formed" be deleted and revised to state "the City Hall administrative functions have been reorganized." Councilman Evans suggested changing the wording of the New Fire Station article to state that the Council was considering this. He suggested that at least a paragraph be included concerning the sewer situation. Councilman Evans submitted a written revision of paragraphs 2 and 3 of the police-courts complex article. Councilman Evans moved that the revision he submitted be approved to replace paragraphs 2 and 3 now under the heading "Police/Courts Complex Completed" with the correction of a typographical error so that it would read "accumulated electric franchise taxes"; seconded by Councilman Judd. Motion carried. Councilman Present suggested that information as to the April 2 election be included. It was suggested that the title of the fire station article be changed to "Fire Station Bond Issue Being Evaluated" and the text changed to "City must consider construction of a second fire station", with reference to the "proposed" station. On motion by Councilman Present, seconded by Councilman Watts, the newsletter was approved as amended.
- #1682
- #1717
- #1740
- #1749 Animal Control Procedure: Mayor Ballard explained that Administrative Order 74-4 had been issued and distributed regarding animal control procedure.
- #1768 Violation of City Ordinance Procedure: Mayor Ballard explained that Administrative Order 74-3 had been distributed outlining procedure to be followed on violations.
- #1780 Discussion re Appointments to Special Committee to Evaluate Proposed Reorganization of City Administrator's Department: Mayor Ballard proposed the appointment of three councilmen as a committee to study the matter carefully and present the ordinances to the Council. Councilmen Watts, Judd and Evans were appointed to the committee.
- #1809 Discussion Relative to Comprehensive Study of Revenue-Producing Sources: Councilman Evans stated he had obtained the ordinances of most neighboring cities relative to occupation licenses, that it was time-consuming and difficult to go through them, but he would try to get that portion finished. Mayor Ballard suggested that the appointment of a committee to complete the study be on the agenda of the reorganizational meeting.
- #1846 Discussion Relative to Payment for 1972 Police Annual Report: A letter from The Bruns Company regarding an unpaid invoice for \$200.00 for the 1972 police annual report had been distributed. The letter stated Mr. Bruns expected to be paid \$200.00 and that the cost to the company was \$1,129.59. There was discussion that there must have been a misunderstanding as to what Mr. Bruns was willing to contribute and what the City felt it had available. Councilman Judd moved that payment of \$200.00 to The Bruns Company be authorized; seconded by Councilman Present. Chief Blume stated he felt it was a

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sincere misunderstanding and he would recommend that the bill be paid. Motion carried, Councilmen Evans and Aalbregtse opposed.

#1943

Public Works Commission Report:

Purchase of Truck: Councilman Present reported bids had been opened earlier from Kahan Chevrolet and Feld Chevrolet and there was only \$5.00 difference in the bids. He reported it was the recommendation of the Public Works Commission that the low bid of Kahan Chevrolet be accepted because of the experience of good service in the past. Councilman Present moved for approval of purchase of a truck from Kahan Chevrolet for the amount of \$3,090.00 as specified; seconded by Councilman Judd. Following discussion, motion carried.

#1972

Recommendation from Virgil Holdredge Regarding Maintenance of Roads Within City Limits: Councilman Present stated some discrepancies had been found in the letter of Mr. Holdredge. Charles Troppito reported that the 24 lane miles of county roads within the City had been reduced by agreement to 10½ lane miles, but this would not change the amount to be received by the City, \$9,280.72. He reported the County Commissioners had implemented the recommendation, to take effect April 1, the City to receive quarterly payments. Mr. Troppito reported both Mr. Holdredge and Mr. Franke confirmed that the County would put another seal coat on Kenneth Road this summer and that would not come out of Leawood's portion of the money. Mr. Troppito said Mr. Franke had defined maintenance to include snow removal, striping of the street and repair of minor damage to the street surface, but not to include overlay and sealing. Due to the absence of Councilman Alt, chairman of the commission, Councilman Present requested that any action on this matter be withheld until the first meeting in April.

#2062

Discussion re Request to the Board of Tax Appeals to Spend Public Works Rent Account (\$15,779.57) During 1974: Mayor Ballard suggested that a specific capital expenditures program (including such items as remodeling some areas of the City Hall building, roof for Public Works building, etc.) be formulated for presentation to the Board of Tax Appeals to spend the balance in the rent account. City Attorney Winn stated approval of the Board of Tax Appeals might not be necessary, and suggested that he and the City Treasurer study the matter and present a specific procedure by the next meeting. Councilman Present requested that the Public Works Commission be notified of progress before the next meeting.

#2127

Discussion Relative to Order from State Board of Health to Cease Sewer Connections: Copies of the order had been distributed. Mayor Ballard stated the City would notify the Health Department of two building permits outstanding and one in process, and would request that the south Dykes Branch be excluded from the order, and request authority to connect anyone presently on a septic tank that develops a sanitary problem. Mayor Ballard explained that south

March 18, 1974

#2165 Dykes Branch was a drainage basin entirely separate from north Dykes Branch, and included the area of the proposed Tom Jay development at 93rd Street and Lee Boulevard, for which Mr. Jay had a written commitment to connect from the Health Department. Councilman Present moved for approval for the Mayor to send the letter asking approval of the three stipulations or otherwise a hearing before the entire Board; seconded by Councilman Watts. Motion carried.

#2176 Status Report on E.P.A. Preliminary Application for Sewer Construction Grant: Charles Troppito reported Phil Kline had encountered some difficulty in preparing the cost estimate to be submitted as part of the preliminary application, but that it would be completed for submission to councilmen before the next meeting. Mayor Ballard discussed problems of financing since 1,000 or 1,500 or 3,300 connections were in Prairie Village, and Leawood had no authority to issue bonds against that property. He suggested issuing bonds against the Leawood property and the service charge be increased to everybody outside the bounds of the City to charge them for the construction an amount exactly proportional to the increase in the mill levy. The matter was discussed. Mayor Ballard asked approval of the appointment of Councilman Chase to make a thorough investigation into the funding of the sewer system in conjunction with Mr. Winn and Mr. Bagby, and submit a plan as soon as possible. Councilman Aalbrechtse moved that the appointment of Councilman Chase be approved; seconded by Councilman Evans. Motion carried.

#2254 Engineering Study for James Branch Sewer District: Mayor Ballard stated the engineering study on the James Branch Sewer District should be finished. On motion by Councilman Present, seconded by Councilman Judd, Phil Kline was authorized to make a complete study on the James Branch of the Leawood Sewer System. Motion carried.

#2290 Public Safety Commission Report:

Recommendation on Optics Proposal for Traffic Signalization at 95th and Mission Road: Councilman Judd reported Leawood and Prairie Village had agreed to make a simple addition of left turn arrows at 95th and Mission Road, where one light is in Leawood, one is in Prairie Village, and two are in Overland Park. Councilman Judd said Overland Park had subsequently made a presentation of a completely computerized Optics signalization for that corner, total cost \$40,000, City of Leawood to pick up one-fourth plus one-fourth of the operating costs. He reported the Public Safety Commission felt this was completely and totally beyond the City's capacity to fund. Councilman Present added that it was the unanimous decision of the Public Works Commission to go along with the Public Safety Commission decision.

#2314 Resolution re MEG County-wide Investigative Squad: Copies of a letter from the District Attorney, copies of a sample resolution, and Chief Blume's comments had been distributed. Councilman Judd explained the proposal was for an investigative squad for which the District Attorney hoped to get funding from

March 18, 1974

the Federal Government, the County, and support in principle and with funds from participating cities. For the last half of 1974, Leawood's share would amount to \$2,000, and \$4,000 for each year thereafter. In addition, Leawood would probably be asked to supply one man for eighteen months. Councilman Judd reported the Public Safety Commission was in considerable sympathy and would like to support the resolution but at this time did not see how the City could participate in any funding of it. He asked opinions of councilmen reference giving verbal support. The investigative squad and the possibility of supporting it were discussed. Councilman Judd suggested that expansion of the investigative unit of the sheriff's office ought to be explored before piling on an additional agency. Following further discussion, Councilman Judd moved that the Council withhold any action until the following matters are explored in greater depth (1) whether or not LEAA will fund the Federal Government share, and (2) the alternative of expanding the sheriff's office; seconded by Councilman Watts. Motion carried.

#2575

#2596

Request for Street Light on Cul-de-sac, 8415 Sagamore Road: Councilman Judd moved that the Council approve the installation and instruct the City Clerk to contact the Power and Light Company relative to installing said street light; seconded by Councilman Evans. Motion carried.

#2622

Public Safety Recommendation, Tom Jay Development, 93rd and Lee Boulevard: At the suggestion of City Attorney Winn, Council discussion of this matter was postponed. Public Safety recommendation that the street name should be "Lee Court" instead of "Mark Lane" was referred to the Plan Commission.

#2662

Employee Status Forms, Fire Department: On motion by Councilman Judd, seconded by Councilman Present, the resignation of Conley P. Cornell, Jr., effective March 29, 1974, was accepted.

On motion by Councilman Judd, seconded by Councilman Present, the following employment was approved:

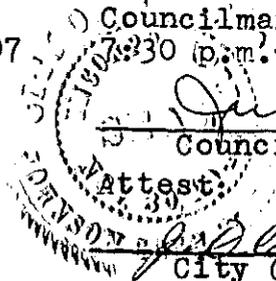
Jerry D. Cunningham, Probationary Firefighter, at the rate of \$675.00 per month.

Employee Status Form, Public Works Department: On motion by Councilman Present, seconded by Councilman Judd, the resignation of Kenneth Hanners, laborer, was accepted.

There was a ten minute recess.

At 9:35 p.m., the Council returned to session. Mayor Ballard announced that instead of an executive session he would like to discuss the City Administrator situation informally with councilmen. On motion by Councilman Present, seconded by Councilman Judd, the meeting adjourned to Monday, April 1, 1974, 7:30 p.m.

#2707



Jane Lile  
Council Reporter

Attest:

[Signature]  
City Clerk 1716

[Signature]  
Mayor

April 1, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held on Monday, April 1, 1974, at 7:30 p.m., in the Police and Court Building, 9617 Lee Boulevard, with President of the Council William M. Eddy presiding. Roll call was answered by Councilmen Aalbregtse, Evans, Eddy, Chase, Watts, Judd. Councilman Alt arrived just following the roll call.

Also present were: Police Chief Blume, Fire Chief Toman, City Attorney Winn, City Treasurer Pendleton, Charles Troppito, Will Gray, the City Clerk, and the Council Reporter.

Visitors: Sister Marie Coleman, R. E. Knaack, Tom Jay, Joe Middleton. Member of the Press: Bob Savino.

- #10 Minutes: On motion by Councilman Judd, seconded by Councilman Watts, the minutes of the meeting of March 18, 1974, were approved as submitted.

#### REPORTS

- #12 Treasurer: Mr. Pendleton stated he had met with the City's auditors, and the financial statement would probably be prepared by the first meeting in May. He reported no problems encountered in doing the audit. He said he would have a report covering the first quarter of 1974 at the next meeting, as well as first quarter reports from the department heads. On motion by Councilman Aalbregtse, seconded by Councilman Evans, the report was approved.

- #23 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Aalbregtse.

- #27 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Alt.

- #29 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Watts.

- #30 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Watts.

#### COMMITTEE AND COMMISSION REPORTS

- #31 Budget and Finance: No report.

Intergovernmental Cooperation & Community Affairs: No report.

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Ordinance: No report.

Parks: No report.

#34

Plan Commission - Request for Approval of Mark Lane Subdivision Plat: Councilman Alt presented the request of Mr. Tom Jay for approval of subdivision plat of Mark Lane, between Lee Boulevard and High Drive, just north of 95th Street. He stated the plat had been recommended by the Plan Commission for approval, and had been approved by Phil Kline for storm drainage and sanitary sewers, and by the Chairman of the Public Works Commission; that John Granstedt had not signed it but he had indicated his approval. Councilman Judd stated it was the request of Chief Toman, to obviate any confusion on the part of Central Fire Dispatch in designating the proper area for a call, that the name of the street be Lee Court instead of Mark Lane. Mr. Jay stated he was willing to go along with a change in the name of the street. The matter was discussed. City Attorney Winn stated the City had asked that this area be exempted from the prohibition concerning further sewer connections, but he felt that should not be a part of the consideration of the merits of a plat presentation. Mr. Winn confirmed with Mr. Jay that all the houses would face the new street. Councilman Alt moved for approval of the subdivision plat submitted by Mr. Jay, known as the Mark Lane Subdivision; seconded by Councilman Evans. Councilman Judd said he felt the Council should defer to the expertise and years of experience of Chief Toman in his request that it be named Lee Court. Councilman Watts moved to amend the motion by substituting the words "Lee Court" for the street name "Mark Lane;" seconded by Councilman Judd. Amendment carried, Councilmen Alt, Evans and Chase opposed. Motion as amended carried.

#100

#117

Public Safety Commission: No report.

Public Works Commission - Recommendation Regarding Acceptance of County Road Maintenance Funds: Councilman Alt distributed copies of the reply from County Commissioner Franke to Councilman Alt's request for a commitment in writing from the County in its proposal to turn over street maintenance to the City. Councilman Alt said the essence of what Mr. Franke had said was that the money was to be used only for maintenance such as snow removal, sanding, striping, and minor repair. Mr. Franke told Mr. Alt verbally that the County did not intend for the City to pick up the tab for major street improvements, such as overlay. However, this was not stated in the letter, and Councilman Alt suggested the Council might wish to have further clarification on precisely what was meant by heavy maintenance. Councilman Alt reported streets which were boundaries for political subdivisions were not included, and he felt the amount allocated to Leawood was adequate. Councilman Alt said there would be a road commission meeting in July, at which time the Council should have before the Commission its thoughts on allocation of funds to these streets. Following

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discussion, Councilman Alt suggested the matter be continued until the next meeting pending further clarification from the County Commissioners. On motion by Councilman Aalbregtse, seconded by Councilman Watts, the report was approved.

#160

Sewer Improvements Financial Committee: Councilman Chase reported the question of alternatives in sewer financing had been thoroughly researched by the City Attorney and now the engineering input as to dollars and cents, particularly as to improvements on the James Branch, was needed.

#165

Evaluation of Work Hours Committee: Councilman Evans stated this special committee, composed of Councilmen Watts, Judd, Chase and Evans, was to evaluate a problem related to working hours of some City clerical employees. Councilman Evans read and submitted the report of the committee. He reported the unanimous recommendation of the committee was: (1) The Police Chief should adjust the work hours within his department to bring them into accord with Paragraph (b) Section 1-1026 of Ordinance 449 which provides for five 7-hour days as the work week for administrative employees; and (2) The Governing Body should not engage in the practice of making salary adjustments without first having prepared written job descriptions and performed job evaluations for each; that a temporary committee should be appointed which included at least one person with professional personnel experience to perform this task. Councilman Evans moved for approval of the report; seconded by Councilman Watts. Councilman Eddy said he felt implementation of the report needed to be discussed with the Mayor who was vitally involved in the reorganization of the City at the moment. Councilman Judd said he hoped appointment of the committee and the job study would be expedited so that this apparent discrepancy in basic pay rates could be eliminated as soon as possible. Motion carried. Councilman Eddy asked the City Clerk to make a note for the Mayor that the Council had approved the report and to bring it to the Mayor's attention on his return to the City. He requested that copies of the report be sent to the Council.

#180

#205

Councilman Judd moved for a change in the agenda to make the 1974 sewer billing report the next item of business; seconded by Councilman Watts. Motion carried.

#209

1974 Sewer Billing Report: Councilman Eddy reviewed the report which had been distributed. He said basically it showed that there were 5,241 connections on the system and 4,603 were paid without certification to the county. This year the City will certify 638 accounts; 615 were certified last year. Change of the certification date from August 1 to March 1 was discussed. Councilman Eddy stated the Council felt at the time it passed the ordinance changing the 1974 billing, that five months was an adequate time for payment of the bill, and the information was all on the bill. Councilman Judd said he felt perhaps there was not adequate communication with the people, although it was in the legal

April 1, 1974

publication and The Kansas City Star. City Attorney Winn pointed out that clerical personnel had been spending from November to August on the bills, and the thought was to consolidate. Mr. R. E. Knaack stated his quarrel was not with the penalty but with the penalty being leveled with the change of date made at the same time. Councilman Eddy stated a committee had been set up to study the billing procedure for 1975. The Council discussed the matter with Mr. Knaack. The conclusion was that there was really nothing the Council could do at this time regarding the 1974 billing. Mr. Knaack said he was probably still upset over the fact that the warehouse (tennis building) was in his back yard. On motion by Councilman Aalbrechtse, seconded by Councilman Watts, the report was approved.

OLD BUSINESS

#335

Discussion Relative to Occupation Licenses: Councilman Evans reported a committee, with same membership as Budget and Finance Committee, was asked to review the ordinance on occupation licenses; that this was an interim report and invitation for discussion. He said comparison and analysis of ordinances from neighboring cities was virtually impossible. Since notices must go out the first of July, he suggested some percentage increase in amounts named in the current ordinance. He discussed the rise in the consumer price index from 1968 to 1973, and suggested that a twenty per cent increase be applied. Following discussion, it was agreed that a twenty-five per cent increase would be appropriate, and the committee was directed to proceed with a schedule based on that percentage for presentation at the next meeting.

#418

Discussion Relative to Repair of 89th Street: City Attorney Winn reported that a contribution toward repair of 89th Street had been received from Kroh Bros. and one of the others involved; that the total contribution would enable the City to buy all the materials to fix the street, the City to supply equipment and labor to repair the street, install the light, and accept the street for public use. There was discussion as to whether or not the Council should go ahead and authorize the traffic signals. Councilman Judd moved that the City Council authorize the Public Works Department to commence repair on 89th Street west of State Line as soon as materials and work load would permit; seconded by Councilman Alt. Motion carried.

#461

Report re The Cloisters: Deferred to the agenda of the next meeting.

NEW BUSINESS

#464

Request for Permission to Solicit - American Cancer Society, Johnson County Unit: On motion by Councilman Judd, seconded by Councilman Watts, the request was approved.

April 1, 1974

#468

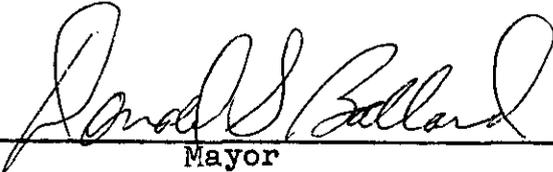
Request for Exemption to Build Across Building Setback Line - Tom Jay: City Attorney Winn explained that the matter did not require Council action because it had been established that it was a non-conforming use.

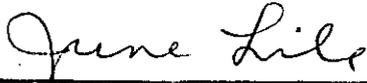
#475

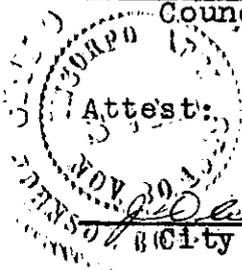
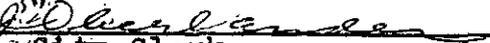
Appropriation Ordinances: Nos. 327A and 316S in the amounts of \$140,177.86 (including \$75,000.00 in investments) and \$650,059.11 (including \$600,000.00 in investments), providing for payment of certain claims against the City and the Leewood Sewer System respectively, were submitted and approved.

#489

At 8:45 p.m., on motion by Councilman Chase, seconded by Councilman Alt, the meeting adjourned to Monday, April 15, 1974, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

  
Attest:  
  
\_\_\_\_\_  
City Clerk

April 15, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held on Monday, April 15, 1974, at 7:30 p.m., in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Aalbrechtse, Alt, Evans, Present, Judd.

Also present were: Police Chief Blume, Fire Chief Toman, City Attorney Winn, Charles Troppito, Will Gray, John Granstedt, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Evans, seconded by Councilman Alt, the minutes of the meeting of April 1, 1974, were approved as submitted.

Councilman Chase entered the meeting at 7:32 p.m. Councilman Watts arrived at 7:34 p.m., both while the Council was waiting for visitors to sign attendance slips.

Visitors: Ed Summerville, Jean Wise, Louise MacKenzie, Charles F. Russ, Jr., Glen Gray, James P. Kennedy, Clarence L. Roeder, Fred Gibson, V. M. Dostal, Robert E. Ervin, John J. Bondank, T. C. Nelson, Fehmi Zeko, A.C. Jones, Harold H. Haub, Phil Kline. Member of the Press: Bob Savino.

#550

Request for Permission to Solicit - Cub Scout Pack 3385: James P. Kennedy was present on behalf of the application. Councilman Present explained that the Cub Pack was requesting permission to solicit for sale of tickets to their annual Cub Scout carnival at Marsha Bagby School. On motion by Councilman Present, seconded by Councilman Evans, the application was approved.

OLD BUSINESS

#560

Public Works Commission - Recommendation Regarding Acceptance of County Road Maintenance Funds: Councilman Alt distributed copies and read draft of a letter proposed to be sent to County Commissioner Davis outlining Mr. Alt's understanding regarding the County road maintenance proposal to the City, involving Kenneth Road, Mission, Roe, and 103rd Street. He said it included the additional stipulation that for County maintenance of 151st Street, Leawood was asked to maintain the islands on State Line Road, and that maintenance was considered to include not only snow removal, minor repair, striping, etc., but also maintenance such as overlaying, replacement of curbs and gutters, etc. Councilman Alt moved that the Council accept the County's apportionment at this time, and that the Public Works Commission be directed to re-examine the apportionment and develop a major roads improvement program with priorities that the County could be expected to participate in, and present

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this for Council approval prior to the July County road conference. Councilman Judd said it seemed the City was being asked to take on some additional responsibilities that were not detailed in the first letters, at the same amount of cost, and the amount of maintenance was considerably more than the City originally anticipated. Councilman Alt stated the only real additional maintenance would be to Roe Boulevard. Councilman Alt said Leawood was treated about as fairly as other cities in apportionment of funds. The condition of the streets involved was discussed. It was noted that as of April 1, 1974, the County had ceased maintenance of the roads involved. Councilman Alt's motion was seconded by Councilman Present. Motion carried, Councilmen Judd and Aalbrecht opposed, Councilman Chase abstained.

#744

Public Works Commission - Resolution No. 308 Rescinding Resolution No. 298 and Setting Out Findings and Determinations Relating to the Improvement of 111th Street: Councilman Alt explained that the proposed resolution was to rescind the former resolution and change the method by which the street would be constructed; i.e., instead of constructing four lanes with a minimum median, the curbs would be moved out to the point where they would be if the street were ever constructed to six lanes, to eliminate the need to move the storm drainage boxes and any other utilities that might be put in the right of way, so widening could be accomplished at greatly reduced cost. City Attorney Winn explained that the change was an engineering change only, that other provisions remained the same. Councilman Alt moved that Resolution No. 308 be adopted. By roll call vote, Resolution No. 308 was unanimously adopted. A copy is attached hereto as part of the record.

#785

Resolution No. 309 Ordering the Improvement of 111th Street: Councilman Alt moved that Resolution No. 309 ordering the Improvement of 111th Street; be adopted; seconded by Councilman Judd. By roll call vote, Resolution No. 309 was unanimously adopted. A copy is attached hereto as part of the record. Phil Kline stated the bid opening for the 111th Street project was to be May 8th.

#802

Amendment of Letter to County Commissioner Relative to Road Maintenance: Councilman Chase moved that a sentence be added to the letter having to do with County road maintenance, at the end of the first paragraph on page 2, after "and the priorities established," as follows: "Accordingly, Leawood's acceptance of the County road maintenance proposal must be conditional in nature at this time and not final or binding pending the formulation of such county-wide program and our express acceptance thereof." Seconded by Councilman Judd. Following discussion, motion carried, Councilman Alt voting nay.

#860

Proposed Ordinance re Occupation Licenses (First Reading): City Attorney Winn explained that Section 1 was to clear out

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all of the old ordinances which dealt with this subject and enact this ordinance in lieu thereof. He said otherwise it was substantially the same, except for amounts, as all of the City's other occupation tax ordinances, with correction of some inconsistent penalty sections. Councilman Evans stated the amounts had been increased by approximately twenty-five per cent, rounding to the closest \$5.00 or \$2.50. He pointed out a typographical error in subparagraph 1 under 8-202, where \$5.00 should be changed to \$6.00. He stated the wholesale price index had risen 52 per cent since the present ordinance was enacted in 1968, so he thought 25 per cent was reasonable and in order.

#910

Report re The Cloisters: Councilman Present reported a letter had been prepared by the City Attorney and sent to Mr. Mantel giving the opinions of the committee. He read the letter which concluded that the height of the structure on Lot 46 was in compliance with city ordinances and subdivision regulations; that Mr. Granstedt's method of making this determination was proper; and that no judgment was made as to whether the structure was in violation of the 1970 subdivision regulations because in any event the structure had the protection of the law pertaining to existing use of land or structures. He said the committee had not heard from Mr. Mantel and considered the matter closed.

#941

Discussion Relative to Corinth Paddock Project Dams: City Attorney Winn stated he had continued to pursue the matter and had invited Nichols Company representatives Clarence L. Roeder and Fred Gibson to appear. Mr. Gibson stated the initial reason for the structures was a facility to stabilize the channel of the creek down through the Paddock, and they decided to build the dams to hold back a minimum amount of water to give a ponding effect. He said he felt they had a similar problem to everyone else if the water discontinued to flow. He said they had attempted to allow the water to continue to flow and to keep the stream in its near natural state; that each individual dam had an overflow section at the top. It was determined that there were turngate valves in the dams. There was discussion of the problem of decreased flow downstream because of increased seepage into the ground and loss by evaporation because of the pools. Mayor Ballard pointed out a pollution problem developed when the water did not flow in the creek. There was discussion that the project would also have a problem of stagnant water if the flow stopped, but that the problem downstream would be of longer duration. Councilmen emphasized the City was interested in getting a portion of the inflow. Mr. Gibson presented a map showing the drainage area. Following further discussion of the problem, Mr. Roeder suggested that both parties keep an eye on the situation this year.

#1160

Discussion and Resolution No. 310 Pertaining to Tomahawk Reservoir: A proposed resolution had been distributed. Councilman Judd referred to two articles in The Kansas City

April 15, 1974

Star relative to the proposal concerning the reservoirs. He said it was beginning to come out what some of the costs were going to be to the citizens of Leawood and of Johnson County. Former Mayor V. M. Dostal stated the estimates by the Corps of Engineers of the cost-benefit ratios were distorted. He said the original cost estimate for Tomahawk Reservoir was \$16,400,000, now it was \$42,545,000. He said it could not be completed in time to supply water to Water District No. 1 by 1980. Mr. Dostal stated the cost to the City of Leawood for required additions to the police force would be \$275,000. He displayed a map showing the disruption of the road network in the City. He objected to placing the reservoir in an urban area, and to the mud flats created by the fluctuation in the water level. Councilman Aalbregtse emphasized the need for recreation areas. Mr. Dostal commented on the excessive costs to the sponsor of the recreation area, proposed to be the Johnson County Park and Recreation District. Mr. Dostal urged the Council to pass the resolution in opposition to Tomahawk Reservoir.

#1306

Mayor Ballard stated the Corps had issued their draft environmental impact statement and that the Council ought to study the proposal along with a report on the study of land development from the Plan Commission. He said he did not feel it was feasible to put together two plans, one with and one without the reservoir, but the City needed to proceed with a study that would allow the City to go either way.

Robert E. Ervin, Vice President of Leawood South Homes Association, stated the homes association had in its minutes a resolution in opposition to Tomahawk Reservoir, that the main point against it was that land values had increased to a point where it would seem almost impossible for acquisition, that homeowners there would suffer immeasurably in depreciation of land values, and some would be evicted. He said the sewage treatment plant would have to be relocated and rebuilt and sewage would have to be pumped. He said residents were concerned about the access roads and the amount and type of traffic into and through Leawood South. He stated lake front properties could not be used as such because the water level would not be stable.

#1388

The Council discussed the proposed resolution. Councilman Aalbregtse said he felt the resolution proposed was vague and not necessarily factual, and he questioned why it was necessary to go on record again. Councilman Aalbregtse said he wanted to go on record that he was strongly in favor of the entire project, including Tomahawk Reservoir. He said he did not think approving or disapproving this resolution at this time would help the problems of Leawood as far as planning was concerned, because he did not think it would make any difference in the final analysis whether Leawood passed another resolution opposing Tomahawk Reservoir. Councilman Judd stated the City needed a determination as quickly as possible on this project, and the resolution was a request on the part of the Council which should help to

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expedite a decision, to have the General Accounting Office look into the latest set of figures that were being used to determine why there should be such a great discrepancy in the cost-benefit ratio of 1.5 to 2.8 in such a relatively short time. He objected to the excessive costs to the citizens of the City and of the County. There was discussion as to the relationship of the resolution to the Lawrence-Leiter study. Mayor Ballard said he felt the Plan Commission needed a policy from the Council, that the decision was not a planning decision but a policy decision which was the prerogative of the Council.

#1580

Former Councilman Edwin E. Bruns reviewed actions of past councils in opposition to Tomahawk Reservoir. He said it would not be funded because there were too many other projects before the committee for which there was no opposition, and since it was of no benefit to the City of Leawood and was not necessary to the entire flood control project and would cost the City only more problems and more money, he would be in favor of voting for the resolution asking General Accounting to check into the figures and find out how suddenly they switched so fast.

#1620

Councilman Judd moved that the Council adopt Resolution No. 310 in which the Council would request in essence that the GAO review the cost-benefit ratio figures; seconded by Councilman Evans. Following discussion of suggested changes, Councilman Present moved to amend the resolution to delete the words "ascertain if the Corps employed proper criteria in arriving at its cost-benefit evaluation" and substitute "identify and evaluate the criteria employed by the Corps in arriving at said cost-benefit evaluation"; seconded by Councilman Judd. Motion as amended carried, Councilman Aalbrecht opposed. It was agreed that the Council should have a report from the Plan Commission on the status of the land development plan.

#1710

#1787

Councilman Present moved for a change in the agenda to consider the Resolution for a Recreation Commission Election as the next item of business; seconded by Councilman Watts. Motion carried.

#1790

Resolution No. 311 for Recreation Commission Election: All five of the Recreation Commission members were present. Ed Summerville stated the Recreation Commission was requesting the Council to pass a resolution to submit to the voters the question of issuance of general obligation bonds in the amount of \$925,000, to be used to purchase the existing Leawood Park and to improve that park with a swimming pool, tennis courts, children's playground, etc. He displayed a map showing property presently owned by the City, that proposed to be purchased, and the proposed improvements. Cost of the land would be \$150,000; pool and parking, \$500,000; children's playground, \$20,000; six lighted tennis courts, \$90,000; asphalt driveway, \$27,000; gravel drive, \$12,000; earth work, \$35,000; finish grading, seeding and sodding,

April 15, 1974

\$20,000; landscaping, \$8,000; miscellaneous contingency, \$39,500; surveys and borings, \$4,000; engineering fees, \$19,500. Councilman Evans asked what kind of revenue generation was projected. Mr. Summerville said they planned to charge fees to balance the operating costs. There was discussion that the Recreation Commission could not increase its levy over a mill. The plan and the costs were discussed. The Council discussed the pool with Mr. Wallace Beasley, pool engineer. Councilman Alt read from the Lawrence-Leiter survey concerning percentage of persons who indicated a need for more recreational facilities. Charles F. Russ, Jr., a member of the Recreation Commission, cited the Commission's findings as to the need for recreational facilities; he said the lack of recreational facilities was a serious deficiency in Leawood. He said it was estimated the cost of the facility would be somewhere around \$30 or \$35 a year on a \$50,000 house. Mr. Beasley said flooding the tennis courts for an ice rink was not advisable. City Attorney Winn stated the maximum amount of bonds set out in the resolution could not be exceeded and the Recreation Commission would have to operate within its budget. Councilman Judd suggested that the pool be placed as far away from the north end as possible because of the noise.

Councilman Evans said he thought the Recreation Commission and the Council should have schedules of projected costs, revenues, and evidence of market. Mr. Russ stated all of their studies indicated that if the people want the pool and are willing to undertake the initial cost, and the Commission keeps the expenses down to a moderate level, there should be no difficulty. Councilman Alt said he felt support would be related to the user cost, that these questions should be answered in the publicity. Mr. Beasley said he did not believe anyone could answer the questions on operating costs and support except that every other city in Johnson County does it. Councilman Alt moved that the Council adopt Resolution No. 311 proposed by the Recreation Commission; seconded by Councilman Judd. By roll call vote, the resolution was adopted, Councilmen Evans and Present abstaining. A copy is attached hereto as part of the record.

#2242

89th Street Maintenance: Deleted by agreement of the Council.

Report on Funding of Sewer Construction: Councilman Chase said his report of last meeting still stood, that information was needed as to construction costs. City Attorney Winn stated it appeared the most feasible way to reach the people outside the City on an equitable basis was to issue revenue bonds for sewer financing.

#2266

Discussion of Engineering Study for James Branch , Preliminary Application for E.P.A. Grant, and Proposed Contract with Shafer, Kline & Warren : Mayor Ballard said Phil Kline had prepared an estimate on improvements to the James Branch sewer, and Preliminary Application for Requesting Federal Assistance for Public Works and Facility-Type Projects had

been filled out, totaling \$3,125,000 (\$500,000 on James Branch, \$1,875,000 on Dykes Branch, and \$750,000 on a holding basin). Mr. Kline said he felt these estimated construction costs were safe, that they would be subject to amendment. He said these figures would be submitted to the State Board of Health for an E.P.A. seventy-five per cent grant. A contract with Shafer, Kline & Warren to proceed with construction drawings was presented. Mr. Kline stated if the total construction costs approximate \$3,000,000, the design, staking, inspection and contract administration would run approximately ten per cent, or \$300,000. City Attorney Winn stated it appeared some right-of-way acquisition would be necessary. Mr. Kline said the design fee would be about one-half of the total fee and that the contract provided that design payment was due when the plans were completed and ready for construction. The contract was discussed. There was discussion that the construction costs on the application did not include land acquisition costs, legal fees and engineering fees. Charles Troppito said the application before the Council was really the declaration of intent to file the actual application for Federal grant at which time complete cost figures would be furnished.

#2450

Approval of Preliminary Application for E.P.A. Sewer Construction Grant: Councilman Present moved that the Council approve the Preliminary Application for Requesting Federal Assistance for Public Works and Facility-Type Projects; seconded by Councilman Chase. Motion carried.

#2460

Approval of Contract with Shafer, Kline & Warren for Construction Drawings: Councilman Present moved that the Council accept the contract as submitted by Shafer, Kline & Warren for design and engineering for the construction on the Leawood Sewer System; seconded by Councilman Chase. Motion carried.

MAYOR'S REPORT

#2482

Appointment of Committee to Study Combined Vehicle Maintenance: Mayor Ballard said he would like to appoint a committee to study the subject of whether or not the City should, in preparation for the 1975 budget session, consider maintenance of police vehicles in the Public Works facility. He appointed Councilman Eddy as chairman, with Councilmen Judd and Watts to serve on the committee.

#2497

Landscaping Plan: Mayor Ballard presented a landscaping plan for the police court complex, including the unit costs and total cost. He said the park foreman would supervise the installation. On motion by Councilman Chase, duly seconded, the landscaping plan was approved.

NEW BUSINESS

#2510

Appointment of Assistant City Engineer: Mayor Ballard stated a letter had been received from Mr. Kline regarding the need

April 15, 1974

to have an assistant city engineer to review any of the plans that Mr. Kline's firm prepared for a private developer in the City. Mayor Ballard proposed the appointment of Bob Schroeder, with Viets Engineers, as Assistant City Engineer on a consulting basis. On motion by Councilman Present, seconded by Councilman Judd, the appointment was approved.

#2530

Financial Report: Councilman Evans reported no difficulty.

Final Payment to Pitman Building Corporation: John Granstedt stated everything was completed; however, some mirrors were damaged. He said Pitman Corporation had agreed to replace them or make an adjustment. Following discussion, Councilman Alt moved that the final bill of Pitman Building Corporation be paid with the exception of \$500.00 to be held until the mirrors were replaced; seconded by Councilman Judd. Motion carried.

#2583

Resolution No. 312 re Installation of One Additional Street Light: On motion by Councilman Evans, seconded by Councilman Aalbrechtse, the following resolution was adopted:

RESOLUTION NO. 312

"BE IT RESOLVED that the Mayor be authorized to sign Resolution No. 26 under Ordinance No. 264 providing for additional street lighting in the City of Leawood, Kansas, to be paid for from the City's reserve fund with the Kansas City Power and Light Co. (1 additional street light, 8415 Sagamore)

#2591

New Police Uniform: Councilman Judd pointed out that Chief Blume was wearing the new police uniform. Chief Blume said the uniforms had proved to be a strong morale factor.

Crossing Signal at Brookwood School: Councilman Judd reported a plan was devised to install a treadle signal in the egress driveway allowing turns east and west on 103rd Street, cost to the City approximately \$12.50 per month. He moved that the Council instruct the City Clerk to authorize such installation at Brookwood School; seconded by Councilman Present. Motion carried.

#2615

Request to Distribute Plastic Bags with Give-Away Items - People's Bank: On recommendation of the Public Safety Commission, Councilman Judd moved that the request be declined; seconded by Councilman Aalbrechtse. Motion carried.

#2630

Public Works Commission - Street Improvement Bonds: Councilman Alt reported the Public Works Commission had made a study of the street improvements required for the coming year. Mr. Kline distributed a list of streets recommended by the Public Works Commission for improvement, together with their total estimated construction costs.

April 15, 1974

Councilman Alt said in the proposal for a bond issue was Lee Boulevard from 83rd Street to 103rd Street, 103rd Street from State Line to Lee Boulevard, Mission Road from 135th south to 151st, 123rd Street from State Line to Cherokee; total estimated cost, \$104,101.00. The balance of the streets (typical residential in nature) would be done out of the motor fuel tax. Mr. Kline explained improvement of 123rd Street and Mission Road would not be asphaltic concrete overlays. The matter was discussed. There was discussion concerning possible widening of 103rd Street west of Lee and whether to go ahead with a one inch overlay east of Lee.

#2845

Ordinance No. 453 Designating Certain Streets Within the City as Main Trafficways: Councilman Alt said the street improvements had to go under a different ordinance than originally anticipated. City Attorney Winn explained under Kansas statutes paved streets were defined to be curbed and guttered, so the Council should designate Lee Boulevard, 103rd Street, Mission Road, and 123rd Street as main trafficways and proceed under another section. Councilman Alt moved that an emergency be declared for adoption of the ordinance designating certain streets as main trafficways; seconded by Councilman Watts. Motion carried. Councilman Alt then moved that Ordinance No. 453, designating Lee Boulevard, 103rd Street, Mission Road, and 123rd Street as main trafficways, be adopted. Ordinance No. 453 was adopted unanimously.

#2905

Resolution No. 313 Setting Out Findings and Determinations on the Necessity and Advisability of Repairing and Resurfacing Mission Road from 135th Street to 151st Street: Councilman Alt moved for adoption of Resolution No. 313, setting out the finding that it was necessary and advisable to resurface Mission Road, 135th Street to 151st Street, by sub-base preparation and application of a double asphaltic surface treatment; seconded by Councilman Present. Councilman Judd objected that the citizens had not been notified, and moved to table the proposed street improvements resolutions; seconded by Councilman Aalbrechtse. Following discussion, motion to table was defeated by vote of two for, five against. By roll call vote, Resolution No. 313 was adopted, Councilman Judd voting nay. A copy is attached hereto as part of the record.

#3055

Resolution No. 314 Setting Out Findings and Determinations on the Necessity of Resurfacing 123rd Street, State Line to Cherokee: Councilman Alt moved for the adoption of Resolution No. 314, setting out the finding that it was necessary to resurface 123rd Street, State Line to Cherokee, by sub-base preparation and application of a double asphaltic surface treatment; seconded by Councilman Present. By roll call vote, Resolution No. 314 was adopted, Councilmen Aalbrechtse and Judd voting nay. A copy is attached hereto as part of the record.

#3070

Resolution No. 315 Setting Out Finding on the Necessity of

April 15, 1974

Resurfacing 103rd Street, Lee Boulevard to State Line:

Councilman Alt moved for adoption of Resolution No. 315 setting out the finding that it was necessary to resurface 103rd Street, Lee Boulevard to State Line, by application of one-inch asphaltic concrete overlay; seconded by Councilman Present. By roll call vote, Resolution No. 315 was adopted, Councilman Judd voting nay. A copy is attached hereto as part of the record.

#3085

Resolution No. 316 Setting out Finding on the Necessity of Resurfacing Lee Boulevard, 83rd Street to 103rd Street:

Councilman Alt moved for adoption of Resolution No. 316 setting out the finding that it was necessary to resurface Lee Boulevard, 83rd Street to 103rd Street, by applying a one-inch asphaltic concrete overlay; seconded by Councilman Present. By roll call vote, Resolution No. 316 was adopted, Councilman Judd voting nay. A copy is attached hereto as part of the record.

#3105

1974 Street Improvements from Motor Fuel Tax Fund:

Councilman Alt proposed that a one-half inch asphaltic concrete overlay be applied to the balance of the listed streets, the costs to be paid out of the motor fuel tax fund. He noted that the curbs on Fairway needed to be replaced, and felt the Public Works Commission needed to make a policy determination and recommendation to the Council as to the funding of curbs. Councilman Alt proposed that all of the streets (including the ones covered by the resolutions) be put in one bid with the idea of bidding them separately with the right to reject one or all. Councilman Alt moved that bids be let for a one-half inch asphaltic concrete overlay on the following streets: Cherokee Place, Fairway, Norwood, 87th Terrace, Wenonga, 97th Terrace, 97th Place, 100th Street, 100th Terrace, 97th Terrace, 101st Street, Howe Drive, Belinder, Lee Circle, Lee Court, Sagamore, Ensley, and Meadow Lane, total estimated cost \$26,069.00; seconded by Councilman Watts. Motion carried.

#3138

#3168

Motion re Resurfacing 95th Street: Councilman Present moved that the Public Works Commission be instructed to prepare a resolution for general improvement bonds to resurface 95th Street with a two-inch overlay within the city limits of Leawood, Kansas; seconded by Councilman Judd. Councilman Present stated the cost would be \$35,000 and that something should be done now. Mr. Kline stated such an overlay would last one to two years with some maintenance. Following discussion, motion was defeated, two votes for, five against.

#3267

Employee Status Form: On motion by Councilman Judd, seconded by Councilman Present, the resignation of Shirley Yockey was accepted.

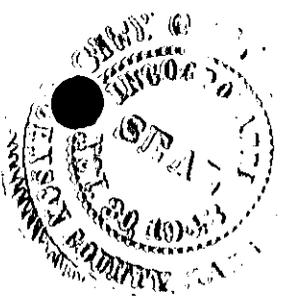
At 12:20 a.m., on motion duly made and seconded, the meeting adjourned to Monday, May 6, 1974, 7:30 p.m.

June Lile  
Council Reporter

William M. Edgley  
President of the Council

Attest:

J. O. ...  
City Clerk 1731



May 6, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, May 6, 1974, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council William M. Eddy presiding. Roll call was answered by Councilmen Aalbregtse, Alt, Evans, Eddy, Watts, Judd.

Also present were: Police Chief Blume, Fire Chief Toman, City Attorney Winn, City Treasurer Pendleton, Charles Troppito, Will Gray, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Judd, seconded by Councilman Alt, the minutes of the meeting of April 15, 1974, were approved as submitted.

Visitors: Sister Marie Coleman, Mrs. B. J. Stables, Sam Bernstein, Mr. and Mrs. James Mantel, Mr. and Mrs. R. C. Henry, Elmer F. Selonke, John Watts, Jr., Spencer Henry, Sam DeKinder. Members of the Press: Bob Savino, Harry Hill.

Elmer Selonke requested that the City put fill dirt around a concrete slab over an abandoned well about ten feet from the sidewalk on his property. Councilman Eddy advised that the City did not have any fill dirt and did not do work on private property. City Attorney Winn said he would be hesitant for the City to go on the property unless it was a city utility.

Councilman Chase entered the meeting at 7:31 p.m. during the discussion with Mr. Selonke.

#32

Appropriation Ordinances: Nos. 328A and 317S in the amounts of \$290,542.26 (including \$230,000.00 in investments) and \$8,849.57, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.

#### REPORTS

#42

Treasurer: Mr. Pendleton stated there was nothing unusual at this point. He said regular distributions for ad valorem taxes and intangible taxes had been received. On motion by Councilman Judd, seconded by Councilman Watts, the report was approved.

#47

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Watts.

#49

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Alt.

May 6, 1974

- #50 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Alt.
- #52 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Watts.
- COMMITTEE AND COMMISSION REPORTS
- #54 Budget and Finance: Councilman Evans reported that the transition to the leadership of the chairman designate had already begun. On motion by Councilman Eddy, seconded by Councilman Evans, the report was approved.
- #56 Intergovernmental Cooperation and Community Affairs: No report.
- Ordinance: No report.
- #57 Parks: Councilman Alt reported the parks were being kept up in satisfactory condition. He stated he had received a number of complaints about upkeep of islands, and stated he would call all the homeowners associations and remind them of their obligation. He said he was calling a meeting of the Park Commission to go over the responsibilities of upkeep of islands and statuary and to consider the kind of agreements to have with the homeowners associations, and hopefully bring a recommendation before the Council. Councilman Present said he had talked with a gentleman who would like to change the fauna on an island to make it easier for him to maintain. There was discussion that the gentleman should get approval of the Public Safety Commission and the Public Works Department. The report was approved on motion by Councilman Present, seconded by Councilman Judd.
- #82 Plan Commission: No report.
- Public Safety: No report.
- Public Works: No report.
- OLD BUSINESS
- #90 Ordinance No. 454 Relative to Occupation Licenses: Councilman Evans stated the typographical error had been corrected and moved for approval of Ordinance No. 454 relative to occupation licenses. The ordinance was unanimously adopted.
- #100 Agreement re 89th Street: City Attorney Winn reported that the matter had been resolved, the street had been repaired, the agreement was being circulated for signature, and a resolution would be before the new Council in two weeks requesting installation of the lights. He said Ordinance No. 447 accepting the street should now be published.
- #110 Discussion Relative to The Cloisters: Councilman Eddy referred to a letter from Mr. Stables, 8400 Cherokee Lane.

May 6, 1974

Councilman Eddy moved that the previous Cloisters Committee, consisting of Councilman Present, chairman; Councilman Chase; John Granstedt; City Attorney Winn; and Max Bagby, be reconstituted to look into this problem; seconded by Councilman Watts. Motion carried. Councilman Eddy explained that a reinforced concrete drainage pipe from The Cloisters area opened out onto the Stables property. James Mantel said this was one of the items listed by him in earlier correspondence. He added that the pipe onto the Stables property was a total change of the topography of the land causing a new washway. City Attorney Winn suggested that the Mantels and the Stables consult private counsel concerning private redress on this matter.

#160

Question Concerning Proposed Shopping Center: Sam Bernstein, 12811 State Line, asked the exact location of a proposed shopping area in Leawood South. Councilman Alt stated the proposal before the Plan Commission was for a shopping area to the south of the entrance to Leawood South and east of Sagamore. He said the Plan Commission would consider the matter at its meeting on May 28.

#170

Final Comments or Reports from Retiring Councilmen: Councilman Aalbrecht wished the present Council and the new members the best of luck and stated his tenure on the Council had been an enjoyable experience. Councilman Evans said it had been an honor to represent the people of Leawood on the Council and commended the professional employees of the City for all the help they had given the Council. He expressed appreciation to his family for their patience and understanding, and publicly thanked his secretary, Miss Mitzi Shield, for keeping him going on two fronts. He extended his best wishes to the Council. Councilman Eddy thanked the retiring councilmen and moved that the name plates and holders bearing their names be awarded to the two retiring councilmen; seconded by Councilman Judd. Motion carried.

#195

Administration of Oaths of Office to Newly Elected City Officials: City Clerk Jinny Oberlander administered the Oath of Office to the following: D.A.N. Chase, Councilman, Ward 1; Samuel T. DeKinder, Councilman, Ward 2; B. Spencer Henry, Councilman, Ward 3; and John Watts, Councilman, Ward 4.

Roll call of the new Council was answered by Councilmen DeKinder, Alt, Henry, Eddy, Chase, Watts, Present, Judd.

#### NEW BUSINESS

#227

Election of President of the Council: Councilman Alt nominated Councilman Judd as President of the Council; seconded by Councilman Chase. There were no other nominations. Motion carried. Whereupon, at 8:07 p.m., Councilman Judd took the chair of the meeting and expressed his appreciation to the Council.

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#240

Resolution No. 317 - Designation of Official City Newspaper:  
Upon motion by Councilman Present, seconded by Councilman Eddy, Resolution No. 317, designating The Johnson County Sun as the official city newspaper for all documents requiring legal publication, was adopted. A copy is attached hereto as part of the record.

#244

Designation of Depositories for City Funds: On motion by Councilman Eddy, seconded by Councilman Watts, Southgate State Bank & Trust Company was designated to continue as depository for the General Operating Fund; Johnson County National Bank & Trust Company to continue as depository for Leawood Sewer System Funds; and Kansas National Bank & Trust Company to continue as depository for the Special Funds.

#260

Appointment of City Officials as Required by Statute and Ordinance: City officials were appointed for one year, as follows (each appointment being approved by separate motion and second):

City Architect	John Granstedt
Chief Building Official	John Granstedt
City Attorney	Larry Winn III
City Attorney, Assistant	Ronald S. Reuter
City Clerk	Jinny Oberlander
City Treasurer	James H. Pendleton
Fire Chief	Jourdan Toman
Police Chief-Marshal	Richard W. Blume

#280

Oaths of Office Administered to City Officials: President of the Council William R. Judd administered the Oath of Office to Jinny Oberlander, City Clerk. The City Clerk then administered the Oath of Office to the following: Larry Winn III, City Attorney; James H. Pendleton, City Treasurer; Jourdan Toman, Fire Chief; Richard W. Blume, Police Chief-Marshal. The City Clerk was directed to advise the unsworn city officials to appear to be sworn in.

#302

Authorization of Signatures for Warrants for City Obligations - All Funds: On motion by Councilman Watts, seconded by Councilman Alt, the signatures of the Mayor, Treasurer, City Clerk and President of the Council were authorized for payment of funds from the General Operating, Special and Sewer Funds.

#305

Appointments to Committees and Commissions: The following appointments were individually approved:

BOARD OF ZONING APPEALS	
J. Calvin Spradley	1977
BUDGET AND FINANCE	
John Watts, chairman	1977
Homer Evans	1977
James Pendleton	1977

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LEGISLATIVE COMMITTEE  
D.A.N. Chase 1975  
Paul "Bud" Burke 1975

NEWSLETTER COMMITTEE  
John Watts 1977

PARKS COMMISSION  
Joe Neuner 1977

PLAN COMMISSION  
Ben W. Rockey 1977  
Richard J. Conklin 1977  
J. Calvin Spradley 1977

PUBLIC SAFETY COMMISSION  
William R. Judd, chairman 1977  
John Watts 1977

PUBLIC WORKS COMMISSION  
William M. Eddy 1977

RECREATION COMMISSION  
Mrs. Sherman Olson 1978

Miscellaneous Appointments and Special Committees:

CATV Committee  
William R. Judd, chairman 1975

Civil Defense Director  
Ed L. Akerly 1975

Insurance Committee  
D.A.N. Chase, chairman 1975  
Spencer Henry 1975

Johnson County Solid Waste Management Committee -  
Leawood Representative  
William M. Eddy 1975

Committee to Evaluate Proposed Reorganization of  
City Administrator's Department  
D.A.N. Chase 1975

#346

Discussion of Overtime Pay for City Employees: City Attorney Winn stated he had received a copy of the new Fair Labor Standards Act; that he would submit a full written report; and ultimately it would require Council discussion and decisions. He said generally the new law provided that employees of governmental subdivisions must receive time and one-half for overtime over forty hours. He said it would have to be considered employee by employee to determine who qualified. Mr. Winn said police and fire personnel under the bill were at least partially exempt to the extent that cities would not have to pay them overtime until they get to sixty hours a week. He suggested the Council would

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have to make a policy judgment on whether employees should work those hours without any additional compensation. The matter was discussed.

#387

Request for Permission to Distribute Advertising Material by the Camp Fire Girls for the Heart of America United Way Campaign: Councilman Present moved for approval of the request subject to the Camp Fire Girls being in uniform; seconded by Councilman Alt. Motion carried.

#402

Unauthorized Solicitation: Councilman Eddy presented advertising materials left in doors by Guaranteed Foods. Chief Blume was requested to advise the company by letter that these were left in non-compliance with Leawood ordinance.

#412

Open Letter to the City Council and Resolution re 95th Street: Councilman Present read a statement in which he charged that the voters had expressed their wishes that 95th Street was not to be a four-lane street; that the Mayor and the Council had refused to acknowledge the will of the people of Leawood; that the Council had refused to allow any legitimate maintenance of 95th Street, and that the street had become hazardous to drive on and a disgrace to the City. He said he felt the Council should investigate the advantages of a 36-foot-wide street as a compromise measure. He charged the Mayor with vicious political maneuvering. He said because of his feeling that he should step forward and try to correct what he felt had become a moral issue, he had circulated petitions. He presented the petitions which he stated bore the names of 431 tax-paying citizens of the City. Councilman Present read the petition requesting that 95th Street from State Line to the western boundary of Leawood be included in the main trafficways for resurfacing and repairing, and that general improvement bonds of the City be issued to finance the repairing and resurfacing of 95th Street. A proposed resolution had been distributed. Councilman Present read the resolution and moved that the resolution authorizing the paving of 95th Street with a two-inch asphaltic overlay, to be paid for by general obligation bonds, be adopted. At the suggestion of the City Attorney, the time for closing City Hall during the period for protest was changed from 4:30 to 5:00 p.m. City Attorney Winn stated that if the resolution were to be passed, an ordinance should be adopted designating 95th Street as a main trafficway. Following discussion, Councilman Present withdrew his motion on the resolution and moved for a five minute recess to type an ordinance declaring 95th Street a main trafficway; seconded by Councilman Judd. Motion defeated.

#530

Councilman Present stated that the action of the Council in failing even to allow an ordinance to be drawn left him with no other choice but to initiate litigation against council members of the City of Leawood. He said he pledged himself to the people who signed the petitions, and he would consult with his attorney and take all legal action deemed

May 6, 1974

necessary to correct the discriminatory action and policy as set down by this City Council.

#572

Following discussion, it was determined that the proposed resolution could be considered and, if adopted, an ordinance designating 95th Street as a main trafficway could then be prepared. Councilman Present again moved that the resolution authorizing the paving of 95th Street with a two-inch asphaltic overlay, to be paid for by general obligation bonds, as previously read, be adopted; seconded by Councilman Judd. The Council discussed the City Engineer's statement that such an overlay would last one to two years on the present base of 95th Street. Councilman Judd stated Lee Boulevard had exactly the same base as 95th Street and the Council approved bonds for overlaying Lee Boulevard. The Mayor's intention to put the question of 95th Street on the ballot in November was discussed. Councilman Present explained his proposal for a compromise 36-foot-wide two-lane street. Councilman Present said 95th Street could not get through the winter, and that the overlay was needed even if it was inevitable that the street would be rebuilt.

#683

Councilman Judd added his signature to the petition. Following further discussion, including whether or not trucks could use a four lane street, Councilman Watts moved that consideration of the motion to adopt the resolution be postponed until the Council received an opinion from Mr. Kline concerning his opinion on the length of life of a two inch overlay versus a similar overlay on Lee Boulevard, and his general opinion as to the economic feasibility of a two inch overlay on 95th Street at this time; seconded by Councilman Chase. The motion was discussed. Motion was defeated by vote of 3 to 5. On a roll call vote, Councilman Present's motion for adoption of the resolution was defeated, Councilmen Henry, Present, and Judd voting aye; Councilmen DeKinder, Alt, Eddy, Chase, and Watts voting nay. Councilman Present again said he would seek legal action against the Council.

#820

#824

Report re Meeting with State Board of Health: City Attorney Winn reported the City had met the deadline as far as meeting with the State Board of Health and submitting materials regarding sewers, and he hoped to hear from them shortly as to whether or not the City's plan would be satisfactory.

On motion by Councilman Alt, seconded by Councilman Watts, the Council adjourned to executive session to consider employee status forms at 9:35 p.m.

The Council returned to regular session at 9:43 p.m. The same councilmen were present.

#831

Employee Status Forms: On motion by Councilman Alt, seconded by Councilman Watts, extension of employment of Alice Smith beyond the age seventy for purpose of the retirement system (CAPERS) was approved.

May 6, 1974

#836

On motion by Councilman Present, seconded by Councilman Watts, the following promotion was approved:

Frances Farrar, from Clerk to Assistant City Administrator, at the rate of \$600.00 per month.

#844

City Treasurer Pendleton invited new councilmen to join the Budget and Finance Committee meeting, or offered to go over the budget with them.

#847

Request for Reports on Permanent Improvement of 95th Street:  
Councilman Eddy moved that the Public Works Commission present to the Council sometime in the near future their thoughts, majority and minority reports, if necessary, on a permanent improvement to 95th Street; seconded by Councilman Watts. Following discussion concerning what was meant by majority and minority reports, Councilman Eddy withdrew his motion and requested, councilman to committee, that it be done. Councilman Chase moved that the Public Works Commission present a majority report and a minority report as to what they believe should be the nature specifically of the permanent improvement to 95th Street; seconded by Councilman Watts. Motion carried unanimously.

#895

On motion by Councilman Alt, seconded by Councilman Present, the meeting adjourned to Monday, May 20, 1974, 7:30 p.m.

#897

*William R. Judd*  
\_\_\_\_\_  
President of the Council

*Jane Lile*  
\_\_\_\_\_  
Council Reporter

Attest:  
*[Signature]*  
\_\_\_\_\_  
City Clerk

May 20, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, May 20, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen DeKinder, Henry, Chase, Watts, Judd.

Also present were: Police Chief Blume, Fire Chief Toman, City Attorney Winn, Charles Troppito, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Judd, seconded by Councilman Henry, the minutes of the meeting of May 6, 1974, were approved as submitted.

Visitors: J. E. Middleton, James Butler, Jerry Rushfelt.  
Member of the Press: Bob Savino.

OLD BUSINESS

#910

Resolution No. 318 - Authorizing Installation of Traffic Signalization at 89th and State Line: Councilman Judd reported the City was progressing with necessary funding and agreements to install the traffic signalization at 89th and State Line. A proposed resolution had been distributed. He said Kansas City, Missouri, would control the time sequence on the signal. Councilman Judd moved for adoption of Resolution No. 318 pertaining to traffic signalization at 89th and State Line; seconded by Councilman Watts. City Attorney Winn explained for new councilmen that this involved a four-way agreement with the City of Kansas City, Missouri, Kroh, and City Bond & Mortgage making capital contributions and Leawood making the payments on the light. In answer to question by Councilman DeKinder, Mayor Ballard stated there was no plan nor did this contemplate the opening of 89th Street across the creek. City Attorney Winn added that the City still owned a piece of land which would coincide with the road as it would go over the bridge. Resolution No. 318 was adopted. A copy is attached hereto as part of the record.

#935

Public Works Report: Mayor Ballard presented the request of Councilman Eddy and the Public Works Commission that \$500.00 be allocated for the purpose of making a traffic survey on 95th Street. Following discussion, the matter was deferred since Councilmen Eddy and Alt were not present.

#975

Discussion of Employee Overtime Pay: Mayor Ballard stated the City Attorney had submitted an interpretation of the new Fair Labor Standards Act. City Attorney Winn said the department heads had been made aware of the new law and they should now meet with their respective committees and prepare plans for their departments. Mayor Ballard said

May 20, 1974

Public Works employees were currently working 40 hours a week; Administrative employees currently 35 hours (so they could work an additional 5 hours without overtime); Police Department employees were scheduled 40 hours but the law states they would not have to be paid overtime until they put in 60 hours, so there is a policy decision to make; and Fire Department personnel are scheduled 56 hours and the law states they would have to be paid time and a half above 60 hours.

#998

CATV Report: Councilman Judd reported he had a letter from the manager of TeleCable of Overland Park, that they have 94 connections available in Leawood South and are progressing in that area and also in the Verona Gardens development. He said TeleCable was planning to make local television available for city issues, and suggested the Recreation Commission might be interested in this to promote the bond issue coming up June 25.

#### MAYOR'S REPORT

#1022

Discussion of Dedication of New Building: Mayor Ballard asked Councilman DeKinder to serve as chairman of the Dedication Committee, with Charles Troppito's assistance. City Attorney Winn was requested to ask Senator Dole to be the speaker at the dedication. A date and time for the dedication was discussed. It was agreed that it should be scheduled for June 21, 1974, at 3:30 or 4:00 p.m., with an alternate date of June 28, in case Senator Dole was not available on the 21st.

#1093

Expansion of Indian Creek Treatment Plant: Mayor Ballard stated the Environmental Impact Statement was available. Council members received a copy of Mayor Ballard's letter to the EPA. Mayor Ballard said it seemed clear that the EPA did not feel that the site should be a permanent facility, but there was no assurance that the current site would not become a permanent site. The Mayor said a temporary facility would best serve the interests of Leawood in that it would allow both Tomahawk and Indian Creek basins to develop with a hook up to Blue River interceptor and eliminate the present site. The matter was discussed.

#1139

Report on Expansion of 111th Street: City Attorney Winn reported the bids for the expansion of 111th Street from Nall to Roe were well within the engineer's estimate, and a contract would be let within the next few days.

#### NEW BUSINESS

#1147

Public Safety Commission Report - Application to Solicit - Youth Incentive, Inc.: Councilman Judd stated the application had been referred to the Public Safety Commission and they, in turn, requested an opinion of the City Attorney relative to how it fell under terms of charitable activities. Mr. Winn's letter dated May 14 stated City Ordinance 8-301 prohibited the practice of going in on private property

May 20, 1974

by solicitors unless first requested or invited to do so. Councilman Judd moved that the application of Youth Incentive, Inc. be disapproved; seconded by Councilman DeKinder. Motion carried.

#1163 Final Plan of Interstate Savings, 8000 State Line: Councilman Judd reported the plan had been submitted to the Public Safety Commission, and Public Safety had no objection to the plan.

#1167 Plans for Leawood South Shopping Center: Councilman Judd reported that from the standpoint of Public Safety the plan as presented did not indicate that there would be any excessive difficulty as far as traffic flow onto State Line and no particular problems for the Fire Department; therefore, it was approved by the Public Safety Commission.

#1173 Employee Status Forms: On motion by Councilman Judd, seconded by Councilman Watts, the following increase in pay was approved:

Donald E. Brazelton, from Probationary Patrolman to Patrolman, at the rate of \$775.00 per month.

On motion by Councilman Judd, seconded by Councilman Watts, the following increase in pay was approved:

Michael L. Stewart, from Probationary Patrolman to Patrolman, at the rate of \$775.00 per month.

#1188 Petty Cash Fund: Deferred since the Treasurer was absent.

#1191 Resolution No. 319 - Relative to Proposed Ordinance Concerning Johnson County Human Relations Commission: Gerald Rushfelt, Leawood's representative to the Johnson County Human Relations Commission, explained that the Human Relations Commission had been created for a period of four years expiring April 30, 1974, as a cooperative endeavor by the municipalities of Northeast Johnson County. He said the proposed ordinance was for enactment by the cities to continue the organization in effect. Mr. Rushfelt explained that the Human Relations Commission was a body consisting of representatives appointed by member cities who met on a periodic basis to consider, discuss, and make recommendations for the solution of problems arising out of discriminatory practices. He stated the revisions proposed were to help clarify the functions and update the ordinance. A proposed resolution outlining the changes to the enabling ordinance for the Johnson County Human Relations Commission had been distributed. The resolution and the changes were discussed. Councilman Watts moved for adoption of Resolution No. 319 authorizing that an ordinance be drawn up with the addition of the word "arbitrary" in the first sentence of Article II, Section 1, between the phrases "discrimination shall mean any" and "difference in treatment of persons"; seconded by Councilman Judd. Motion

#1337

May 20, 1974

carried. A copy of the resolution is attached hereto as part of the record.

#1347

Employee Status Form: Mayor Ballard presented the status form. On motion by Councilman Judd, seconded by Councilman Henry, the following employment was approved:

Dana Becker, Park Department laborer, at the rate of \$2.50 per hour, effective May 13, 1974.

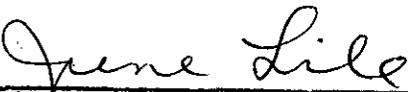
#1354

Resolution No. 320 - Approving Creation of Lateral Sewer District No. 4 in Indian Creek Sewer Sub-District No. 5: James Butler appeared before the Council in behalf of the extension of the sewer district. City Attorney Winn explained that the developers of the multi-family and limited office district at 111th and Roe needed to expand the existing sewer district and get a lateral district in so they could hook up. He emphasized that this was the County sewer system, not the Leawood sewer system. Mr. Winn read the proposed resolution approving the creation of lateral sewer District No. 4 in Indian Creek Sewer Sub-district No. 5. The matter was discussed. Councilman Judd moved for adoption of Resolution No. 320 approving the lateral sewer district; seconded by Councilman Watts. Resolution No. 320 was adopted. A copy is attached hereto as part of the record.

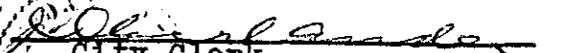
#1405

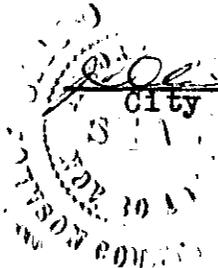
At 8:43 p.m., on motion by Councilman Chase, seconded by Councilman Watts, the meeting adjourned to Monday, June 3, 1974, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk



June 10, 1974

Minutes of a special meeting of the City Council of the City of Leawood, Kansas.

A special meeting of the City Council was held at 7:30 p.m. on Monday, June 10, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Mayor Ballard read a request for a special session to be held on June 10, 1974, for the purpose of handling the agenda attached, and waiver of notice of the special meeting signed by Councilmen Judd, Present, Watts, Alt, DeKinder, and Henry. Roll call was answered by Councilmen Henry, Alt, DeKinder, Watts, Present, Judd.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, City Treasurer Pendleton, Charles Troppito, the City Clerk, and the Council Reporter.

#1421 Minutes: On motion by Councilman Judd, seconded by Councilman Alt, the minutes of the meeting of May 20, 1974, were approved as submitted.

#1424 Visitors: Valerie Peterson, John Carper. Member of the Press: John T. Davis.

#### REPORTS

#1427 Treasurer: Mr. Pendleton stated the appropriation ordinances and petty cash fund would be discussed later in the agenda.

#1434 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Judd. Councilman Watts stated that in Case No. 272 the defendant should be John M. Watts, Jr.

#1445 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Watts.

#1448 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Watts.

#1451 Public Works Department: Mr. Gray's report was submitted. There was discussion that during heavy rains water from the city property and the vacant lot across Lee Boulevard ran down the back yards of houses on Meadow Lane. Valerie Peterson appeared before the Council and explained the problem. Councilman Judd suggested that the ditch west of Lee be made a little deeper and that drain tiles be cleaned out. Councilman Alt agreed to ask Phil Kline to take a look at it. Mr. Gray's report was approved on motion by Councilman Present, seconded by Councilman Judd.

#1535 At the request of Mayor Ballard, Councilman Present moved that the agenda be revised to consider the ordinance on

June 10, 1974

street improvements at this time; seconded by Councilman Alt. Motion carried.

#1539

Ordinance Providing for Improvement of Mission Road, 103rd Street, 123rd Street, and Lee Boulevard (First Reading): City Attorney Winn stated he had been informed by the City Clerk that no protest had been received with reference to improvement of Mission Road, Lee Boulevard, 103rd, and 123rd Streets; therefore, the Council should consider for first reading the ordinance dealing with intent to go forth with that work and publish notice to contractors that competitive bids would be taken. Councilman Judd expressed opposition to the proposed ordinance because he did not feel the people were given adequate forewarning that their taxes would be increased, that they should have the right to vote on any tax increase, that using a bond issue for such improvements was opening Pandora's box, and that certain developers would reap great profit from the improvement of Mission Road. Mayor Ballard stated when current revenue was evaluated versus needs, some of the main streets would have to be financed through bonds. Improvement of the streets was discussed. Councilman Alt moved that the City Engineer and the City Clerk be instructed to jointly proceed with notification to contractors of the City's intent to put these streets up for bidding on a certain date; seconded by Councilman Present. Motion carried, Councilman Judd opposed.

#### COMMITTEE AND COMMISSION REPORTS

#1658

Budget and Finance: Councilman Watts reported a Budget and Finance Committee meeting had been called for June 19 to involve committee and commission heads and department heads and go through budgets item by item. He reviewed estimated sources of revenue totaling a little over \$800,000, including estimated carryover of \$41,000. He said budget requests were something over \$900,000. There was discussion of maintenance of the proposed recreation complex.

#1798

Ordinance Committee - Ordinance Providing for the Cooperative Establishment of the Johnson County Human Relations Commission (First Reading): Councilman Judd presented the ordinance for first reading. He stated the word "arbitrary" had been inserted as suggested at the last meeting.

#1817

Parks: Councilman Alt read a letter of thanks from the Heart of America Soccer Association for the privilege of three Dallas teams playing a soccer tournament in Leawood Park on Friday, May 7, and for cooperation given them.

#1858

Plan Commission - Ordinance Accepting Easement in Verona Gardens (First Reading): Councilman Alt presented for first reading an ordinance accepting an easement in Verona Gardens. He explained that J. C. Nichols Company wished to install a twelve inch storm drain and drain boxes on the street, the cost to be borne by the developer. Phil Kline had examined the plan and determined that it met the requirements as far

June 10, 1974

as storm drainage was concerned. Councilman Alt recommended that the ordinance be accepted for first reading. The matter was discussed.

#1901

Public Safety - Employee Status Forms: On motion by Councilman Judd, seconded by Councilman Present, the following employment was approved:

Gary William McCauley, Probationary Firefighter, at the rate of \$700.00 per month, effective June 15, 1974.

On motion by Councilman Judd, seconded by Councilman Present, the following reclassification was approved:

Larry Eugene Smith, from Probationary Firefighter to Firefighter First Class, at the rate of \$725.00 per month, effective June 15, 1974.

#1923

On motion by Councilman Judd, seconded by Councilman Present, the following reclassification was approved:

Timothy Forrest Bowyer, Probationary Firefighter to Firefighter First Class, at the rate of \$725.00 per month.

#1931

On motion by Councilman Judd, seconded by Councilman Present, the following rate change was approved:

Nick L. Montee, Fire Inspector, from \$650.00 to \$730.00 per month.

Park Department - Employee Status Forms: On motion by Councilman Alt, seconded by Councilman Judd, the following summer employment was approved:

John S. Rector, summer laborer, Park Department, at the rate of \$2.50 per hour effective May 20, 1974, with increase to \$2.75 per hour effective June 10, 1974.

On motion by Councilman Alt, seconded by Councilman Watts, the following summer employment was approved:

Martin D. Slyman, summer laborer, Park Department, at the rate of \$2.50 per hour, effective May 29, 1974.

#1977

Public Works - Discussion of Methods of Assessment - Sidewalks and Gutters: Councilman Alt requested that this item be withdrawn from the agenda for further study. He said a survey was being made of the amount of gutters that need replacement in the City.

June 10, 1974

#2011

Public Works - Discussion Relative to Funds for 95th Street Traffic Count: Councilman Present stated that to facilitate the investigation relating to the type of street 95th Street should be, the Public Works Commission unanimously recommended that a traffic count be taken on the street, and asked the Council to approve \$500.00 from the General Operating Budget. He said machines would be borrowed from Prairie Village and Overland Park, each count to be taken for twenty-four hours on two or three days, as recommended by Phil Kline. Councilman Judd noted that the last traffic count was taken in 1970. Mayor Ballard stated just counting the cars was not enough information, that he would like to have a traffic engineer state what it would cost and make a proper survey. He said there were many factors involved that were not related to the number of cars passing a particular point. Councilman Present said Virgil Holdredge had said he would be glad to lend as much assistance as possible to the City of Leawood to determine what to do with 95th. Councilman Present said he felt it was of prime importance to take the traffic count as soon as possible before a lot of people leave town on vacation. Councilman Judd said he felt a traffic count was a very logical first step to be taken. The matter was discussed, including what the traffic count would include for \$500.00. Mayor Ballard expressed doubt that Mr. Kline could do the job that needed to be done for \$500.00. Councilman Alt suggested that Mr. Kline be asked to come to the next Council meeting to talk about the traffic count. Councilman Judd moved that the Council approve the appropriation of \$500.00 for a traffic count on 95th Street as proposed by the Public Works Commission assigned to start the project; seconded by Councilman Present. Following further discussion concerning use of the traffic count figures, motion carried, Councilman DeKinder opposed. Councilman Henry suggested in the interest of educating new councilmen that Mr. Kline attend the next meeting to tell what he was going to do and what he proposed to do with the figures and how the City might best use them. Mayor Ballard assured the Council he would have Mr. Kline at the next meeting because he wanted to have it in the record what the City was going to get.

#2195

#2288

#### MAYOR'S REPORT

#2310

Donation from Leawood Woman's Club: Mayor Ballard read a letter stating that the Leawood Woman's Club was designating \$660.00 from its 1974 philanthropic fund for the Leawood Recreation Commission to be held in escrow until such time as the Commission was functioning and in need of funds. Mayor Ballard noted that the Leawood Woman's Club had also donated \$300.00 for screening the parking lot of the Police and Court Building.

#2323

Invitation to Open House - City of Olathe: Mayor Ballard read an invitation for the Mayor and Councilmen to attend an open house at the new facility of the City of Olathe on Thursday, June 13, from 7:00 to 9:00 p.m.

June 10, 1974

#2338

Response from EPA re Indian Creek Treatment Plant: Mayor Ballard stated the response indicated Region 8 District Director Swore and his staff were in favor of Indian Creek being a temporary facility that would ultimately be utilized for nothing but treatment during high periods of infiltration. The Council discussed the installation of a sewer line presently in progress on Mission Road. Mayor Ballard said it was to relieve the pump station at the Prairie Village Maintenance Building.

OLD BUSINESS

#2405

U. S. General Accounting Office Response to Resolution No. 310: Councilman Judd reported a reply had been received to this Council's Resolution No. 310 concerning a review of the figures for the Tomahawk Reservoir, in essence stating the General Accounting Office had rejected the resolution. Councilman Judd invited councilmen to sign a petition expressing opposition to the proposed Tomahawk Reservoir.

NEW BUSINESS

#2422

Petty Cash Fund: Deferred to the next meeting.

#2431

Dedication of the Police and Court Building: Councilman DeKinder asked for suggestions as to the invitation list. He said the dedication would be on June 28th, and that he was awaiting confirmation from Senator Dole's office but Representative Winn would speak in the event Senator Dole could not. Mayor Ballard suggested that Busch Voigts be asked to organize a parade.

#2480

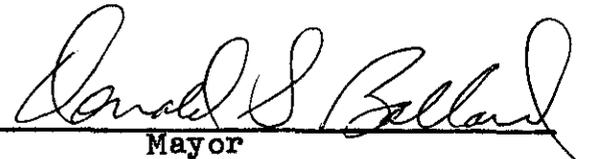
Appropriation Ordinances: Nos. 329A and 318S in the amounts of \$101,123.36 (including \$40,000.00 in investments) and \$650,523.87 (including \$600,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.

#2555

Request for Permission to Distribute Advertising Material - Recreation Commission: On motion by Councilman Present, seconded by Councilman DeKinder, the request of the Recreation Commission to distribute literature in the City was approved.

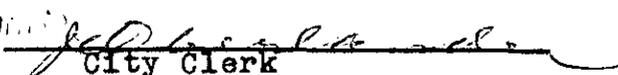
#2580

At 9:45 p.m., on motion by Councilman Present, seconded by Councilman Judd, the meeting adjourned to Monday, June 17, 1974, 7:30 p.m.

  
Mayor

  
Council Reporter

Attest:

  
City Clerk

June 17, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, June 17, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Eddy, Chase, Watts, Present.

Others present were Police Chief Blume, Fire Chief Toman, City Treasurer Pendleton, Charles Troppito, the City Clerk, and the Council Reporter. City Attorney Winn arrived at 9:48 p.m.

Minutes: On motion by Councilman Alt, seconded by Councilman Henry, the minutes of the meeting of June 10, 1974, were approved as submitted.

#2597

Visitors: Mr. and Mrs. Einar Swanson, R. R. Tighe, Mr. and Mrs. Charles C. Bratton, Howard Van Cleave, C. E. Stephens, Mr. and Mrs. Homer M. Babcock, Raymond E. Rowland, Mr. and Mrs. William F. Stone, Mr. and Mrs. C. G. Williams, Mr. and Mrs. L. B. Frerker, E. F. Parisi, Pat Tergin, Mr. and Mrs. Russell Bowland, A. V. Holman, E. R. Jaben, Mr. and Mrs. Nathan Rosenthal, Dr. and Mrs. Harry E. Webb, James R. Bird, Mr. and Mrs. W. A. Granquist, Mr. and Mrs. Robert J. Graeff, Mr. and Mrs. M. T. Harriman, Pat Staniforth, Mr. and Mrs. F. V. Newell, Mr. and Mrs. Darrell Jansa, Mr. and Mrs. William E. Mears, Mr. and Mrs. Jim Lechtenberg, Mr. and Mrs. Tom Braaten, Mrs. Sherman A. Creson, Gary Krings, E. J. Holland, Jr., Mr. and Mrs. Sid Bilyeu, Lowell M. Park, K. Dale Ireland, Leonore Vandegrift, Mr. and Mrs. J. V. Robinson, Robert E. Ervin, Stew Heller, Gene Kroh, John H. Moffitt, Joseph S. Davis, Jr., Saul Ellis, C. W. Stratford, Gary Corser, Loren Drews, Bill Shafer, Marvin P. Richmond, Alan Feingold, Virgil H. Pollock, Phil Kline. Member of the Press: Bob Savino.

#2615

Councilman Henry moved that the agenda be revised to consider the Plan Commission business at this time; seconded by Councilman Watts. Motion carried.

#2622

Councilman Alt moved that the Kroh-Moffitt item be moved to the head of the Plan Commission portion of the agenda; seconded by Councilman Henry. Motion carried.

#2632

Plan Commission - Kroh-Moffitt Development Company Application For Planned Business Zoning - 128th and State Line Road:  
Councilman Alt reported that on May 28th the Plan Commission voted to recommend that the City Council grant the Kroh-Moffitt Development Company requested Planned Business District B-1 zoning classification as stated in the proposed ordinance which Mr. Alt read. Gene Kroh, partner in Kroh-Moffitt Development Company, introduced his partner, John

June 17, 1974

Moffitt, and John Granstedt, architect for the proposed Planned Business development. Mr. Kroh reviewed the history of the development of Leawood South. He displayed the over-all plan developed by Hare and Hare at the time a feasibility study was made of the Bruce Farm, which became the plan that was adopted for Leawood South. He indicated an area which he said sales plats showed as reserved for commercial and limited office area. He said the general plan was for a golf course development with single family lots, some areas for multi-family units, a small planned business district, and limited office district. He said he went through the Plan Commission and City Council in the early part of 1967 with this plan and all the engineering plans, and in 1969, he came to the Plan Commission for multi-family zoning for two areas, and plans were approved for garden apartments. He said later they came back and amended the first plan so that Tract F was changed to a townhouse plan. He said the land use map adopted by the City in about 1969 showed limited office district, planned business use, multi-family, and single family. Mr. Kroh showed a map of the present zoning *pd.* of the area showing multi-family, limited office district, and planned business district on Tracts G and H. He said the present zoning on the Missouri side was C-1 (commercial).

#2856

Mr. Kroh stated they had met with the Plan Commission on November 26, 1973, with preliminary studies of the proposed planned business district; explained the plans at a meeting of the Leawood South Homes Association; sent required legal notices and appeared before the Plan Commission on March 25 at which time the proposal was referred to subcommittee for report; the subcommittee made its report to the Plan Commission on April 22, 1974; discussed the report and resolved questions raised by the report at a Plan Commission meeting on May 28, and the plan was approved by a majority vote.

#2998

Robert Lee Bell of Hare and Hare displayed the master plan of Leawood South approved by the City in 1967. He said there was only slight rearrangement of the plan for what was presently being presented, and he felt the shopping center was a natural addition to the area approved by the City in 1967. Mr. Bell said the initial plan was that the area would be offices; the plan now was that it would be small commercial, a closely associated use.

#3091

John Granstedt presented the plans on the first phase of the shopping area, to be small shops. He said the total area involved in Phase 1 was 22,700 sq. ft.; Phase 2, 4,050 sq. ft.; Phase 3, 73,200 sq. ft., including service, corridors, malls, etc. He said it would be a little bit smaller than the first phase built at Ranch mart in 1956. There would be parking for 513 cars in Phase 3, 12 cars in Phase 2, and 116 cars in Phase 1. He said the plans were within requirements established by ordinance for parking, open court area, and land coverage. The relative size of the center was discussed.

#3354

There was a short recess to change the recording tape.

June 17, 1974

Kroh-Moffitt Development Company Application for Planned Business Zoning (continued): Councilman Alt stated the Plan Commission had considered the plan in light of the ordinances and all other considerations normally taken into account, and based upon this, it was approved for recommendation to the Council. The plans for Phases 1, 2 and 3 were discussed. Councilman Alt reminded the Council that the City was not being asked for approval of any phase of a plan, but for zoning of the entire tract of land for all phases as a Planned Business District. The Council examined the plans and discussed them with Mr. Kroh, including location of residences and other properties in the area on both sides of State Line. Mr. Kroh stated all sales brochures carried the plan and it was a matter of public knowledge that they did intend to some day develop some type of neighborhood shopping center on the corner and something a little bit larger to the south of it, next to the present State Line Airport.

#114

Joe Davis, attorney for the developers, stated they were requesting zoning for the entire tract as planned ~~usage~~ <sup>by residential district</sup> which would require them to come back with their final plans for Phases 1, 2, and 3. He urged that the merits and the relative reasonableness of the zoning requested by the landowners be considered. He said from the inception of Leawood South it had been patently clear that this was intended to be used as business zoning, and that the owners were entitled to use their land in a reasonable manner. *J.D.*

#144

Mr. Kroh summarized by saying they had a big investment out there and did not want to commit financial hary-cary as far as sale of the rest of the property and resale of the existing property was concerned. He said he thought zoning matters should be resolved not in a political or emotional light, but as to whether or not it was good planning in the best interests of the area.

#156

Mrs. Jeanette Harriman, 12747 Overbrook Road, presented to the Council petitions which she said contained signatures of 312 residents of the area on the Kansas and Missouri sides opposing the proposed commercial zoning for a shopping center at the Leawood South exit. The petitions are on file in the office of the City Clerk. Mrs. Harriman said she was speaking for Citizens for Residential Preservation of State Line. She said they were against the pollution, vandalism, and traffic hazards at the exit of Leawood South but were not opposed to a shopping center farther south. She said the Missouri side was commercially zoned but residentially developed and they wanted to keep it that way. She said it was not good for the residents in the area; that they were not told about the shopping center at the entrance. She said a filling station was included in Phase 2 and they definitely did not need or want a filling station in the area. She said once this was spot zoned at the entrance, it would decay and eat farther north on State Line and would take away from the value of their homes. She asked the Council to vote no on the rezoning of this area.

June 17, 1974

- #187 Einar Swanson, 12759 Overbrook Road, recommended that the Council consider requiring that notices be sent to everyone within 1,000 feet for future zoning, and said he feared development of a strip center as there was another request before the Plan Commission. Bill Stone, 12763 Overbrook, said they purchased their home last July and at that time were never shown any plans where there was going to be a shopping center between 128th Street and the airport. He said he didn't think anyone there needed the shopping center.
- #216 Lee Frerker, 12727 Overbrook Road, said he hoped the Council would look at the matter from the standpoint of the residents who moved into Leawood South for the green spaces and a nice place to bring up their children. Frank Newell, 910 Carnoustee Drive, stated he bought his house from the Moffitt Company and was told at that time the zoning was low rise non-commercial in Leawood South directly facing Carnoustee Drive. Darrell Jansa stated six months ago when he purchased a home at 12745 Overbrook the Kroh-Moffitt representative stated the land back of the lot was unzoned; he said he would not have purchased the land if he thought there was any chance of a shopping center there. The classes of zoning were discussed. Therese L. Webb, 12769 Overbrook Road, stated when they bought their home in November, 1973, they were told there would eventually be a shopping center where the State Line Airport is located, and were not told of the possibility of this shopping center.
- #229 James Robinson, 12728 Overbrook Road, said increased traffic would increase the number of possible accidents. Richard Tighe, 12616 Oakmont Drive, representing the Blue Hills Homes Association, objected to the traffic hazard, the noise and nuisance promulgated by such a shopping center, and the loss of esthetic value. Joseph Shaughnessy, Jr., Kansas City Councilman, said one of the concerns he would bring from the Missouri residents was that the business zoning would scatter in a linear fashion. He said while the Missouri side was zoned commercial, it was being developed residential. Mayor Ballard assured Mr. Shaughnessy that Leawood was concerned about State Line and was most eager to cooperate wherever it could. Councilman Alt stated in answer to a question by a lady that the airport land was unzoned as far as the City was concerned. E. J. Holland, attorney representing Klapmeyer Estates, suggested that all would be well served if the residents of the two states were formed into a bi-state or bi-city commission to make recommendations to both cities for a planned development which would meet the needs and desires of the people residing there. Jean Graeff pointed out that no citizens in the group present were in favor of the proposed shopping center, that it was not for the citizens' benefit but for business.
- #248
- #262
- #297
- #308
- #315
- #339
- #367
- #378

#418 Procedure on the ordinance was discussed. Mayor Ballard explained that an ordinance was before the Council for first reading. Councilman Present moved that the application for B-1 zoning of Tracts G and H, 2nd Plat Leawood South, be turned back to the Plan Commission for further consideration; seconded by Councilman Henry. Following discussion concerning whether or not the motion was proper, it was withdrawn.

June 17, 1974

#515

Proper procedure on ordinances was discussed. Councilman Present then moved that the Council declare an emergency for the purpose of voting one way or the other on the ordinance for zoning of Tracts G and H, 2nd Plat Leawood South; seconded by Councilman Henry. Following discussion as to whether or not declaration of an emergency was a proper action, motion failed by vote of 2 to 5. It was announced that the ordinance would be considered for second reading and vote at the next council meeting.

There was a five minute recess at 10:02 p.m. as persons interested in the zoning application left the council chamber.

#576

Huntington Farms Final Plan: Councilman Alt reviewed that the Huntington Farms property had been zoned as multi-family and as limited office district. He said the final development plan on the multi-family dwellings was now being presented and the Plan Commission had recommended approval. Gary Corser, land planner and landscape architect, presented the final plan and answered questions of councilmen. He said they were seeking final plan approval for the first phase of the planned multi-family residential area only, incorporating about 43 of the for-sale townhome units with parking for 233 cars on approximately 12.75 acres, including club area, pool and tennis court facilities, as well as the covered parking areas for boats and campers. He said complete plans had been approved by the Plan Commission, and grading, platting, utility, sanitary and storm sewers, and lighting plans had been approved. City Attorney Winn stated the main purpose of this presentation was to determine whether the final development plan was in substantial conformance with zoning as granted. Mr. Corser said the two plans for all practical purposes were identical. Streets were discussed, including the plan for construction on 111th Street.

#675

Councilman Alt moved that the Council approve the Huntington Farms final development plan for the multi-family zoning previously granted by the City Council; seconded by Councilman Henry. Motion carried.

#689

Interstate Federal Savings & Loan Association Final Plan - 8000 State Line Road: Councilman Alt stated the Plan Commission had reviewed the plans and recommended approval of the final plan as submitted by Interstate Federal Savings & Loan Association for 8000 State Line. He said the plans had been reviewed by the Public Safety Commission and approved subject to clarification of points covered in an attached letter from the applicant. A variance had been granted by the Board of Zoning Appeals to reduce the required number of parking spaces and to reduce the setback requirement on the south side; however, in plans presented the setback variance would not have been required. Councilman Alt read from a letter by Phil Kline stating the site plan was satisfactory with dimensions as related by Mr. Feingold over the telephone. Alan Feingold presented the revised site plan with the dimensions requested by Phil Kline. He

#718

June 17, 1974

said there was now 180 feet of green area behind the parking lot. The plans were examined and landscaping of the green area discussed. John Granstedt stated the committee architects who reviewed the plans considered the building to be residential in character. It was confirmed that there would be no parking or blockage in the north driveway. Chief Blume stated the cash box could not be connected to the Leawood police station as the station was not manned 24 hours a day. Councilman Alt moved that the Council approve the Interstate Federal Savings & Loan Association final plan as submitted for 8000 State Line, subject to presentation to the City Council of a landscape plan and a timetable to be approved by the City Council prior to the issuance of any building permit; seconded by Councilman Chase. Motion carried.

#905

OLD BUSINESS

#917

Ordinance Providing for the Cooperative Establishment of the Johnson County Human Relations Commission (Second Reading): Deferred to the next meeting.

Public Works - Discussion re Methods of Assessment for Curbs and Gutters: Deferred.

#925

Councilman Alt moved to take up the second reading of the ordinance accepting easement in Verona Gardens at this time; seconded by Councilman Watts. Motion carried.

#928

Ordinance No. 455 - Accepting Easement for Utility Purposes In Verona Gardens (Second Reading): Councilman Alt moved that Ordinance No. 455, accepting an easement for utility purposes from J. C. Nichols Company, be approved as written. Ordinance No. 455 was adopted unanimously.

#935

Ordinance No. 456 - Providing for Improvement of Main Trafficways (Second Reading): Councilman Alt moved for approval of Ordinance No. 456 providing for improvement of Mission Road, 103rd Street, Lee Boulevard, and 123rd Street. Ordinance No. 456 was unanimously adopted.

#942

Discussion Relative to 95th Street Traffic Count: Mayor Ballard reviewed that \$500 had been appropriated at the last Council meeting for a traffic count on 95th Street. Phil Kline was present to discuss what the City was to get and Mr. Kline's recommendations as to what to do with the information. Phil Kline stated he could see only one reason for having a traffic count taken and that was to try to find some means other than emotions to justify whether or not to do anything to 95th Street. He said the count would give some volumes of traffic, peak hour loads, from which his firm, although they were not traffic engineers, had the expertise to give advice on what should be the width of 95th Street. He added that he did not think the City needed a traffic count; that there was one made by a completely independent source in 1970-71 for the County. Mr. Kline said he could recommend placement of traffic counters, read them at appropriate periods, and give some

June 17, 1974

data and recommendations. But after looking at the traffic counts that were reported in the 1970-71 survey, and with his own limited understanding, he felt sure he could tell the Council now that 95th Street warranted four-lane construction. He said he did not recommend the City spend \$500 for a traffic count. However, his firm would do the work on an hourly basis not to exceed \$500. He said he had not reviewed all the details of the 1970-71 survey. Councilman Present stated the reason the Public Works Commission requested a traffic count was to have an up-to-date count to find out how much more traffic was now on 95th than before. Mr. Kline said if the City wanted a traffic survey of the same comprehensive nature as the 1970-71 report, he would recommend that a traffic engineer be employed to do that, not his firm. Councilman DeKinder asked Mr. Kline, in his opinion, would the spending of the \$500 which would not take into consideration the number of automobiles turning off 95th Street, what direction they were traveling, or number of people using other intersections and other streets, be a waste of the \$500? Mr. Kline stated in his opinion, yes. The matter was discussed at some length. Councilman Chase's motion to refer the matter back to the Public Works Commission was subsequently withdrawn. Councilman Henry said the old traffic count was three or four years old, he thought a new count would be informative, and for a maximum of \$500 the City should go ahead and get some up-to-date figures, and moved that the Council authorize the traffic count by Mr. Kline at a cost not to exceed \$500; seconded by Councilman Alt. Following further discussion, Councilman Henry's motion carried by vote of 4 to 3.

#1168

NEW BUSINESS

#1219

Petty Cash Fund: Deferred.

Public Safety - Comments on Preliminary Presentation of Land Use Plan: Deferred.

#1225

Public Safety - Request for Assistance - Drug Enforcement Administration of U. S. Justice Department: Councilman DeKinder reported that the Public Safety Commission recommended that Chief Blume prepare the necessary paper work to provide for application for temporary employment for the Drug Abuse Law Enforcement team member at no cost to the City. Councilman Alt clarified that the City would not be committed to keep the man on the payroll. Councilman DeKinder stated the City would not receive direct use of the person, rather the City was a funneling device so the Federal Government could have the man. Councilman DeKinder moved that the Council recommend that Chief Blume submit the necessary paper work to provide for the employment of the Drug Abuse Law Enforcement member; seconded by Councilman Alt. Motion carried.

Recommendation on Communications Recording Equipment Bid Acceptance: Deferred.

June 17, 1974

#1243

Employee Status Form: Councilman DeKinder moved that the resignation of Paul F. Arnold, Firefighter, be accepted effective June 30, 1974; seconded by Councilman Watts. Motion carried.

Ordinance re Investment of Certain Temporarily Idle Monies (First Reading): Deferred.

#1255

Approval of Storm Windows and Shutters for City Hall, and Redwood Fence: Mayor Ballard stated estimates had been prepared for several items for the City Hall building, including storm windows in the amount of \$787.62, and asked that this be approved, to be paid from the Public Works rent account. John Granstedt stated storm windows would improve the appearance of the old building and help with a heating problem. He also recommended that shutters be purchased in the amount of \$284.00, and that a redwood fence be installed to run the length of the parking lot plus a few feet to protect any glare from automobile lights as they pull into the parking lot. He said the lowest bid was \$419.96 from Burge Fence. In view of the hour, other recommendations on a sheet distributed were deferred to the next meeting. Councilman Alt moved that the City purchase redwood fence from Burge Fence Company for \$419.96, that storm windows be purchased for \$787.62, and shutters for the windows in the amount of \$284.00; seconded by Councilman Eddy. Motion carried.

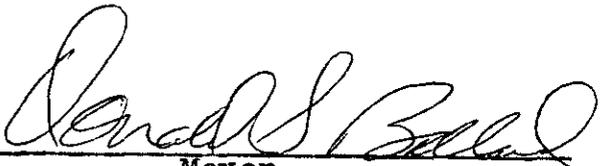
#1305

Councilman Eddy requested that soap dispensers be purchased for the new building.

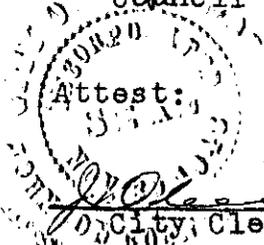
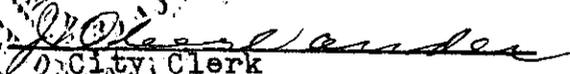
#1310

At 11:45 p.m., on motion by Councilman Chase, seconded by Councilman Eddy, the meeting adjourned to Monday, July 1, 1974, 7:30 p.m.

#1322

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

  
Attest:  
  
\_\_\_\_\_  
City Clerk

July 1, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, July 1, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Watts, Present.

Others present were Fire Chief Toman, City Treasurer Pendleton, Captain Sellers, Charles Troppito, Will Gray, John Granstedt, the City Clerk, and the Council Reporter.

Minutes: Councilman Alt proposed that the minutes of June 17, 1974, be amended by deleting the words "zoning of the" from the twentieth and twenty-first lines of the first paragraph on page 1750, and that the word "usage" in the second line of the second paragraph on page 1751 be changed to "business district". On motion by Councilman Present, seconded by Councilman Alt, the minutes of the meeting of June 17, 1974, were approved as amended.

Councilman Eddy entered the meeting during discussion of the corrections to the minutes.

Visitors: Alva R. Shirk, Mr. and Mrs. W. A. Granquist, Leroy Ganser, Mr. and Mrs. Newell Wright, Anna Larkin, George Mosen, Lowell Pack, Mr. and Mrs. C. O. Westring, George E. Burket, Jr., Mr. and Mrs. George B. Roth, Clarine Selzer, W. D. Cox, Dick Conley, Mr. and Mrs. R. Seitter, Audrey Van Ness, Mr. and Mrs. J. J. Bruce, Mr. and Mrs. K. Dale Ireland, Henry D. Ordway, Mr. and Mrs. Milton W. Kelly, Sally Meehan, Joan and Grant Ragsdale, Earl Watson, Mr. and Mrs. Bill Deam, Mrs. Thomas S. Reid, Mrs. R. A. Easterday, Mr. and Mrs. Donald E. Foley, Mike Gurera, Tom Braaten, H. J. Edwards, Jr., Pat and Chuck Bratton, Mr. and Mrs. Victor B. Hester, Mrs. R. A. Hernandez, Phil Kline, Mr. and Mrs. S. A. Creson, Mr. and Mrs. Herman Habler, J. A. Brown, Elmer Swenson, Mr. and Mrs. Don Anderson, Mr. and Mrs. Jeffrey Langner, C. E. Stephens, Mr. and Mrs. Thomas L. Edgar, Jr., Evelyn B. Bolin, Mr. and Mrs. H. Floerke, R. G. Oglesby, Mr. and Mrs. C. G. Williams, Leonore Vandegrift, Robert D. Martin, Mrs. J. V. Stewart, Mr. and Mrs. Lawrence Jaben, Darrell Jansa, James H. Johnson, Homer and Vera Babcock, Mrs. John Hodes III, Mildred Lundine, Mr. and Mrs. Bill Willming, Mr. and Mrs. John Doerter, Mr. and Mrs. H. L. Roberts, Hyman Goldfinger, Mr. and Mrs. James W. Gustafsen, Stewart Heller, Mary Donnelly, Sally Lindemood, Betty Vaal, Carol Conley, Mr. and Mrs. Nathan Rosenthal, M. T. Harriman, Mrs. George E. Burket, Dr. and Mrs. A. Aleti, Mr. and Mrs. Harry Webb, Kenneth M. Cox, Paul F. Selzer, Judy Kelly, Einar Swanson, Vernon A. Glidden, Elmer Selonke, Lorraine Stephens. Member of the Press: Bob Savino.

July 1, 1974

Councilman Henry moved that the agenda be revised to consider the Plan Commission report at this time; seconded by Councilman Alt. Motion carried.

#1373

Plan Commission - Ordinance Zoning a Certain Tract as Planned Business District (Second Reading): Councilman Alt read the ordinance zoning Tracts G and H, 2nd Plat Leawood South Subdivision, as Planned Business District B-1. Councilman Alt moved that the ordinance be adopted as recommended to the Council by the Plan Commission. Ordinance failed by vote of six nay votes.

#1428

Councilman Alt then moved that the zoning application concerning Tracts G and H, 2nd Plat of Leawood South be returned to the Plan Commission for further consideration pursuant to ordinances and state statutes with the following reasons for disapproval: (1) that although it was represented to the Governing Body that some form of approval was given to commercial zoning at 12800 State Line Road, the minutes of the City Council meeting of December 18, 1967, indicated only that the plat was approved and no mention was made of any specific or potential uses of any parts of the area; (2) that proper consideration was not given to protecting the dignity and the character of the entrance of Leawood South with proper buffering and screening; (3) it would further appear that further consideration needs to be given to the change in the traffic patterns that will be created on State Line Road, 128th Street, and Sagamore Road; (4) Phase 1 is not considered to be a slight deviation from Limited Office as referred to by the proponent, but a major one, and is not in the best interests of the adjoining property owners and the City of Leawood; (5) the establishment of retail commercial zoning in the area of Phase 1 may possibly precipitate the concept of strip zoning along State Line Road, which concept is not favored by this Council or past councils and is not in the best interests of adjoining property owners or the City at large; (6) the Phase 2 portion of the application, which appears to be a service station, is totally incompatible with the existing residential area and is not in the best interests of the adjoining property owners and the City at large; (7) City Ordinance 15-404(c)7 provides that the City Council must find that the uses within the Planned Business District will not adversely affect the appropriate uses of abutting properties or endanger the public health, safety or welfare. The Governing Body, based upon the application which it has considered, cannot make such a finding at this time; seconded by Councilman Henry. Councilman Present said he was basically in favor of the motion but he would not commit himself to all the things in it. Following discussion, motion carried, Councilman Present voting nay.

There was a five minute recess as persons interested in the zoning ordinance left the council chamber.

July 1, 1974

#1506

Councilman DeKinder moved to change the agenda to consider the presentation by District Attorney Margaret Jordan and the Johnson County Drug Squad at this time; seconded by Councilman Watts. Motion carried.

#1523

Presentation by The Johnson County Drug Squad: District Attorney Margaret Jordan introduced Sheriff Allenbrand, Project Director, Charles Stump, Chief of Police of Shawnee and member of the original drug board, Roy Miller, director of the drug group, and Al Wrinkle, newly appointed member of the city-county investigative group. Sheriff Allenbrand stated their purpose in appearing before the Council was to hopefully get the City of Leawood to support the proposed city-county drug investigative unit in concept and financially. He said they had just completed a one-year operation of a Federally funded drug training squad and a metropolitan Johnson County enforcement group was being proposed to continue the operation. He said a \$164,552 grant had been received from the Federal Government, \$91,000 had been committed by the County, and \$100,000 was being sought from the various cities in Johnson County. He said all the cities except Leawood had endorsed the project in concept. He said they would like to have from Leawood the commitment of a City police officer to work with the squad from now until June 30, 1975. He added that cash or equipment could be accepted. Sheriff Allenbrand said the body was being set up under the control of a separate user control board, consisting of three police chiefs, the sheriff, and the district attorney, to insure continuity. Mrs. Jordan said the investigators would be assigned on a rotation basis from the local departments but nobody would be employed by the city-county investigative group. She said recent experience of the drug squad had shown that the most important attribute of the whole operation was being able to combine the legal advice and case preparation of the District Attorney's office with the countywide jurisdiction of the Sheriff's office, implemented by the eyes and ears of the local police departments. Mrs. Jordan said the officer from Leawood would still be a commissioned officer of the City of Leawood, but his duty assignment would be the city-county investigative group. Councilman Watts commented that the City budget was pretty tight and that the Council was concerned that this was creating something that was not sensitive to the voters.

Sheriff Allenbrand said they were not suggesting that cities take anything away from their existing law enforcement operation. He said the project was proposed for a three year operation. Mrs. Jordan said legislation was being proposed to enable Johnson County to vote in a law enforcement levy that would support county wide services such as the laboratory, communications, administrative computer services, and the city-county group on a permanent basis. Operation of the squad was discussed. Mr. Wrinkle said he did not believe there was any way any city in Johnson County could adequately handle its drug problem alone. Councilman DeKinder stated the Public Safety Commission had not approved

July 1, 1974

or disapproved the request but merely asked that the Council hear the presentation. Sheriff Allenbrand said other federally funded programs and other agencies were concentrating on areas that were important to Johnson County yet they were not getting to many areas of illicit drug traffic in Johnson County. Mrs. Jordan said because of very little centralization of function in Johnson County it was particularly inhibiting in law enforcement. Roy Miller reported the figures on activities of the drug squad during the past year. He said they convicted eighty per cent of the people charged, but ninety-nine per cent were paroled. The need for rehabilitation was discussed. Sheriff Allenbrand said rehabilitation and educational programs were beyond the resources of local law enforcement. Mrs. Jordan said law enforcement by itself was not the answer, but there was a very great deterrent value in terms of users or casual distributors in having to go through the judicial process. She said they would continue to make an aggressive effort with the courts to put the true criminal drug offenders where they cannot deal. The problem of paroles, rehabilitation, and repeated offenders was discussed. Mrs. Jordan said the drug squad in Johnson County had caused the price of drugs to substantially increase, hopefully out of reach of some children. The composition of the committee and its responsiveness to the voters was discussed further. Mayor Ballard said he knew the drug squad needed more help; however, the City was in a situation where it needed more police officers also and money was unbelievably tight. He said the matter would probably be referred to the Public Safety Commission for consideration in view of financial priorities.

#2073

Councilman Eddy moved for a change in the agenda to consider bids for street improvements at this time; seconded by Councilman Henry. Motion carried.

#2080

Consideration of Bids for Street Improvements: Phil Kline stated four bids had been received, as follows:

Reno Construction Company	\$107,087.62
Forbes Construction Company	\$112,916.80
Union Construction Company	\$115,055.40
Southwest Asphalt Company	\$123,474.00

He said the engineer's estimate was \$129,990.00. He recommended that the contract be awarded to the low bidder, Reno Construction Company. Mr. Kline reviewed the streets included in the bids. Councilman Alt said the bonds voted included authorization for Mission Road out to 151st Street, but a mile or so from 143rd Street south was pulled out as there was a bad bridge out there and it was the recommendation of the City Engineer that until such time as the bridge situation was evaluated this section not be done. It was pointed out that the total bid was for main trafficways to be covered by issuance of bonds as well as residential streets to be paid from the Motor Fuel Tax Fund. Mr. Kline said the

July 1, 1974

#2248

amount in the bond package for the main trafficways could be easily defined when the project was completed. Mr. Kline clarified that the bids did not include the south mile of Mission Road. Councilman Alt moved that the bid as submitted for the 1974 street improvement program be awarded to Reno Construction Company for the amount of \$107,087.62; seconded by Councilman Eddy. Motion carried.

Councilman Eddy moved that the Council consider at this time the resolution reference sanitary sewer connections for Mark Lane Subdivision; seconded by Councilman Alt. Motion carried.

#2273

Resolution No. 321 - Relative to 18 Sanitary Sewer Connections for Mark Lane Subdivision: Mayor Ballard reviewed that the Council had previously passed a resolution whereby the City would not sell sewer connections in advance; however, he felt that the resolution presented for the 18 sewer connections for this particular subdivision from the standpoint of the developer was essential. Mrs. Chadwick, representing the developer, said without the connections the development could not proceed, and asked that the Council allow them to buy the sewer connections and they would proceed as quickly as possible. Councilman Alt read Resolution No. 303 resolving that the remaining sanitary sewer connections would be sold on an individual basis in conjunction with the purchase of a building permit for a definitely prescribed property, and that the connection be made within one year from the date of City approval of the application. The matter was discussed. Councilman Alt moved that Resolution No. 321 be approved as corrected in the second paragraph by deleting the words "for the exclusive use of Jay Realty and Development Company. Provided, however, sale of said sanitary sewer connections shall be", and deleting the whole third paragraph; seconded by Councilman Eddy. Resolution No. 321 was adopted. A copy is attached hereto as part of the record.

#2413

#2463

At 9:30 p.m., Councilman Eddy asked to be excused from the meeting as he had to leave town very early in the morning. Before Councilman Eddy left, Councilman Alt confirmed with him that he was on record as a member of the Public Works Commission as wanting the curbs and gutters to be paid for by abutting property owners. Councilman Eddy said he would like also to be on record that the list of curbs and gutters distributed this evening was not anywhere near the scope of what would have to be replaced.

#2486

Discussion of Methods of Assessment for Curbs and Gutters: Councilman Alt moved that the matter of curbs and gutters be moved up on the agenda; seconded by Councilman Present. In view of consideration of the budget at this meeting, Mayor Ballard asked that it be deferred. City Attorney Winn said he thought he could expedite the matter by preparing a synopsis of methods of financing from a legal standpoint. Councilman Alt said a survey had been made of the curb

July 1, 1974

replacement plan of the City for the next five years and there were roughly 3,000 feet of curbs that should be replaced, about 600 feet a year, and the recommendation of the Public Works Commission was that the replacement of the curbs and gutters come out of the Motor Fuel Fund, and that the citizens not be assessed nor a benefit district created, on the basis that once curbs, gutters and streets are put in and properly accepted by the City the people have paid for them once. Councilman Present said the Council should consider it for fast action because some of the streets were being overlaid. The motion and second were withdrawn. Discussion of the matter was deferred.

#### REPORTS

- #2538 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Present, seconded by Councilman Henry.
- #2541 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Present, seconded by Councilman Alt.
- #2543 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Present, seconded by Councilman Watts.
- #2545 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Present. Mayor Ballard suggested that vertical curb markers be removed at Somerset and Lee Boulevard and that Mr. Gray look for another method of separating the street from the sidewalk.
- #2583 Treasurer: Mr. Pendleton stated the only report he had was related to the petty cash fund.

#### COMMITTEE AND COMMISSION REPORTS

- #2589 Budget and Finance: Councilman Watts briefly reviewed the budget for 1975 and said it would be presented for approval at the next meeting. He reviewed income for the General Operating and Motor Fuel Tax Funds totaling \$790,000. He said assuming a \$48,000 carryover, total budget would be \$839,000, not including self-contained budgets of sewers, parks, and the recreation commission. He discussed the effect of the tax lid law in causing the levy to be reduced while the City was in desperate need of more money. He said the original budgets submitted totalled \$966,916. He said all new people had been eliminated from the budget except the City Administrator and some other cuts made so that the budget was down to \$850,027, which was \$10,932 from balancing. He suggested that cities band together and go to Topeka and let legislators know the tax lid was putting cities in a tremendous pinch if the inflationary spiral continues. The matter was discussed. Councilman Watts reviewed the schedule on the 1975 budget which called for it's approval at the

July 1, 1974

next council meeting. Councilman Watts suggested that an accounting firm experienced in preparing budget forms for cities be employed.

#2899

Ordinance No. 457 - Providing for the Cooperative Establishment of the Johnson County Human Relations Commission (Second Reading): Upon motion by Councilman Present, Ordinance No. 457, providing for the cooperative establishment of the Johnson County Human Relations Commission, was unanimously adopted.

#2913

Ordinance re Investment of Temporarily Idle Monies (First Reading): Deferred to the next agenda.

#2948

Parks: No report.

Plan Commission: Councilman Alt stated a letter had been written to the State in connection with the City's comprehensive plan. He said all phases of the comprehensive plan had been completed except putting it together and working on zoning and subdivision ordinances. He said they would like to present the land use plan to the Council the latter part of July.

#3098

Recommendation re Acceptance of Bid on Communications Recording Equipment: A letter by Captain Sellers reviewing bids submitted by Dictaphone and Magnasync/Moviola had been distributed. Councilman DeKinder reported the Public Safety Commission recommended that the bid of \$8,539.96 be accepted. He moved for acceptance of the bid of Dictaphone Corporation for recording equipment for telephone and dispatch service in the amount of \$8,539.96; seconded by Councilman Watts. Motion carried.

#3151

Resolution re Johnson County Emergency Medical Services: A proposed resolution had been distributed to the Council. Chief Toman explained that the County was asking the city councils to go on record in favor of a countywide program for emergency medical services, and supporting a two mill levy to be put to a vote of the people August 6th, with the goal in mind of starting the vehicles on the road by January 1, 1975. He said he would have liked to be able to provide the service through the City fire department services but had learned that only the county could levy the two mills. Therefore, Chief Toman, knowing there was nothing in the way of a paramed unit (complete hospital on wheels) that the City could offer, said he was in complete support of the countywide program. He said it would in no way affect the present services of Leawood's Type 2 rescue squad, but they would supplement and complement each other. He said one of the big advantages of the paramed units was that they would have the capability to defibrillate a patient. The Council discussed the possibility of a commitment tying the program in with Leawood's proposed fire station at 127th and Mission Road prior to the election. Chief Toman said two units would be stationed at the Olathe and Shawnee Mission Hospitals and the closest of the other four units of the initial plan was

July 1, 1974

indicated at 119th and Roe. Chief Toman said the paramed unit would be under the supervision of the fire department if they housed in a fire station building and would be willing to pay rent. Chief Toman explained the program further. He said he was a member of the five member board. Councilman Present moved for adoption of the resolution endorsing the Johnson County Medical Service plan; seconded by Councilman Watts. There was more discussion concerning tying the resolution to some kind of commitment from the County. Mayor Ballard suggested that before the Council passed the resolution, the City try to get some sort of commitment. Chief Toman felt they would jump at the chance if the City were to offer to make a fire station stall available with housing for personnel.

#3303

#3428

There was a short recess to reverse the recording tape.

Side 2  
#0

Resolution re Johnson County Emergency Medical Services (cont.): Housing of units was discussed further. It was decided that the matter should be studied further, to be on the agenda of the July 15th meeting. Councilman Present's motion and the second were withdrawn.

#68

Discussion of Revised Edition of Leawood Storm-Disaster Plan, 1974 Edition: Chief Toman stated the 1974 edition of the plan was submitted to councilmen for information.

MAYOR'S REPORT: No report.

NEW BUSINESS

#80

Petty Cash Fund: Deferred.

#82

Peat, Marwick, Mitchell & Co. Proposal for Reorganization of City Administrator's Department: Mayor Ballard stated he had concluded that the problem of rewriting the job responsibilities would require more time than he or other members of the committee could spend. He said he and Councilman Judd had interviewed Stephen T. Allie of Peat, Marwick, Mitchell & Co. Mr. Allie had submitted a written proposal for consulting work for the City on the basis of time incurred estimated at \$2,000 plus out-of-pocket expenses. Mayor Ballard proposed that the hiring of a City Administrator be delayed long enough to offset the cost of the work by Peat, Marwick, Mitchell. The proposal was discussed. Councilman Alt moved that the City move ahead with the study as proposed by Peat, Marwick, Mitchell & Co., that not to exceed \$2,500 be authorized, that all monies over the \$2,000 fee be itemized to the City, and that clerical time to be provided by the City be limited to twenty hours; seconded by Councilman Watts. Motion carried.

#187

#195

Remodeling City Hall - Carpeting and Electrical Service: John Granstedt stated two bids had been received for carpeting, as follows:

July 1, 1974

Kopp's Rug Company (26 oz. for first floor, Colony Point for basement)	\$1,623.40
R. D. Mann Carpet Co. (28 oz. for first floor, Colony Point for basement)	\$1,840.12

#305

Mr. Granstedt recommended that the Kopp's Rug Company bid be accepted. He stated he had consulted George Ranallo on the electrical service. He said the total cost would be \$1,585.00, including providing additional heating in the basement of the old City Hall building by adding baseboard type units with underground service conduit. The matter was discussed. Councilman Alt moved that the Council accept the Kopp's Rug Co. bid in the amount of \$1,623.80 for the provision of carpet and also approve the expenditure of \$1,585.00 for change in electrical service with underground conduit; seconded by Councilman Henry. Motion carried, Councilman Present opposed.

#315

Resolution No. 322 - Relative to Priority for Traffic Signalization - 89th and State Line: Councilman DeKinder explained that the resolution before the Council was to rescind provisions of an earlier resolution concerning a treadle at Brookwood School. Councilman DeKinder moved for approval of Resolution No. 322 rescinding the request of April 15, 1974, for a treadle installation at 103rd and Wenonga in order that Kansas City Power & Light Company may proceed immediately with the installation authorized by Resolution 318; seconded by Councilman Watts. Resolution No. 322 was adopted unanimously. A copy is attached hereto as part of the record.

#329

Request for Permission to Keep Third Dog on Premises - 9400 High Drive: Councilman Present moved that the request of Paul J. Marnett for permission to keep a third dog on the premises at 9400 High Drive be approved; seconded by Councilman Watts. Written consent from neighboring property owners Mr. and Mrs. John G. Brooks, Mr. and Mrs. Robert Dewey, and Mrs. Robert McCallum, had been obtained. Motion carried.

#335

Appropriation Ordinances: Nos. 330A and 319S in the amounts of \$179,712.88 (including \$120,000.00 in investments) and \$531,135.91 (including \$525,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.

#354

Presentation of Mementos: As part of the completion of the building dedication ceremony, Councilman DeKinder presented key mementos to councilmen and other City officials.

#361

Status Form: Mayor Ballard presented the status form and upon motion by Councilman Alt, seconded by Councilman Watts, the following increase in pay was approved:

Dana Becker, repeat summer employee of Public Works Department, increase in pay to \$2.75 per hour, effective June 10, 1974.

July 1, 1974

At 11:38 p.m., on motion by Councilman Alt, seconded by Councilman Watts, the meeting adjourned to Monday, July 15, 1974, 7:30 p.m.

#371

Donald S. Bell  
Mayor

Jane Lile  
Council Reporter

Attest:  
[Signature]  
City Clerk

July 15, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, July 15, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Chase, Watts, Present.

Others present were Police Chief Blume, Fire Chief Toman, City Treasurer Pendleton, Charles Troppito, Will Gray, John Granstedt, Captain Sellers, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman Henry, the minutes of the meeting of July 1, 1974, were approved as submitted.

Visitors: Sarah M. Kesler, Sherill Piester, Elmer Selonke, Member of the Press: Bob Savino.

#386

#### MAYOR'S REPORT

Johnson County Revolution Bicentennial: Mayor Ballard read a letter from the County Commissioners requesting that ideas for the bicentennial celebration be submitted, as well as the name of the City's representative to the bicentennial group.

#### NEW BUSINESS

#398

Addenda to Application for Matching Funds - Repairs to Civil Defense Generator: John Granstedt explained that the repairs were outside the amount in the building fund although the overall amount was budgeted. He said a contract had been made with one of the sergeants at the air base familiar with these generators at \$6.00 per hour. He said they were able to get the project in before July 1 (year end for Federal funding) for matching funds on total cost of \$1,500, the City's half to be \$750. Captain Sellers explained that the fuel tank of the generator had apparently been sprayed with enamel and it had flaked off. Councilman Alt moved that the Council approve matching funds on a fifty per cent basis with the Federal Government for repair of the generator not to exceed \$750.00; seconded by Councilman Watts. Motion carried.

#441

#447

Proposed Budget for 1975: Copies of the proposed budget had been distributed. Councilman Watts summarized the budget by saying it was very tight; that a City Administrator was the only new employee budgeted for the City; that a 6½ per cent pay raise for city employees was budgeted plus a proposal that the City pay one-half of employees' hospitalization insurance premiums. He said for the first time revenue sharing money was budgeted for essentially operating

July 15, 1974

expenses--police cars. He warned that the budget situation could not continue this way indefinitely, and there may be problems in 1976. He said with rampaging inflation, the City was caught between income being down and services doubling, and the tax lid law keeping the City from levying more ad valorem taxes. Councilman Watts proposed that the Intergovernmental Cooperation and Community Affairs Committee be charged with the mission of establishing communications with other city governments to organize an inter-city delegation to contact State legislators and let them know how cities feel about the problem of inflation and the Kansas tax lid law; that committee to come back to the Council by September 1 with definitive action plans. Mayor Ballard said he felt what was really needed was other sources of revenue or increases in sources of revenue other than ad valorem property taxes. Mayor Ballard suggested that a resolution be presented to the Johnson County Council of Mayors soliciting their support and urging that a committee of finance chairmen of several cities make a presentation to the Johnson County legislative group. Following discussion, Councilman Watts moved that the Mayor be requested to place on the agenda of the Johnson County Council of Mayors the request that a study be made of revenue of cities and that state legislators be contacted; seconded by Councilman DeKinder. Motion carried.

#524

#535

Councilman Watts and Mayor Ballard congratulated City department heads and other city employees for the very professional work they had done on the budget. Councilman Watts then reviewed changes to be made in the budget as distributed, and the timetable for the budget. Councilman Watts reviewed the budgeted sources of funds totaling \$1,995,254, and explained items in the budgets of the various departments. Councilman Watts explained that the Council had the authority to make a special levy of up to one mill for a fire equipment fund, provided the money was used for the purchase of ambulances and/or fire equipment. He said the Budget and Finance Committee proposed a levy in 1975 of one-half mill, or \$20,500 income, to build up a fund for fire equipment for the new fire station, which could also be used as a safety valve as the City could transfer the equipment portion of the fire department budget to the special fire equipment fund and give relief in the general operating account. The matter was discussed. Councilman Watts moved for approval of the 1975 budget as amended during this meeting with the inclusion of the Public Works Rent Account in the amount of \$7,000, and a one-half mill levy for the Special Fire Equipment Fund which would bring in \$20,500, for a total 1975 budget of \$2,017,820; seconded by Councilman Alt. Councilman Present objected to the additional levy for the special fire equipment fund without separate action. Following discussion, the motion and second were withdrawn. Councilman Watts then moved that the Council approve the levy of one-half mill for the purpose of setting aside a fund for the purchase of fire fighting equipment and ambulance; seconded by Councilman Alt. Motion carried, Councilman Present

#890

#934

#987

July 15, 1974

#992

abstaining. Councilman Watts moved for approval of the 1975 budget for the City of Leawood as amended during this meeting, with the inclusion of the special fire equipment fund levy, for a total budget of \$2,017,820; seconded by Councilman Alt. Motion carried. (The amount of the budget was amended later in the meeting.) Mayor Ballard expressed appreciation to Councilman Watts and all the people who worked with him for outstanding effort in preparation of the budget. Chief Toman stated it was gratifying for department heads to sit in on the budget sessions.

#1015

Resolution re Charges for City Services: Deleted from the agenda.

#1018

Resolution No. 323 - Authorizing Creation of a Petty Cash Fund: Copies of a proposed resolution had been distributed. Mr. Pendleton stated the purpose of the petty cash fund was to be an accommodation for handling certain miscellaneous expenditures and cash advances for city employees and officials. He said it would not minimize control over expenditures. City Attorney Winn pointed out the petty cash fund had a set of very tight administrative rules and regulations set out separately governing obtaining cash, repayment, accounting, etc. Councilman Present moved for adoption of Resolution No. 323 authorizing creation of a petty cash fund; seconded by Councilman Chase. Resolution No. 323 was unanimously adopted. A copy is attached hereto as part of the record.

#1035

#1048

Amendment to Approval of 1975 Budget: Councilman Watts stated an error had been made earlier in the meeting in figuring changes in the budget, and that the actual total of the 1975 budget should be \$2,022,754. Councilman Watts moved to amend the total Leawood budget from \$2,017,820 to the correct amount of \$2,022,754; seconded by Councilman Present. Motion carried.

#1062

Appointment of Leawood Representative to Johnson County Human Relations Commission: Mayor Ballard proposed the reappointment of Jerry Rushfelt. On motion by Councilman DeKinder, seconded by Councilman Chase, the reappointment of Jerry Rushfelt was approved.

#1067

Financing of Gutter and Curb Maintenance: Councilman Alt reported the recommendation of the Public Works Commission was that gutter and curb improvement be paid for by the City out of the Motor Fuel Tax. He said it was not a unanimous recommendation. He said a study had been made of curb replacement and over the next five years there was about 3,000 linear feet to replace; at \$6.00 per foot this would total around \$30,000, or \$6,000 per year. Methods of financing such improvements by other cities were discussed. Councilman Alt said the Commission's reasoning was that once the streets with curbs and gutters were put in, then it was the City's obligation to maintain them. City Attorney Winn suggested it might be wise for the City to retain

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flexibility on these improvements, look at each project and determine the number of people to be benefited, the cost, whether the City could afford it, whether minor repair, new curb and gutter along a main thoroughfare, series of curbs in one neighborhood, etc., and do whatever was best at the time. Councilman Alt stated there needed to be a decision on the curbs and gutters on Fairway as the contractor for asphaltic overlay would be working on that street shortly. Phil Kline said something needed to be done to the curbs on Fairway within the next few years, the sooner the better. He said if the curbs could not be replaced in time, the City should still go ahead with the overlay. Mayor Ballard said he didn't think there was any way to get the curb problem settled in that period of time, so he thought the City should go ahead with the overlay program. He emphasized many streets did not have curbs and this was a difficult question. Following discussion, Mayor Ballard suggested that the matter be submitted back to the Public Works Committee for formulation of guidelines by ordinance or otherwise. There was discussion that as to each curb and gutter project the Committee submit an engineer's estimate as to the cost, describing the nature of the work, whether repair or replacement, and advise the City Attorney who would, in turn, advise the Council on alternative methods of financing, the Council to discuss and make a policy decision related to each street.

#1247

Purchase of Materials for Street Signs: Councilman Alt explained cost of materials for street signs had been underestimated in the budget because of price increases. He said the City was required by Federal law to change a number of its traffic signs by January 1, in addition to normal upkeep of signs. Charles Troppito said he and Bill Gray had met with representatives of 3-M Company and determined the cost of sign faces to meet the January 1 deadline on both secondary and major streets in the City would be \$2,326 (over the budget by \$1,580); and the cost to meet the deadline on only major streets and complete others after January 1, would be \$1,698.92. Mr. Troppito said the order had been filled out last week, subject to approval of the Council, to get the order in before a price increase. The matter was discussed. Councilman Alt moved that the Council authorize the maximum program for \$2,326.12; seconded by Councilman Present. Motion carried.

#1307

#1322

Road Program for County Road Conference: Councilman Alt reviewed that last year the County took action to turn over county road maintenance to the cities, that he had written a letter to Commissioner Davis with a reservation by the Council that acceptance of the county road proposal must be conditional in nature pending formulation of such county-wide program and the City's express acceptance thereof. He said there was to be a county road conference on July 26 and one of the things to be discussed was apportionment of money to the cities for maintenance of such roads. Councilman Alt said assessed valuation seemed to be the controlling factor

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in the apportionment. He recommended that Leawood go for lane miles or weighted lane miles as a way to apportion the funds. Mayor Ballard said it seemed important to determine how the county arrived at the total amount to be allocated.

#1427

Councilman Present stated he was not feeling too well and requested that the Council consider the second part of Councilman Alt's report so he might leave.

#1433

Streets to be Recommended for Improvement at County Road Conference: Councilman Alt reported the Public Works Commission recommendation that 95th Street, city limits to city limits; 103rd Street, Lee Boulevard to Mission Road; and Mission Road, 95th Street to 103rd Street, in that priority order, constitute Leawood's submission to the County for matching funds on a fifty per cent basis at the July road conference. Councilman Present said he thought the Council should be made aware of plans of Lawrence-Leiter Company and the Plan Commission that 111th Street be diverted into I-435 before priorities on streets were recommended. He named other priorities which he felt should be considered. The streets named by Councilman Present were discussed. Councilman Alt referred to his letter dated July 11, 1974, to Commissioner Davis regarding maintenance of a bridge on Mission Road between 143rd and 151st Streets. Councilman Alt moved that the three roads recommended by the Public Works Commission be submitted as Leawood's priorities to the July road conference; seconded by Councilman DeKinder. Councilman Present moved to amend the original motion to include 111th Street, State Line to Roe, as item 4. The Council discussed the problem of the high cost of running 111th Street across the bluff, and whether or not the Council should go on record without first having a report from the Plan Commission on 111th Street. Councilman Present's motion to amend died for lack of a second. Councilman Alt's motion carried, Councilman Present voting nay.

#1573

#1594

Councilman Present was excused from the meeting.

#1641

Plan Commission Report: Councilman Alt stated the Plan Commission would like to meet with the City Council to present the comprehensive land use map at a session when this would be the only topic. Mayor Ballard suggested the second meeting in August, with all other items possible to be on the agenda of the first meeting in August.

#1647

Road Program for County Road Conference (continued): Chief Blume said there was a more basic inequity in computation of the County's figure in that county-city shared roads were the majority of the high usage, hard surface, high maintenance cost roadways, so it was inequitable to use a mere percentage based on total county lane miles. Councilman Alt stated probably the only fair way of apportionment would be weighted lane miles. Councilman Alt said he would write the Chairman of the County Commissioners requesting that maintenance of bridges be on the agenda of the county road conference. The

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Council discussed apportionment of road money. Councilman Alt and Mayor Ballard stated they would attend the road conference.

#1716

Status Forms - Police Department: On motion by Councilman DeKinder, seconded by Councilman Watts, the following promotion was approved:

Brian A. Lane, promotion from Patrolman to Detective, at \$955.00 per month.

On motion by Councilman DeKinder, seconded by Councilman Watts, the following promotion was approved:

James S. Cox, from Patrolman to Sergeant, at the rate of \$975.00 per month.

#1733

Resolution No. 324 - Relative to Emergency Medical Service for Johnson County: Councilman DeKinder asked that the proposed resolution reference emergency medical service for Johnson County be considered due to the pending election. He reviewed that Chief Toman had been asked to contact the governing board and determine the possibility of locating one of the units in Leawood's proposed new fire station. He said Chief Toman had contacted these people, that they were actively seeking this kind of thing but there was no way they could give written assurance that a unit would be located in Leawood. Councilman DeKinder read the proposed resolution. He emphasized that this would in no way interfere with current activity of the Leawood Fire Department rescue operation. Councilman DeKinder moved for approval of Resolution No. 324 as read; seconded by Councilman Watts. Following discussion, Resolution No. 324 was adopted. A copy is attached hereto as part of the record.

#1800

Ordinance re Investment of Temporarily Idle Funds (First Reading): A copy of the proposed ordinance had been distributed. Treasurer Pendleton presented the ordinance. City Attorney Winn stated it was to correct a reference to other ordinances.

#1812

Ordinance Authorizing and Providing for Issuance of Temporary Note to Pay Costs of Improvements to 111th Street, Nall to Roe (First Reading): City Attorney Winn stated the ordinance was to authorize a \$100,000 temporary note to pay the cost of improvements to 111th Street, with interest at about 5.75 per cent, the note to be cancelled when the bonds are issued. He explained that the total estimated cost of the street was around \$113,000, the City to be liable for \$20,000.

#1842

Ordinance Authorizing Provision of Temporary Note for Temporary Financing for Street Improvements (Certain Sections of 123rd Street, Mission Road, 103rd Street, and Lee Boulevard) (First Reading): City Attorney Winn stated this ordinance was to authorize a \$90,000 note to temporarily finance cost of the

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street improvement package, the interest rate not to exceed 5.75 per cent.

#1857

U. S. Accounting Office Examination of Tomahawk Reservoir Figures: Mayor Ballard said he had been notified that Congressman Winn had requested the General Accounting Office to examine some of the costs in the Corps of Engineers recent study on Tomahawk Reservoir. He asked Councilman Henry to invite all persons having technical information to back up numbers to a meeting proposed for Thursday evening at 7:30 in the Police and Court Building.

#1897

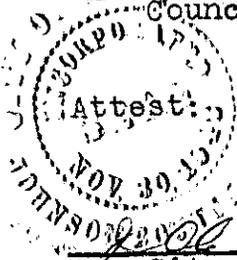
Correction Concerning Authorization for Materials for Street Signs: Councilman Alt stated the figure given earlier was only for the faces and not the blanks for the signs. He stated the order would be reduced to make do with the amount that was authorized.

#1910

On motion by Councilman Alt, seconded by Councilman Henry, the meeting adjourned at 10:48 p.m. to Monday, August 5, 1974, 7:30 p.m.

William R. Judd  
-Mayer-  
President of the Council

Jane Lile  
Council Reporter



[Signature]  
City Clerk

August 5, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, August 5, 1974, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council William R. Judd presiding. Roll call was answered by Councilmen Henry, Alt, Eddy, Chase, Watts, Judd.

Others present were Police Chief Blume, Fire Chief Toman, Charles Troppito, Will Gray, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman Henry, the minutes of the meeting of July 15, 1974, were approved as submitted.

Visitors: Edward Summerville, David Blasiar. Member of the Press: Bob Savino.

#### COMMITTEE AND COMMISSION REPORTS

Treasurer: No report.

#10

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Eddy.

Councilman DeKinder entered the meeting at 7:37 p.m.

#12

Fire Department: Chief Toman's report was submitted, and he reported details of a \$250,000 loss from a fire at Taco Villa in the Ranch Mart Shopping Center. Councilman Judd noted that this fire pointed up the need for more manpower in the Fire Department. Chief Toman commended off-duty firemen for responding to the call. On motion by Councilman Watts, seconded by Councilman Henry, the Fire Department report was approved.

#57

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Watts. Chief Blume commented that the detective division cleared 51.6% of its cases during the month.

#67

Public Works: Mr. Gray's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Alt.

Councilman Watts moved for a change in the agenda to consider the matters pertaining to the Recreation Commission at this time; seconded by Councilman Alt. Motion carried.

#### NEW BUSINESS

#75

Request for Approval of Engineer's and Architect's Contract for Recreation Complex: Ed Summerville explained that the

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engineer's and architect's contracts were minimum contracts for \$750 and \$2,500 respectively, and after the bonds are approved they would go to the second part of the contracts. He said he was presenting the contracts for Council approval. There was discussion concerning the section on page 4 entitled, "Part B, The City's Responsibilities." Councilman Eddy commented that the City did not have basically the expertise to do some of the things specified, and questioned whether or not the City should submit the core borings, tests, plans, specifications, etc. to Shafer, Kline & Warren. Councilman Eddy said he thought paragraph 6, Section 2, on page 2, should state: "Furnish one set of mylar reproducible as built drawings to the City." Since there seemed to be several things in the contract which councilmen questioned whether the City could assume responsibility for, and needed time to talk with the City Attorney and the City Engineer, Councilman Eddy moved that consideration of the engineer's and architect's contract for the Recreation Complex be postponed to the agenda of the Council meeting of August 19; seconded by Councilman DeKinder. Motion carried.

#187

Request for Transfer of Funds to Allow Hiring of Pool Manager - Recreation Commission: Ed Summerville stated the Recreation Commission was proposing the transfer of \$1,000 from its 1974 budget for capital improvements to salaries to allow hiring of a pool manager on September 1, because most pool managers are hired in September. Councilman Eddy moved that the Council authorize the Recreation Commission to transfer up to \$1,000 from the line item "capital expenditures" to line item "salaries" to provide for part-time salary for pool manager; seconded by Councilman Watts. Motion carried. In response to inquiry by Councilman Eddy, Mr. Summerville said the Recreation Commission had funds available to pay the City Engineer to look at the plans, etc. specified in the contract. Mr. Summerville referred to a report on progress of plans for the Recreation Complex which had been distributed. Councilman Judd asked the City Clerk to convey to the City Attorney the Council's request for additional study on the engineer's and architect's contracts, to be available at the next meeting. Councilman Eddy agreed to look at the contract and submit written comments.

#### COMMITTEE AND COMMISSION REPORTS

#228

Budget and Finance: Councilman Watts stated the notice of public hearing and the budget were published in The Sun on Friday, August 2. He requested that all councilmen be present for the budget hearing to be held on Monday, August 12, at 7:30 p.m., and for final approval of the budget at the council meeting on August 19. He said so far the carryover seemed to be as predicted. He said the Council of Mayors had on its agenda for Wednesday, September 4, a study of alternate revenue sources for cities. He commended Mr. Savino of the Sun Newspapers for an excellent job in understanding and explaining some of the problems cities

August 5, 1974

were having. Councilman Judd commended Councilman Watts for a fine job on the budget.

#257

Commendation to Charles Troppito: Councilman Judd commended Charles Troppito for the "tremendous job" he had done on his Study in the Development of Alternative Revenue Sources, City of Leawood, Kansas. Councilman Judd said the situation cities in Johnson County were approaching was frightening, and in his own personal opinion the suggested ordinances submitted with the report represented a rather pitiful means for the City to try to engender new revenues. He suggested that a copy of the report be sent to State Representative Bud Burke. Councilman Watts added his commendation for Charles Troppito's work.

#279

Ordinance Authorizing and Providing for Issuance of \$100,000 Temporary Note to Pay Construction Costs of Improvements to 111th Street: Councilman Alt moved that the Council approve the ordinance as submitted. Councilman Judd stated he found it difficult to understand why the City had to issue a temporary note at 5.75 per cent interest for \$100,000 when the original ordinance indicated the City would pay a maximum of only \$24,000 for the widening of 111th Street. He asked if the City would have to pay all the interest on the note pending receipt of payment from Mr. Douthat. Councilman Alt said that had not been discussed but he assumed the interest would be prorated. Following discussion, Councilman Alt withdrew his motion and moved that the second reading of the ordinance authorizing the issuance of \$100,000 temporary note to pay construction costs of improvements to 111th Street be moved to the Council meeting on August 19, when legal counsel could be present; seconded by Councilman Eddy. Following further discussion, motion carried.

#354

Ordinance No. 458 - Authorizing and Providing for Issuance of \$90,000 Temporary Note to Pay for Construction Costs of Improvements to Certain Streets (Second Reading): Councilman Alt read from the ordinance and moved for its approval. He added that 180 tons of asphalt had been saved under the contractor's estimate on the overlay of Lee Boulevard and 103rd Street, and the City would receive credit for the asphalt, this being under bonds the asphalt could not be used anywhere else. Councilman Judd stated he was opposed to the ordinance because he thought the Council had opened Pandora's Box by not giving the people a chance to vote on something that would increase their taxes, and the City would be paying interest on a temporary note. Ordinance No. 458 was adopted, Councilman Judd voting nay.

#393

Ordinance Imposing Fee for Privilege of Engaging in Operation of Class "B" Private Clubs (First Reading): Councilman Judd presented the ordinance. Councilman Eddy moved that the ordinance as presented be considered for second reading at the August 19, 1974, meeting; seconded by Councilman Watts. Motion carried.

August 5, 1974

#407

Ordinance No. 459 - re Investment of Temporarily Idle Funds (Second Reading): Councilman Watts moved for approval of the ordinance. Ordinance No. 459 was unanimously adopted.

#416

Ordinance Governing Issuance of Re-Roofing Permits and Establishing Fees (First Reading): The ordinance was discussed. Councilman Eddy said in the older section of the City he would hate to see added cost, especially for retired people, discourage them from getting their roofing redone. Councilman Alt commented the fee was to offset some of the cost and an inspection should be made on every permit. The Council discussed difficulty administratively in determining the number of square feet. A motion by Councilman Eddy to table failed by vote of 3 to 4. Councilman Judd commented this ordinance was one of the "pitiful" attempts to engender quick revenue for the City's general operating fund. Councilman DeKinder said he understood it was to cover a portion of the cost of issuing the permits, inspection of the roofs, etc. Councilman Judd said he would rather see a flat fee. Charles Troppito said the ordinance was to offset some costs the City now incurs on re-roof permits. He said the reason for it being on a square footage basis was that it would be more equitable. Mr. Troppito said currently inspections were made on re-roof permits on a spot basis. The proposed ordinance was discussed further. Councilman Eddy said he was opposed to the fee proposed, that he felt it should be a flat fee, and \$40 was a lot of money to people on Social Security. Councilman Alt said he would prefer a flat fee to try to offset expenses rather than the fee schedule as set out in the proposed ordinance. Councilman Alt moved that the re-roof permit fee for Single Family Residential be changed to \$10.00, for Light Industrial, Heavy Industrial and Planned Industrial, the fee be changed to \$20.00, and all other districts be changed to \$15.00; seconded by Councilman Eddy. Motion carried, Councilmen Henry, Chase and Watts voting nay. Councilman Judd stated the change would be incorporated in the ordinance and it would be considered for second reading at the next meeting.

#480

#598

#619

Ordinance Establishing Fees for Various Permits (First Reading): Councilman Judd reviewed the proposed ordinance setting fees for permits for new construction, for remodeling or alteration of structures, for demolition of structures, and for miscellaneous permit fees. Charles Troppito said this ordinance represented merely technical rather than substantive modification of the City's building permit ordinances; that is, the amendments were limited strictly to increases in the fees rather than any changes in the procedure. He said no new fees had been added and generally the increases were thirty per cent. Councilman Eddy questioned whether an attached shed was permitted to be constructed in Leawood. Councilman Eddy moved that under article 5-104 (f) Section 2, paragraph (3), \$65.00 be changed to \$100.00; seconded by Councilman Judd. Councilman Eddy stated his reason was that such permits required more inspection. Motion carried. Councilman Eddy moved that under Section 5-104 (h) Section 4, due to the

#660

#685

August 5, 1974

- #713 nature of demolition work and the inspection required, that the fee be changed from \$33.00 to \$100.00; seconded by Councilman Watts. Definition of "demolition" was discussed. Charles Troppito said he would have the definition from the BOCA Code available at the second reading of the ordinance. Motion carried. Councilman Eddy moved that under Article 5-104 (g) Section 3, paragraph (2), \$65.00 be changed to \$100.00; seconded by Councilman Chase. Motion carried.
- #717 Councilman Eddy moved that under Article 5-104 (i) Section 5, under heading of Work, the fee for swimming pools be changed from \$32.50 to \$50.00; seconded by Councilman Alt. Following discussion, a motion to add the word "permanent" was withdrawn. Councilman Eddy stated he thought the whole paragraph entitled "work" needed to be explained further. Following discussion, motion carried.
- #749
- #758 Ordinance Providing for Establishment of Fees for Examination of Subdivision Plats, Development and Other Plans and Specifications (First Reading): Councilman Eddy suggested that consideration of the ordinance be deferred until such time as the Council had before it in writing, if possible, the City's costs for this type of work. Charles Troppito said he had encountered a great deal of difficulty trying to determine an average cost, particularly engineering cost, for examination of a plan. Councilman Eddy moved that the ordinance be considered at such time as the City had contacted the City Architect and the City Engineer and obtained general cost estimates to the City for doing this work; seconded by Councilman Chase. There was discussion as to whether to go ahead with a first reading and get the information but not delay the ordinance, or to delay consideration until the matter was discussed with the City Engineer and City Architect. There was discussion concerning platting into tracts versus lots, with the suggestion that the ordinance be changed to read "lots or tracts". Councilman Eddy stated he would talk with Mr. Kline and Mr. Granstedt concerning the ordinance. Motion carried.
- #790
- #860 Councilman Judd suggested that city auto stickers be considered as a source of revenue.
- Councilman Eddy moved that the appropriation ordinance be considered as the next item of business; duly seconded. Motion carried.
- #865 Appropriation Ordinances: Nos. 331A and 320S in the amounts of \$215,372.35 (including \$140,000.00 in investments) and \$56,714.32 (including \$50,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.
- Councilman Eddy asked to be excused from the meeting at 9:42 p.m.
- #880 Parks: Councilman Alt stated the park was in very satisfactory condition. He said prior to the bond election for

August 5, 1974

the Recreation Commission repairs and painting had been done in the park.

Plan Commission: No report.

#888

Public Safety - Status Forms: On motion by Councilman Judd, seconded by Councilman Alt, the resignation of Milton L. Sidebottom from the Fire Department was accepted.

On motion by Councilman Judd, seconded by Councilman DeKinder, the following employment was approved:

Stephanie Ann Rhodes, Police Department Clerk, at the rate of \$425.00 per month.

#909

Public Works - Approval of Bids for Sale of Public Works Equipment: Charles Troppito stated bids had been received on miscellaneous excess equipment. Mr. Gray described the equipment as a dump truck bed, a trailer axle, a grass seeder, and an oil distributor. Councilman Alt moved that the Council approve the sale of these items to the highest bidder, Red Ranch Rental Company, for a total amount of \$275.00; seconded by Councilman Watts. Motion carried.

#936

Public Works - Report re Street Resurfacing: Councilman Alt stated overlay work was beginning on the side streets and if any tonnage was left, the Commission recommended that it be used on 103rd Street.

#945

MAYOR'S REPORT: No report.

NEW BUSINESS

#949

Application for Retail Liquor Occupation License - Ranch Mart Liquor Store: City Clerk Jinny Oberlander stated the City Attorney had approved the application. She added that the store did not yet have its state license so perhaps approval should be contingent upon their securing a state license. Councilman Chase moved that the application of Ranch Mart Liquor Store for a retail liquor occupation license be approved subject to their obtaining a state license; seconded by Councilman Alt. Motion carried.

#971

Request for Permission to Keep Third Dog on Premises - 2800 West 104th Terrace: The request of I. Bostwick to keep three dogs had been distributed along with a statement signed by immediate neighbors that they did not object. On motion by Councilman Judd, seconded by Councilman Watts, the request of I. Bostwick was approved.

#981

Charles Troppito thanked members of the Council for their expressions of confidence on the revenue study. He gave recognition to Dr. Reverdy T. Gliddon, U.M.K.C., and Dr. G. Ross Stephens, U.M.K.C., who assisted him in the project.

As a matter of information, Mr. Alt reported the Public Works Commission had agreed to put oil on a gravel road

August 5, 1974

to keep down the dust if the owner bought the oil.

At 10:00 p.m., on motion by Councilman Chase, seconded by Councilman Watts, the meeting adjourned to Monday, August 19, 1974, 7:30 p.m.

#1020

William R. Judd  
President of the Council

Jane Lile  
Council Reporter

Attest:  
J. P. ...  
City Clerk

August 12, 1974

Minutes of a Budget Hearing of the Governing Body of the City of Leawood, Kansas.

A hearing in connection with the proposed 1975 City budget was held at 7:30 p.m. on Monday, August 12, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Councilman John M. Watts presiding.

Councilman Alt was present. Others in attendance were: Dan Morris of the Kansas City Star, Police Chief Blume, Fire Chief Toman, Charles Troppito, the City Clerk, and the Council Reporter.

Chairman Watts opened the hearing on the budget as published in The Johnson County Sun on August 2, 1974. He reviewed that there was only one new employee in the budget, it provided for a  $6\frac{1}{2}$  per cent raise for City personnel, and payment by the City of one-half of employees' family hospitalization insurance coverage. He said the other increases in the budget were due to inflation. He expressed concern for the 1976 budget if inflation continued at the present rate and revenues continued level. He added that this was the first year the City had used Federal revenue sharing funds for essentially operating expenses. Councilman Watts stated the City had added a one-half mill levy for a special fire equipment fund to build up an equipment fund for the proposed new fire station which could also serve as a safety valve if the City got into a financial bind. He confirmed that the 1975 budget totaled \$2,022,754 compared with the 1974 budget of \$1,757,624. He said part of the budget was planned carryover.

Councilman Watts announced that as a result of Council discussion, the Johnson County Council of Mayors had on its agenda for September 4, 1974, a study of alternate revenue sources for cities. Councilman Watts said it was his personal observation in talking to state officials and candidates for public office that cities had not made state officials fully aware of the financial squeeze most of the cities will be in by 1976 if inflation continued. There was discussion concerning the effects of inflation on the City, the inadequate allocation to the City for maintenance of county roads, and the possibility of a twenty per cent increase in sewage treatment costs in May, 1975.

There was discussion concerning Leawood's low ad valorem levy in comparison with other cities in the county.

There was no resident present to comment on the budget.

Councilman Watts declared the budget hearing closed at 8:10 p.m.

Jane Lile  
Council Reporter

Attest:  
Charles L. ... 1781  
City Clerk

John M. Watts  
Councilman John M. Watts

August 19, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, August 19, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Chase, Watts, Present, Judd.

Others present were Fire Chief Toman, Captain Sellers, City Attorney Winn, City Treasurer Pendleton, John Granstedt, Charles Troppito, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes - Meeting of August 5, 1974: On motion by Councilman Judd, seconded by Councilman Present, the minutes of the meeting of August 5, 1974, were approved as submitted.

Minutes - Budget Hearing: On motion by Councilman Watts, seconded by Councilman Alt, the minutes of the budget hearing held on August 12, 1974, were approved as submitted.

Visitors: Edward Summerville, Wallace Beasley, Ron Paul.  
Member of the Press: Dan Morris.

#### OLD BUSINESS

#1362

Final Approval of 1975 Budget: Councilman Watts reported a public hearing on the proposed 1975 budget was held on August 12, but no citizen appeared. He suggested that in the future an effort be made to encourage citizens to attend the budget hearing or the council meeting when the budget is presented. Councilman Watts moved for final approval of the 1975 Leawood budget; seconded by Councilman Alt. Motion carried. Mayor Ballard stated the agenda of the next meeting of the Council of Mayors, to be held in the Leawood Police and Court Building on September 4, at 7:30 p.m., would include a discussion of alternate revenue sources for cities.

#1401

Ordinance No. 460 - Authorizing and Providing for Issuance of Temporary Note to Pay Costs of Improvements to 111th Street: City Attorney Winn reviewed that the City was participating with Mr. Douthat for improvements to 111th Street; that the City was to administer the project until the final costs are actually certified by the engineer, at which time the bonds would be issued; that temporary financing was to be done by issuance of a temporary note. He said all the costs would be determined (including interest on the temporary note) and prorated between Mr. Douthat and the City according to the percentage set out in the original contract. Following discussion, Ordinance No. 460 was unanimously adopted.

#1495

Councilman Present stated two items he had requested be put on the agenda of this meeting had been omitted. He moved

August 19, 1974

that discussion of the Police and Court Building Plaque, and discussion relative to buses on 95th Street be included as items one and two under New Business; seconded by Councilman Watts. Motion carried.

#1506

Discussion of Floor Plan for Remodeling City Hall: Mayor Ballard displayed and explained a floor plan of the proposed remodeling of the old City Hall building. John Granstedt stated the big items (carpeting, electrical work, shutters, etc.) had already been approved.

#1540

Ordinance No. 461 - Imposing Fee for Privilege of Engaging in Operation of Class "B" Private Clubs (Second Reading): Mayor Ballard explained that the ordinance was necessary to conform to state statute by setting an occupation license fee for Class "B" private clubs. The fee was set at \$250.00 per year. On motion by Councilman Henry, Ordinance No. 461 was unanimously adopted.

#1575

Discussion of Ordinance Setting Forth Fees for Various Permits: Changes discussed at the last meeting had been incorporated in the proposed ordinance. There was discussion concerning the meaning of "each separate unit" under Section 5-104 (h), Fees for Demolition. John Granstedt said it presented a problem by having swimming pools listed with other work, followed by, "No charge shall be made for any of the above when included as part of approved plans for new single family residential construction or alteration, remodeling and additions," because it relieved control of the swimming pool as a separate item. He said he felt the fee for swimming pool permits should be \$50.00 at any time regardless of whether in connection with new construction, remodeling, etc., because the inspection cost was considerably higher on a swimming pool than it was on a house. Councilman Alt moved that subsection 5-104 (h) regarding demolition be revised by adding a definition of the word "unit" and that swimming pools be excluded from the last paragraph of Section 5-104 (i) which reads, "No charge shall be made for any of the above when included as part of approved plans for new single family residential construction or alteration, remodeling and additions"; that swimming pools be put in separately; that these changes be made and the second reading of the ordinance be considered at the next council meeting; seconded by Councilman Present. Motion carried. Mayor Ballard asked Charles Troppito to make the changes to the ordinance and put it on the agenda of the next meeting.

#1669

Ordinance No. 462 - Governing Issuance of Re-Roofing Permits and Establishing Fees Therefor (Second Reading): On motion by Councilman Judd, Ordinance No. 462 was adopted; Councilman Watts voting nay.

#1680

Approval of Engineer's and Architect's Contract for Recreation Complex: City Attorney Winn stated the changes and suggestions outlined by Councilman Eddy had been agreed to by Mr. Beasley, partner in Larkin & Associates, and were set out in an

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#1803 addendum to the engineer's contract. There was discussion concerning delineation between responsibilities of the Recreation Commission and the City. City Attorney Winn stated he had written a letter on that subject and it would be distributed to members of the Council. He said he felt the City should approve the contracts but the Recreation Commission would have responsibility for performance. There was discussion of the roles of the City and the Recreation Commission. Edward Summerville and Wallace Beasley were present to answer questions. Charles Troppito said by statute the City Treasurer was automatically the treasurer of the Recreation Commission. Councilman DeKinder moved that the Council approve the architect's contract as written; seconded by Councilman Present. Motion carried. Councilman Alt moved that the engineer's contract, including the addendum, be approved; seconded by Councilman Judd. Motion carried.

MAYOR'S REPORT: No report.

NEW BUSINESS

#1829 Discussion Relative to Buses on 95th Street: Councilman Present asked if present ordinances covered buses. He said if buses were considered as being trucks, he would hope the Ordinance Committee would revise the ordinance to allow buses; if it were a separate entity, he would hope the Ordinance Committee would come up with an ordinance to cover buses. Captain Sellers said he thought the ordinance read "passenger vehicles". City Attorney Winn stated it was probably covered in the Uniform Traffic Ordinance to be considered later in the meeting. There was discussion as to whether or not bus routes should be approved by the Council. City Attorney Winn stated he would check into the matter.

#1880 Discussion of Police and Court Building Plaque: Councilman Present displayed the plaque and pointed out that the "c" in the word "court" was not the proper size, and asked if the Council felt it should be corrected. Following discussion, Councilman Present moved that Councilman DeKinder be instructed to send back the plaque for correction; seconded by Councilman Judd. Motion carried.

#1916 Request for Permission to Solicit Funds for Muscular Dystrophy Association of America - Leawood Fire Department: On motion by Councilman Judd, seconded by Councilman Henry, the request was approved, Councilman Present voting nay. He explained that he was for the Muscular Dystrophy Association but he was sorry the solicitation was being made at an intersection.

#1944 Public Works - Recommendations Relative to Sewer Billing and Collection Procedures: A memorandum from Charles Troppito outlining three methods of sewer billing and collection and their costs had been distributed. Councilman Alt reviewed Plan 1, the current method; Plan 2, under which the City

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would institute its own computerized system; and Plan 3, the County tax billing method. In the memorandum, Mr. Troppito recommended Plan 3 under which the City would certify sewer billings to the County for inclusion in the County real estate tax bills, and the County would both bill and collect the assessment at an estimated cost of \$597.00. Mr. Ron Paul, director of the County Data Processing Department, was present to answer questions and explain the procedure using County facilities. A memorandum from the County Treasurer indicated distribution of special assessments to the City would be approximately fifty per cent on or about January 15th, the balance of actual collections were distributed on April 1, the last half payment distribution would be on or about August 15th, and final distribution would be in November. Mr. Paul said about seventy per cent of the real estate taxes were collected at the time the first half was due, on December 20. There was discussion concerning possible use of the same print-out list for the Leawood newsletter. The County billing method was discussed. Councilman Alt pointed out that the present penalty would have to be certified to the County and appear on the next year's bill. Mr. Paul said the print-out submitted the following year for certification of the 1976 sewer assessment would show the accounts delinquent as of June 21. Mrs. Farrar stated the City's Financial Clerk felt there would be an advantage on treasury notes by getting the money in January that would offset any losses in late fees. Mr. Troppito and Councilman Alt each stated the City of Mission Hills had used the County tax bill system and were pleased with it.

#2340

Recommendation Relative to 1975 Sewer Assessment: Councilman Alt said a Kansas City, Missouri, official had stated he was sure that effective May 1, Kansas City would raise sewage treatment fees by twenty per cent. On recommendation by the Public Works Commission, Councilman Alt moved that the sewer fees for 1975 be increased from \$45.00 to \$55.00; seconded by Councilman Present. Councilman Judd urged that more than adequate publicity be given whatever action was taken on the sewer billing and the amount of assessment. Motion carried.

#2373

#2408

Consideration of Recommendation Relative to Sewer Billing and Collection Procedures (continued): There was discussion concerning the effect of the proposed method of billing upon collection for cost of anticipated new construction. City Attorney Winn stated the approach he was leaning toward now was the issuance of revenue bonds which would be covered by a sewer bonded indebtedness tax, the City limits would not affect assessment of the tax, and it would be compatible with the County billing system. Councilman Alt moved that the sewer billing be changed from its present system to one under which the City would certify to the County the sewer fees and have collections made through the County tax collection system, starting with the 1975 sewer assessment; seconded by Councilman Judd. Following further discussion, motion carried. Charles Troppito was requested to see that a revised ordinance was prepared and presented at the next council meeting.

#2451

August 19, 1974

#2516

Parks Report: Councilman Alt reported soccer games being played in the park.

#2530

Report on Traffic Conference: Councilman Present reported that at a traffic conference, he had learned that Federal funding was available for other than four lane roads, in most instances, on a 70/30 basis. Councilman Alt said he thought it pertained to special streets. Mayor Ballard suggested that attention be directed to opening discussion again with Prairie Village concerning the intersection of Somerset and Lee.

#2563

Public Safety - Report on Police Vehicle Acquisition for 1975: Councilman Judd referred to a detailed memorandum from Chief Blume concerning police vehicle acquisition for 1975, which had been distributed. Councilman Judd reported the City had been unable to get bids for lease of police vehicles, so acquisition was necessary. He reported the Public Safety Commission had unanimously voted to recommend the adoption of Option B outlined in the memorandum whereby the City would purchase four marked cars and one unmarked car, and would place Captain Sellers, Lieutenant Becker and Detective Lane on a car allowance of \$160.00 per month for which amount the three officers would be expected to privately purchase or lease a technically acceptable police type car and maintain, fuel and insure it. Councilman Judd stated Option B would cost \$614.00 more than outright purchase of six cars but it was felt by the Public Safety Commission that the Department would get much better usage. He said the expenditure would be \$7,503.00 more than was budgeted for lease of cars. Councilman Judd moved that Option B be adopted although it was approximately \$614.00 higher than Option A; seconded by Councilman Watts. Councilman Watts said there were two places to get the money: (1) by generating some carryover in 1975 from the 1975 budget, or (2) Federal revenue sharing funds. He added that the more money taken out of the 1975 budget meant less carryover into the 1976 budget when a financial crisis was foreseen, however, the Police Department had to have the cars. The matter was discussed. Councilman Present stated he would vote against Option B unless there was some assurance from the Public Safety Commission that the allowance money would be dealt with properly at the proper time. The matter was discussed. Councilman Judd pointed out that the three officers were not subject to regular set hours, they were likely to be called out at any time, and Option B gave additional flexibility in times of stress. Mayor Ballard stated several factors needed to be considered, and pointed out that the City did not have an administrative vehicle. Insurance coverage was discussed. Captain Sellers said the men would be required to carry insurance as a marked police unit in limited service. City Attorney Winn stated he wanted to check the insurance coverage. Councilman Judd's motion carried, Councilman Present abstaining.

#2589

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- #3076 Ordinance Adopting 1974 Edition of Standard Traffic Ordinance for Kansas Cities (First Reading): Councilman Judd referred to a memorandum from Assistant City Attorney Reuter recommending adoption of the 1974 Edition of the Standard Traffic Ordinance. City Attorney Winn stated he felt it would be of real benefit to the City to adopt the Standard Traffic Ordinance. Councilman DeKinder moved that the ordinance adopting the Standard Traffic Ordinance for Kansas Cities, 1974 Edition, be approved for first reading; seconded by Councilman Watts. Motion carried.
- #3111
- #3126 Request for Street Lights, Plat 2, Leawood South: Councilman Judd explained that the request was originated some months ago and had been approved by a previous Council. He moved that the request for street lights in the second plat area of Leawood South be approved; seconded by Councilman Henry. Motion carried.
- #3143 Discussion of Crossing Guard at Brookwood School: Councilman Judd stated because of inability to obtain proper signalization discussed previously, the Public Safety Commission felt it was mandatory to obtain and train a crossing guard for Brookwood School as soon as possible since school would be starting soon. He said the funds could come from remaining funds in the 1974 budget. Councilman Judd moved that the Council approve the hiring of a crossing guard for Brookwood School; seconded by Councilman Present. Following discussion, motion carried.
- #3181 Prohibition of Parking on 89th Street West of State Line: Councilman Judd reported Chief Blume had ordered temporary posting of signs prohibiting parking on 89th Street west of State Line, and the City had a request from Mr. Kelly with City Bond and Mortgage Company to make it permanent. City Attorney Winn advised that permanent action would have to be by ordinance.
- #3210 Information Letter Regarding Road and Sign Defects: A letter and memorandum from the Director of the Kansas Highway Safety Coordinating Office concerning the legal responsibilities of the state and local government units in the areas of highway safety had been distributed.
- #3221 Reimbursement of Education Expenses - Charles Troppito: A memorandum and receipt for fees for the summer semester had been distributed. Councilman Present moved for approval of reimbursement of education expenses of Charles Troppito as outlined in the memorandum; seconded by Councilman Alt. Motion carried.
- #3241 Chief Blume in Hospital: Mayor Ballard reported Chief Blume had entered Research Hospital, and requested that the City Clerk send flowers on behalf of the Governing Body. Mayor Ballard noted that a letter from Chief Blume had appeared in "Speaking the Public Mind" section of the Kansas City Star and suggested that copies be distributed to councilmen.

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#3251

Map for Council Chamber: Councilman Henry suggested it would be helpful to have a map of the City on the wall of the Council chamber.

#3274

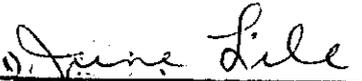
Stop Construction Order for Box Culvert at 8000 State Line: A memorandum from Charles Troppito had been distributed. Councilman Alt reported Shafer, Kline & Warren had replied to the Assistant City Engineer suggesting a way the culvert could be corrected, and if the Assistant City Engineer concurred, construction would again be authorized.

#3311

At 10:30 p.m., on motion by Councilman Present, seconded by Councilman Chase, the meeting adjourned to Tuesday, September 3, 1974, 7:30 p.m.



Mayor

  
Council Reporter

Attest:

  
City Clerk

September 3, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Tuesday, September 3, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, Eddy, Watts, Present, Judd.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Watts, seconded by Councilman Henry, the minutes of the meeting of August 19, 1974, were approved as submitted.

Visitors: Sister Marie Coleman, Mr. and Mrs. Kenneth Stickrath, Mr. and Mrs. Curtis Chavers, C. C. Crippin, Jan Watts, D. M. Boer, William G. Turner, R. Goldstein, Valerie Peterson, Mr. and Mrs. Robert H. Gunther, Mr. and Mrs. Henry F. Gunther, Nathalie O. Roberson, Verna White, Arno Salmi, Dwight Cornelius. Member of the Press: Dan Morris.

#9 Councilman Judd moved that the agenda be changed to consider the ordinance designating 95th Street a main trafficway; resolution re 95th Street improvement; and the addendum to the agenda, resolution re 95th Street, following the departmental reports; seconded by Councilman Present. Motion carried.

#### REPORTS

Treasurer: No report.

#20 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Henry.

#24 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Henry.

#26 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Judd.

#50 Mayor Ballard reminded the Council and those present that the Johnson County Council of Mayors would meet in the Leawood Council Chamber on September 4, at 7:30 p.m., and would discuss the financial situation of cities.

#60 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman

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Watts. Chief Toman reported that the Fire Department had donated a check for \$2,522.00 to the Muscular Dystrophy Association from its solicitation at 95th and Lee Boulevard.

#65

Public Works Report - Ordinance Designating 95th Street a Main Trafficway (First Reading): Councilman Alt reviewed that the Public Works Commission had been directed by the Council to consider 95th Street and present a majority and minority report as to what should be the nature of permanent improvements on the street. He said such a meeting was held on September 2 with Councilmen Eddy, Present and Alt, and Phil Kline in attendance. Councilman Alt reviewed that the Commission had received Council authorization for a traffic count on 95th Street, and the count was taken on August 21, 1974. Councilman Alt said only four counters could be obtained. He said the counts were taken just east of the Post Office, one in the eastbound lane and one in the westbound lane, the counter in the westbound lane showing a total of 8,866 cars for the 24-hour period; the counter in the eastbound lane showing 8,770 cars; a counter just west of Lee Boulevard in the westbound lane showed 8,592 cars; a counter just west of State Line in the eastbound lane showed 7,036. He also reported peak hour counts. Councilman Alt reported the State Highway Department Report of June 29, 1971, indicated an average two-way weekday volume on 95th Street between Mission Road and State Line of 13,160. He said Mr. Kline had reported that as a rule-of-thumb, a count of 7,000 to 10,000 cars per day generally indicated the need for two additional lanes. Councilman Alt stated "Principles and Priorities of Urban Planning" published by the Institute of Training in Municipal Administration by the International City Managers Association advised that transportation planning indicated that any collector street carrying more than 8,000 vehicles per day indicated the need to increase road capacity to four lanes. Councilman Alt reported that Councilman Present stated he did not disagree that something must be done other than the present two lanes, perhaps 36 feet curb-to-curb with turning lanes at all intersections; he did not agree that the previously approved construction plan for four lanes was the best and only solution; he felt the traffic count needed further projection analysis and requested a copy of the count so a projection analysis could be made by MARC. Councilman Alt said storm drainage was discussed but no decisions were made. Councilman Alt reported the majority recommendation of the Public Works Commission was that, based on the present traffic counts, 95th Street be improved to four lanes in accordance with previously approved construction plans.

#109

Councilman Judd stated it seemed the report was timed just right, that the Council had voted three months ago for the traffic count to be taken, and all of a sudden the figures appeared on the very night the Council was considering the matter of 95th Street, with no opportunity to study or compare. He charged that the matter was rigged purposely for the resolutions which the Council was about to discuss.

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Councilman Alt vigorously denied the charge. He stated the Commission had difficulty getting the counters but there was no rigging. Councilman Judd asked why the figures were not in the Council folders but were distributed at the Council table. Councilman Alt said that was because the Commission did not have the figures before.

#125

Councilman Present said several figures were needed to establish a pattern and since he got the traffic counts tonight and had no time to study them or go to MARC for projections, he could only make comparisons with the other traffic count that he had. He said a traffic count taken on September 28, 1970, showed 14,583 cars and the present count showed a decline in traffic. He suggested a legitimate majority and minority report based on facts gathered by sources other than Mr. Kline's firm. Councilman Judd

#144

presented a traffic count conducted by the Police Department at 95th and Lee on April 25, 1974, which showed morning rush hour traffic averaging nine vehicles per minute, which on a 24-hour basis would show a maximum of 12,900 vehicles. He said he did not maintain that the one count taken by one traffic counter on one particular day had any authenticity but it certainly disagreed with the count taken by Mr. Kline's firm. Councilman Judd stated the City should have more than just a one day count with an inadequate number of counters to evaluate properly.

#168

Councilman Alt stated the counts taken were bona fide counts and they did substantiate in his opinion the traffic on the street. Mayor Ballard reviewed that he had said when the Council started out on this very small traffic study he did not anticipate that the City could spend \$500 and get the kind of figures that would give a total picture.

#182

Phil Kline said he had stated to the Council at that time that if the Council felt it needed a comprehensive study he would recommend that a traffic engineering firm be employed. He said he understood the Council was willing to accept a one-day count as long as it came in the middle of the week. Mr. Kline said two counters were placed by Prairie Village, one by Overland Park, and one by Kansas City, Missouri. He said the counts from Overland Park and Kansas City, Missouri, were not obtained until Friday, August 30.

#207

Councilman Alt said several attempts had been made to obtain counters. Councilman Present stated he felt there was enough statistical background for MARC to make an accurate projection of the volume on 95th and the type of street that could handle this volume. He asked for time to come back with a more conclusive and complete minority report, and suggested that the matter be tabled until the next meeting.

#221

Councilman Alt reported the State of Kansas had also made a count on 95th Street sometime during the months of July or August which showed two way figures just west of State Line at 13,555 for a 24-hour period, which corroborated the count of August 21.

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#235

City Attorney Winn stated there was no magic about the 95th Street matter appearing on the agenda of this meeting, that this was the deadline for meeting all of the requirements of the Election Commissioner's office for submitting a special question for the ballot in November.

#242

Councilman Eddy commented that every report showed that at the present time 95th Street was inadequate to serve the traffic now flowing over it. Councilman Present disagreed, saying the Federal Highway Department criterion for four lanes was 1200 vehicles one way per hour and 95th was far from that. He said he felt a compromise was possible and suggested that the City meet with residents of the area to discuss a 36 or 34 foot wide street with turn lanes at every intersection, still allowing a residential effect. He suggested control of traffic at Ranch Mart. Mayor Ballard stated in the past there was a set of compromise plans worked out for 44 feet 6 inches inside curb to inside curb, but the county changed its formula for financing road improvements. He said the only difference between the set of plans the Council approved for submission to the voters and the plans previously approved by the people on 95th Street was an increase of about 18 inches in the width of the street. He said the only reason the compromise plans were changed was the fact that Federal funding could not be obtained because it was felt it was unsafe to include the curb within the eleven foot lane. Councilman Judd said when the change was made to accept the Federal funding the agreement that there would be no raised medians was disregarded, and since that time the necessity for storm drainage had been brought out. Councilman Present said he believed Federal money was now available for other than four lanes. Councilman Alt said he had talked with MARC regarding this, and he said to make a statement that funding was available for less than four lanes would be misleading. He said it had been pointed out to him that one of the difficulties on 95th Street was the fact that there are four lanes on the west and ultimately there would be four lanes on the east. Councilman Judd said ~~the~~ *highway* engineer had told him Kansas City, Missouri, was not going ahead with four lanes on Bannister Road, and if they did it would take five years. Councilman Eddy said it was still in their program. He said from a financial aspect this looked like the time to go ahead and do something with this roadway when it could still be done without much difference in cost to the City than it would have cost eighteen months ago. *J.O.*

#315

#380

There was discussion concerning the word "estimated" in the documents presented. City Attorney Winn stated "estimated" in the resolution meant the maximum amount of bonds that could be issued. Councilman Present raised the question as to funds for traffic signalization, storm sewers, and maintenance. Councilman Judd read from a letter dated August 29, 1974, from Virgil A. Holdredge, Johnson County Engineer, concerning construction costs. Councilman Alt

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referred to a memorandum dated August 27, 1974, from Charles Troppito concerning the new cost estimate for the 95th Street project, and explained that under FAU funding the State must supervise for which they charge fifteen per cent, or \$119,839.49 plus contingency, for a total of \$1,003,662.43, to be borne as follows: Federal government, \$702,563.70; County, \$150,549.36; Overland Park, \$31,615.38, and Leawood, \$118,933.99, to which should be added \$10,000.00 for additional contingency, plus \$7,500.00 for acquisition of right of way, for a total cost to Leawood of \$136,433.99, which included all of the work that must be done within the right of way. The Council discussed the figures. Following discussion, a motion by Councilman Alt to declare an emergency for the adoption of the ordinance designating 95th Street as a main trafficway was withdrawn. Councilman Alt then moved that this be declared a first reading of the ordinance designating 95th Street as a main trafficway.

#505

#536

Resolution No. 325 Setting Out Findings and Determinations on the Necessity and Advisability of Improving, by Means of Widening, Reconstructing, Curbing, and Guttering 95th Street: Councilman Alt read the proposed resolution, making a correction in Section 1, paragraph C, to delete "forty-eight feet in width, including proper curbing and guttering" and substitute "four 11-foot lanes plus two 2-foot curbs". He corrected the proposition portion, adding a period after the word "trafficway", and adding the sentence, "The balance of the total project costs of \$792,000.00 are to be paid by the federal government and Johnson County, Kansas?" Councilman Alt moved for the adoption of Resolution No. 325; seconded by Councilman Eddy.

#599

Councilman Judd read a statement indicating that he wished to register his protest against the resolution being presented, saying it was completely irresponsible to ask relatively new councilmen to vote for an "understated" bond issue until the construction costs were validated by an impartial engineering firm. He suggested that the resolution be tabled until all the information was provided. Councilman Present maintained that costs for storm drainage, lighting, landscaping, signalization, etc. should be included. The phrasing of the proposition was discussed.

#695

Persons in the audience spoke in opposition to the widening of 95th Street. Mr. Gunther stated presenting the cost of the proposed improvement without including costs for storm drainage and traffic signalization would be like selling a car without an engine. Mayor Ballard explained that all these things could not be included in the same proposition, that street lights and signalization were financed out of the Kansas City Power & Light franchise tax and storm drainage could not legally be included in this proposition. ~~Elmer~~ *Boe* ~~Selenko~~ explained that originally the agreement with the county was that the street and the storm drainage would be considered as a package project, the county would pay for the street, the City would pay for the storm drainage.

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Mr. Gunther stated the street had been intentionally not repaired and all this was to move someone else's traffic; he said the Council should look at what was best for the City of Leawood. Arno Salmi asked what was wrong with keeping traffic slowed down, and suggested that an alternate plan with two lanes be prepared and let the voters choose which plan. Regulation of traffic on the street was discussed. Mrs. White asked for openness about what the improvement would cost. She said the increased rate of flow into ponds, streams, and under bridges was a hazard. She said the street and the storm drainage should go together. Mayor Ballard said it was already a storm drainage situation that needed to have some correction, and the dams did not belong to the City. He added that the amount of additional square footage paved for the addition of two lanes in relation to the square footage of all roofs and existing pavement in that drainage basin was a very small percentage. Phil Kline said a preliminary plan for a storm drainage system running down from 95th Street south through ponds to James Branch had been prepared some two years ago. He said the estimated cost at that time was \$203,000 and it would probably be forty per cent more now. Mayor Ballard said part of the reason the City had not done anything on some of the storm drainage problems was because of the impending sanitary sewer problem. Councilman Present pointed out that sanitary sewer work would be three years away. Watershed areas involved were discussed. Mrs. White expressed concern about the bridge south of 98th and Lee at the confluence of streams from Ranch Mart and from the ponds. C. C. Crippin asked how much more water would come down 95th Street from State Line west approximately 200 yards. He said why not consider some alternatives to a forty-eight foot roadway? City Attorney Winn explained that the City could pay up to ninety per cent of the cost on a drainage district. He said the City did not have to go to the public for bonds for a benefit district. Curtis Chavers explained that tree limbs and debris blocked the flow of water during heavy flow at the bridge at 98th and Belinder and water backed up into his basement. Councilman Alt said the bridge was under study. He said some residents had been dumping yard clippings and limbs into streams. Elmer Selonke suggested adjustment in the timing of the light at 95th and Lee. Mrs. White asked how much all these improvements would cost residents. Mayor Ballard stated the City had an application for Federal funds on the sanitary sewer improvement and Leawood residents would be paying a relatively small percentage. Mayor Ballard said the first thing was the authorization to build the street and then the City would work out whatever was necessary for the storm drainage part of it. Cost of sanitary sewer improvements was discussed.

#872

#972

#1132

Questions by Councilman Watts concerning cost of bond retirement; whether benefit districts would have to be created anyway; the effect of the widening of 95th Street on the lakes and streams; the number of trees which would be destroyed along the roadway; whether there was an

#1290 alternate plan made up for two lanes with turn off lanes at every intersection; and whether if Leawood did not widen the street, the state could do it, were discussed. Councilman Henry stated he was opposed to continually putting something on the ballot and said he would like to go on record as saying that if this resolution was approved, the question went on the ballot and was defeated, that the Council should take prompt action to resurface the road. Councilman Watts moved that consideration of the resolution before the Council be postponed until such time as the Public Works Commission presented to the Council the following: (1) the total economics surrounding the cost of this project, including any benefit district, storm drainage, cost of street lights, etc., (2) a very rough estimate of what it would cost to completely rebuild the street into a first class wide two-lane street with turn off lanes at each intersection, and (3) complete drawings so the Council could see the effect of the street on the environment of Leawood, particularly the foliage; seconded by Councilman Present. Following discussion, the vote of the Council was tied at 3 to 3. Mayor Ballard cast the deciding vote against the motion. Motion was defeated. The vote on Councilman Alt's motion for adoption of Resolution No. 325 was tied at 3 to 3. Mayor Ballard cast the deciding vote in favor of the resolution. Resolution No. 325 was adopted. A copy is attached hereto as part of the record.

#1365

#1502 Councilman Eddy suggested that the City spend the small amount necessary to come up with the answers to the questions by Councilman Watts. Councilman Eddy moved that a newsletter stating the peripheral costs regarding the trafficway be sent out sometime during the middle seven days of October; seconded by Councilman Alt. Motion carried.

#1540

#1595 Resolution Authorizing the Public Works Department to Maintain 95th Street by Proper Overlay and Repair: Councilman Present read the proposed resolution and moved for its adoption; seconded by Councilman Judd. Motion defeated by vote of 2 to 4.

COMMITTEE AND COMMISSION REPORTS

#1615 Budget and Finance: No report.

Parks: No report.

#1624 Public Safety - Police Department Status Forms: Councilman Judd presented the status form and moved that the resignation of Stephanie Ann Rhodes be accepted; seconded by Councilman Eddy. Motion carried.

#1631 On motion by Councilman Judd, seconded by Councilman Alt, the following employment was approved:

Ruth Blaw, Police Clerk, at the rate of \$425.00 per month.

September 3, 1974

#1638

On motion by Councilman Judd, seconded by Councilman Alt, the following employment was approved:

Alta M. Anderson, as School Crossing Guard at Brookwood School, at the rate of \$8.75 per day.

#1645

Ordinance Setting Forth Fees for Various Permits (Second Reading): Deferred.

Ordinance Providing for Establishment of Fees for Examining Plats, Development Plans, etc. (First Reading): Councilman Present said in checking the ordinance he found that it cost the same amount to inspect 100 lots as it did to inspect 200 lots. Action on the ordinance was withheld. Councilman Eddy agreed to check on it.

MAYOR'S REPORT: No report.

NEW BUSINESS

#1658

Resolution to Change Name of 111th Street to "College Boulevard": Following discussion, a motion by Councilman Alt to recommend the change of name to College Boulevard only if it were changed completely throughout the cities of Leawood, Overland Park and Lenexa, was withdrawn. Action was delayed until the next meeting.

#1706

Ordinance No. 463 Adopting Standard Traffic Ordinance for Kansas Cities, 1974 Edition (Second Reading): On motion by Councilman Present, Ordinance No. 463, adopting the Standard Traffic Ordinance for Kansas Cities, 1974 Edition, was adopted, Councilman Eddy voting nay.

#1711

Appropriation Ordinances: Nos. 332A and 321S in the amounts of \$312,880.97 (including \$225,000.00 in investments) and \$554,470.93 (including \$550,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved, Councilman Present voting nay.

#1717

City Attorney Winn expressed concern as to the effect of the 3 to 3 vote with the Mayor casting the deciding vote on the resolution relative to 95th Street and the main trafficway ordinance. He said he would research the Kansas statutes and consult with bond counsel.

#1729

At 11:25 p.m., on motion by Councilman Present, duly seconded, the meeting adjourned to Monday, September 16, 1974, 7:30 p.m.

  
Jane Lile  
Council Reporter

Attest:

J. Deane Anderson  
City Clerk

Donald S. Bell  
Mayor

September 16, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, September 16, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, Eddy, Watts, Present, Judd.

Others present were Fire Chief Toman, Captain Sellers, City Attorney Winn, Charles Troppito, Phil Kline, the City Clerk, and the Council Reporter. Treasurer Pendleton arrived at 8:50 p.m.

Minutes: Councilman Judd suggested that the minutes of the meeting of September 3, 1974, be corrected by substituting "a qualified highway engineer" for "a MARC engineer" in the thirty-third line of the second paragraph on page 1792, and by substituting "Bob Jacobe" for "Elmer Selonke" in the last paragraph on page 1793. On motion by Councilman Judd, seconded by Councilman Watts, the minutes of the meeting of September 3, 1974, were approved as corrected.

Visitors: Ben Rockey, Mary Joan Kretsinger, Nathalie O. Roberson, R. C. Roberson, Richard Roberson, Jan Carrigan, Verna White, Mrs. John Brooks, Robert A. Gunther, Henry F. Gunther, Christopher Glenn, former councilmen Walter Aalbrechtse and Cliff Johnson.

#1758

Councilman Chase entered the meeting at 7:37 p.m.

#### MAYOR'S REPORT

Mayor Ballard stated he was withdrawing from the agenda the resolution of Council intent re widening of streets.

#1774

Appointment of Committee to Draft Newsletter Regarding 95th Street Issue: Mayor Ballard recommended appointment of the following committee to draft a newsletter regarding the 95th Street issue: Councilman Alt, Chairman; Councilman Watts; and Councilman Judd, with Ben Rockey, Mrs. John Brooks, and Bob Jacobe as non-voting public advisory members of the committee. The committee was requested to report back to the Council no later than October 7, 1974. Following discussion, on motion by Councilman Henry, seconded by Councilman Judd, the 95th Street Newsletter Committee was approved as recommended to the Council by the Mayor.

#1809

Ordinance No. 464 - Designating 95th Street a Main Trafficway (Second Reading): Councilman Alt moved that Ordinance No. 464, designating 95th Street a main trafficway, be adopted. Ordinance No. 464 was unanimously adopted.

#1827

Resolution No. 325 - Setting Out Findings and Determinations on the Necessity and Advisability of Improving, by Means of

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Widening, Reconstructing, Curbing and Guttering, 95th Street:  
City Attorney Winn stated he felt it was advisable and necessary for the Council to act on this resolution again since it involved ultimately the expenditure of money if the bond election passed, and, therefore, would require a majority vote of all elected members of the Council. Councilman Alt moved that the resolution setting out findings and determinations of the Governing Body of the City of Leawood on the necessity and advisability of improving, by means of widening, reconstructing, curbing, and guttering, 95th Street be adopted; seconded by Councilman Eddy. Councilman Judd referred to a letter to the Council from Mrs. Verna White concerning storm drainage. He said storm water runoff from the City of Overland Park was involved and Leawood must make sure what Overland Park intends to do. Councilman Judd said he felt the Council must determine and make public before the street widening bonds go on the ballot, the matter of what percentage of the storm drainage district was to be assessed against the people within that area, and what percentage would be assessed against the city as a whole.

#1860

#1930

Mayor Ballard presented cost estimates on five alternative plans for the improvement of 95th Street: (1) Four 11-foot lanes, including storm drainage within the right-of-way, total project cost estimated to be \$1,003,662, Leawood's share to be \$118,994; adding \$10,000 for contingencies and \$7,500 for right-of-way cost would bring the Leawood total to \$136,494; (2) 36 foot back to back curbs (three 12-foot lanes) including storm drainage in the right-of-way, total estimated cost \$929,735, Leawood's share with county funds would be \$90,173, without county or federal funds, \$734,491; (3) A new 28 foot improved roadway with curbs and storm drainage in the right-of-way, total project \$879,735, Leawood's share being \$694,991; (4) Improvement of present roadway (no curbs or storm drainage) with sub-base work, shoulder work and ditching, total cost \$581,000, Leawood's share being \$458,780; and (5) Two-inch overlay with no restructuring, cost \$35,000.

#2041

Phil Kline presented a storm drainage plan which he said had been presented to the Council some two years ago. He explained the plan proposed increasing the size of storm sewer lines from 95th Street at Meadow Lane and at Belinder down some two lots north of the north end of the north pond; from that point the plan proposed a series of spillways and concrete-lined ditches, then a reinforced concrete box on down to James Branch. He said the cost of that proposed construction, based on next year's estimated costs, would be \$280,000. He reviewed that the City could create a drainage district within the watershed (including the equivalent of 270 homes) and assess the city at large up to ninety per cent of the project cost. He said at least ten per cent of the cost must be borne by the properties within the drainage district. He said the \$280,000 would result in an average cost per house in the drainage district of \$104, for houses in the city at large, \$69.

Mr. Kline stated that because of the concern of residents regarding additional water going into the ponds faster, an alternate plan had been prepared which included bringing the same storm sewers proposed in the first plan down to a present 24-inch pipe feeding the ponds, and constructing a splitter box which would continue to feed the 24-inch pipe into the ponds, and would add a supplementary pipe at a higher elevation which would continue south bypassing the ponds, estimated cost \$330,000. Under the 90/10 formula, the cost to homes in the drainage district would be \$112, to homes in the city at large, \$81. Mr. Kline stated the figures presented on either plan did not include any right-of-way cost. He said there was a statute which provided that a city council may condemn property for rights-of-way and assess the costs against all who did not donate right-of-way. City Attorney Winn added that the same statute enabled a city to give credit to those people who did donate right-of-way. He said probably a 15 to 20 foot construction easement and a 5 foot permanent easement was involved, and the cost could be spread over a period of 20 years. Mayor Ballard pointed out that the bypass line had an advantage as far as the City was concerned in that the lakes were presently private property but if the City did the spillway and ditching work the City would basically assume responsibility for the dams from that time on, while the second alternative would leave the ponds exactly as they are.

#2210

Charles Troppito presented figures furnished by Kansas City Power & Light indicating the cost of relocation of street lights for four 11-foot lanes would be \$3,375; for a 36 foot street, \$2,750; and no cost for relocation for the other alternatives. For relocation of traffic signals the cost would be \$9,250 for four 11-foot lanes, the 36 foot street, and the 28 foot improved roadway because the plans for each called for the intersections being widened. There would be no signalization cost on a simple overlay.

#2227

#2255

Mr. Kline discussed the storm drainage plans with the Council. He said under the second plan, the water in a heavy rain would arrive faster at James Branch. He said he did not know how Overland Park arrived at their estimate. He said there would be more intense water being delivered to the James Branch if Overland Park implemented their plan. Councilman Judd maintained the storm drainage was a matter involving more than one city and Leawood must look at the overall picture.

The five alternative plans for improvement of 95th Street were discussed. In answer to inquiry by Councilman Present, Mr. Kline said it was possible but in his opinion not feasible, to use the present street as part of the new base. The costs presented for relocation of existing street lights were discussed. Councilman Present maintained that since the matter of replacement of street lights had not been investigated, the cost could be higher. Costs of traffic signals were discussed. Mr. Troppito stated the figures presented were for replacement of presently existing signals as necessary

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for the pavement width. Councilman Present said it was evident that the Council was asked to approve the widening of 95th Street without any of the ramifications it may bring to the City, nothing had been offered as a complete system, and he did not think the Council was ready to lay down four lanes.

#2546

Mr. Kline sketched what would happen if storm drainage were not constructed, and said it would not be desirable because water would accumulate on the street. Mayor Ballard said there was a possibility that the City might get federal funding for the storm drainage. Councilman Judd said the implication had been on the matter of storm drainage that the Council was going to apportion it ten per cent to residents in the district and ninety per cent to the rest of the City. He said storm drainage problems were rampant throughout the whole City, and this would be opening Pandora's Box on those problems. Councilman Judd said the matter involved \$388,000 or \$433,000, depending upon which drainage plan, not just a bond issue of \$136,000. Storm drainage was discussed further. Mr. Kline said there were no plans for improvements where James Branch goes under Lee Boulevard. Mayor Ballard said he would contemplate that prior to the time the newsletter was issued the Council would make a decision on allocation of the cost of the drainage project.

#2732

Persons in the audience asked questions and discussed the widening of 95th Street and the storm drainage. Henry Gunther asked if 95th Street would not be about the same as Lee Boulevard if it had an adequate overlay. Mr. Kline said in his opinion the base was inadequate. Jan Carrigan asked Mr. Kline to describe spillway work on the dams under the first storm drainage project. Mr. Kline explained and drew a diagram of the spillway work. Mrs. White asked if the spillways would increase the amount of water that would come through earlier. Mr. Kline said some of the water would come through earlier. He said it had not come to his attention that anything needed to be done either above or below the crossroad structure just west of State Line. Councilman Judd asked for assurance from Mr. Kline that if the project went through there would not be a need for a second storm drainage district roughly from 96th to 91st, Lee Boulevard to State Line. Mr. Kline said he could give no assurance of that.

#2930

#2944

Mr. Roberson said if water backed up in basements at 98th and Lee after all that work without providing for additional outlet, the City was laying itself open for a lawsuit. He said he thought 95th Street could still be repaired at minor cost. Mr. Gunther said he felt the storm drainage should be included in any bond issue for street construction. Mrs. White said she felt the program presented at this meeting only included a part of the drainage from 95th Street. She said the Council would be derelict in its duty and negligent if it did not figure out what to do with the water that comes into Leawood from Overland Park to Indian Creek. She said

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there were a number of sanitary sewers that were completely covered with water when the creek was up at all. Mrs. White said she thought some members of the Council did not know how serious the problem was.

Mrs. John Brooks asked what would happen in the area from Lee Boulevard east to State Line. Mr. Kline said the increase in water and the speed that it would come off a four lane pavement as compared to a two lane pavement was hardly measurable. Mrs. Brooks asked about drainage from a new development behind her property. Mr. Kline said a storm sewer plan had been prepared to take the water and deposit it into a ditch on High Drive. Mrs. Brooks felt ultimately there would have to be a storm drainage plan between State Line and Lee Boulevard to compensate for the street. She said she wanted to know how much it would cost. Mayor Ballard said at this point in time he was not aware of the 95th Street project having any impact whatsoever on the area east of Lee Boulevard. Christopher Glenn was concerned about additional sand and salt that would be deposited in the first pond. Councilman Present asked each councilman to search his conscience to decide if he was doing justice to the City in approving such a project without having complete plans for every single thing that it affected. Councilman Alt moved the previous question; seconded by Councilman Eddy. Motion carried. Whereupon a roll call vote was taken on the motion to adopt Resolution No. 325. Resolution No. 325 was adopted, Councilmen Present and Judd voting nay. A copy is attached hereto as part of the record.

#3325

#3403

#3438

There was a short recess to change the recording tape.

Tape No. 33

Side 1

#5

Ordinance Setting Forth Fees for Various Permits (Second Reading): Deferred to the next meeting.

NEW BUSINESS

#16

Park Report: Councilman Alt reported the park was in good condition.

#17

Request for Permission to Sell Candy Door to Door - Camp Fire Girls, Sunflower Council: On motion by Councilman Judd, seconded by Councilman Alt, the request was approved.

#20

Proclamation - Daughters of the American Revolution: On motion by Councilman Judd, seconded by Councilman Alt, the Mayor was authorized to proclaim the week of September 17 through September 23, 1974, as CONSTITUTION WEEK.

#21

Status Form - Police Department: On motion by Councilman Judd, seconded by Councilman Eddy, the following employment was approved:

Cynthia Jane Overstreet, part-time Assistant Police Clerk, at the rate of \$2.00 per hour.

PROCLAMATION

WHEREAS, September 17, 1974 marks the one hundred eighty-seventh anniversary of the adoption of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, To accord official recognition to this memorable anniversary, and to the patriotic exercise that will form a noteworthy feature of the occasion, seems fitting and proper; and

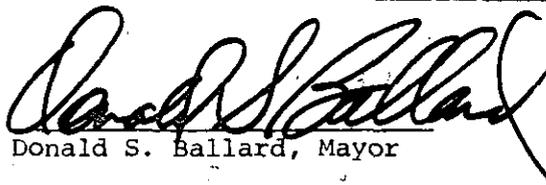
WHEREAS, Public Law No. 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, I, Donald S. Ballard, by virtue of the authority vested in me as Mayor of the City of Leawood, Kansas do hereby proclaim the week of September 17 through 23, 1974, as

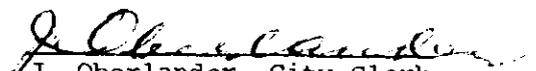
CONSTITUTION WEEK

in the City of Leawood, Kansas, and urge all our citizens to pay special attention during that week to our Federal Constitution and the advantages of American Citizenship,

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Leawood, Kansas to be affixed at Leawood, Kansas this 19<sup>th</sup> day of September 1974.

  
Donald S. Ballard, Mayor

Attest:

  
J. Oberlander, City Clerk

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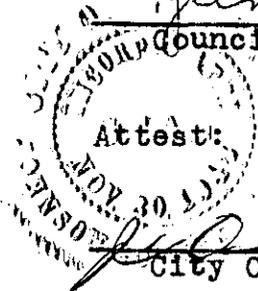
Councilman Judd explained that this employment was in cooperation with the on-the-job training program of Shawnee Mission East High School.

At 10:05 p.m., on motion by Councilman Alt, seconded by Councilman Henry, the meeting adjourned to Monday, October 7, 1974, 7:30 p.m.

#28

William R. Judd  
President of the Council

Jane Lile  
Council Reporter



[Signature]  
City Clerk

October 7, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, October 7, 1974, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council William R. Judd presiding. Roll call was answered by Councilmen Henry, Alt, Chase, Watts, Present, Judd.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Charles Troppito, Will Gray, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman Watts, the minutes of the meeting of September 16, 1974, were approved as submitted.

Visitors: Jean Wise, Tom Nelson, Bob Jacobs, Murray Nolte.  
Members of the Press: Bob White, Dan Morris.

#### REPORTS

Treasurer: No report.

#42

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Watts.

#50

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Judd, seconded by Councilman Watts.

#52

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Alt. Councilman Judd pointed out the high percentage of cases cleared by the detective division. Chief Blume stated burglaries continued to be a problem. He said the department was working closely with Kansas City and Overland Park in a project called Operation Identification.

#69

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Watts.

#### COMMITTEE AND COMMISSION REPORTS

#85

Budget and Finance: Councilman Watts reported income from permits and motor fuel tax was down considerably from last year but other accounts seemed to be making up for the shortfall. The gasoline situation was discussed. Councilman Watts commented on the tremendous job done by Overland Park in research on potential revenue sources other than ad valorem property taxes for cities in 1976, and acknowledged that a good bit had been taken from Charles Troppito's report. He said the League of Kansas Municipalities would take up the banner on this cause and talk to the state about general

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revenue sharing from the state and/or a general statewide increase in sales tax to go to cities.

#147

Ordinance No. 465 - Setting Forth Fees for Various Permits (Second Reading): Charles Troppito stated the changes directed to be made by the Council had been incorporated in the draft of the ordinance presented. Following discussion, the ordinance was amended by substituting "structure" for the word "shed" in Section 5-104 (1). Ordinance No. 465 was unanimously adopted.

#170

Ordinance Providing for the Establishment of Fees for Examination of Subdivision Plats, etc. (First Reading): Charles Troppito stated the fee schedule in the draft presented represented Mr. Kline's recommendation on fees for examination of plats. Following discussion, the ordinance was passed for second reading at the next meeting.

#238

Ordinance Relative to Billing and Collection of Sewer Service Charge (First Reading): Councilman Alt explained that this ordinance was to take out the late charge and certification charge and conform to the newly adopted billing procedure. The ordinance was passed for second reading at the next meeting.

#258

Councilman Present moved for a change in the agenda to consider New Business, Old Business, and then Committee Reports; seconded by Councilman Henry. Motion carried.

#### NEW BUSINESS

#265

Presentation of Site Plan for Recreation Complex and Proposal for Grading Plan for Ball Fields (Leawood Park): Jean Wise introduced Tom Nelson, architect, who presented and explained the master plan of Leawood Park. He stated ball fields had been shifted to the northern area of the park to open up the area along Indian Creek for picnicking, riding trails, etc. and to act as a buffer between that kind of activity and I-435. He pointed out the drive through the park had been located to concentrate traffic and segregate activities. He stated the architect's and engineer's contracts and the bond issue did not include the playing fields, extension of the drive, and parking at the fields. He said some regrading would be necessary and it had been proposed that his associates do a grading plan for presentation to the City, hoping that the grading could be done with City crews. Mrs. Wise stated the Recreation Commission would pay for the grading plans. Mr. Nelson suggested that he do a partial plan and present it to the Public Works Committee. Following discussion, Councilman Present moved that the Recreation Commission be authorized to spend a maximum of \$2,100 for a preliminary plan as outlined; seconded by Councilman Watts. City Attorney Winn confirmed that the original contract covered just the issues indicated in the bond proposal, and did not cover any other site work in the park area. It was explained that the money would be spent for a plan showing grading to be done for the additional fields which were outside the

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#389

contract. Motion carried. It was agreed that Mr. Nelson should meet with the Public Works Committee to show the preliminary plan and analyze the City's position to carry it out.

#418

Request for Permission to Distribute Advertising Material - Culligan Water Conditioning, Inc.: Councilman Judd moved that this matter not be considered but be referred to the Public Safety Commission meeting to be held on Wednesday, October 9; seconded by Councilman Watts. Motion carried.

#425

Occupation License Application - Rabago Catering Service: City Attorney Winn explained that the proposal was for one night a week catering service to be operated out of a residence in the City. He said zoning and occupation license ordinances were in conflict and the policy had been to look at each case individually. Mr. Winn said he had requested the City Clerk to inform Mr. Rabago that before a permit could be issued the State Health Service would have to approve the operation. Following discussion, Councilman Henry moved that the matter be tabled until Mr. Rabago appeared before the Council to explain the proposed operation; seconded by Councilman Alt. Motion carried.

#463

Councilman Alt moved for another change in the agenda to discuss the change of name of 111th Street at this time; seconded by Councilman Judd. Motion carried.

#467

Resolution No. 326 - Changing the Name of 111th Street: Murray Nolte, representing Johnson County Community College and Foundation, stated the college would like more direct identification with the cities which they felt the change of name from 111th Street to College Boulevard would provide. He said the City of Overland Park was considering the name change and the City of Lenexa had taken action renaming that portion in Lenexa to College Boulevard contingent upon action by the other two cities. He urged that the Council take favorable action on the resolution to rename the street. Possible confusion was discussed. It was suggested that the street signs have 111th Street in parenthesis under the name College Boulevard. Councilman Alt moved that Resolution No. 326 become effective upon adoption of the same by Lenexa and Overland Park; seconded by Councilman Watts. Resolution No. 326 was adopted. A copy is attached hereto as part of the record.

#536

Proclamation - Camp Fire Girls: On motion by Councilman Judd, seconded by Councilman Alt, the week of November 15 to 22, 1974, was proclaimed CAMP FIRE CANDY SALE WEEK.

OLD BUSINESS

#550

Storm Drainage - 95th Street: Councilman Alt thanked members of the 95th Street Newsletter Committee for their assistance in putting the newsletter together. Mr. Alt reported the voting members of the committee had unanimously voted urging

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#562

the Council to express itself on the forming of a storm drainage benefit district. Councilman Alt moved that the Governing Body of the City of Leawood, Kansas, direct the City Attorney to prepare a resolution or other legal documents as may be necessary to accomplish the following: (a) Establishment of a storm drainage benefit district as outlined on the map presented and to further provide for an assessment ratio, to pay the cost of necessary improvements, in a manner whereby ten (10) per cent of said improvements would be assessed to the homeowners within said district and ninety (90) per cent assessed to the city at large; (b) It shall be a further provision that said resolution shall require storm drainage improvements within said district to provide sufficient water to lakes and ponds within said district with diversion of surplus water into James Branch Creek (alternate plan involving a splitter box), estimated cost \$330,000; seconded by Councilman Watts. The matter was discussed. City Attorney Winn stated he would need to know the nature of the project, the boundaries, the probable and estimated costs, the method of assessment, and the spread. He hoped to have the resolution prepared by the next meeting. Following discussion, motion carried.

#637

Report from 95th Street Newsletter Committee: Councilman Alt suggested that the draft of the newsletter submitted be corrected by adding the word "average" to the first line of the seventh paragraph so that it would read, "The estimated average annual cost" and in the same paragraph by changing "from \$13.00 to \$14.40" to "\$14.55," and "from \$5.00 to \$5.50" to "is \$5.50". City Attorney Winn reviewed a full amortization schedule he had prepared for the street based on ten years and for storm drainage based on twenty years assuming the city at large would pick up ninety per cent of the drainage costs. Costs were discussed. In paragraph 4, \$4.40 was changed to \$4.60. Content of the newsletter was discussed. It was agreed that the word "street" be added to the first sentence of paragraph 3, page 1, to read, "Total estimated construction costs for the street project is \$1,003,662." Councilman Judd stated the way the costs were presented in the newsletter it did not seem like very much but with interest over ten years on the street and interest over twenty years on the storm drainage, the true costs would be considerably higher, roughly \$693,000. Councilman Watts cautioned that the references to page numbers be checked in the final draft. It was agreed that the word "is" be added to the second sentence of the fifth paragraph on page 1, to read as follows: "Ninety percent of this cost is to be shared by the City at large with the remaining ten percent to be assessed to the 270 homeowners within the district." It was agreed that in the last line on the first page of the draft the word "at" be changed to "of," and that more definite breaks be made before "95th Street Cost Estimates" and before the list of mayor and councilmen. It was also agreed that under "Alternatives Considered" on page 3, the

#727

#855

#928

#990

October 7, 1974

#1052 word "highly" be stricken, so the sentence would read: "Federal and County participation is doubtful on Alternatives 1 and 2 and no participation would be available for Alternatives 3 and 4." Councilman Alt moved that the Council approve the newsletter as corrected; seconded by Councilman Henry. Motion carried, Councilman Present abstaining. Councilman Henry congratulated the committee for the work they did.

COMMITTEE AND COMMISSION REPORTS (continued)

#1070

Parks: Councilman Alt reported the parks were in good condition.

#1075

Plan Commission: Councilman Alt said there was no report except that the Commission was getting set for a public hearing on the comprehensive plan.

Public Safety - Status Form - Fire Department: On motion by Councilman Judd, seconded by Councilman Watts, the following employment was approved:

Edward Michael Cosgrove, as Probationary Firefighter, at the rate of \$675.00 per month.

#1083

Public Works Status Forms: On motion by Councilman Alt, seconded by Councilman Judd, the resignation of Robert H. Hayes as Street Department Foreman was accepted.

#1096

On motion by Councilman Alt, seconded by Councilman Judd, the following promotion was approved:

Paul Orrick, from Street Department laborer to Street Department Foreman, at the rate of \$775.00 per month.

#1102

On motion by Councilman Alt, seconded by Councilman Judd, the following employment was approved:

James Stutts, Street Department laborer, at the rate of \$3.66 per hour.

#1107

Appropriation Ordinances: Nos. 333A and 322S in the amounts of \$222,577.64 (including \$160,000.00 in investments) and \$551,964.99 (including \$500,000.00 in investments), providing for payment of certain claims against the City and the Leewood Sewer System respectively, were submitted and approved. Charles Troppito was requested to check the account charged and insurance concerning payment of a claim for damage alleged to have been sustained when a car was moved during street overlay.

#1180

At 10:16 p.m., on motion by Councilman Present, seconded by Councilman Alt, the meeting adjourned to Monday, October 21, 1974, 7:30 p.m.

June Lile  
Council Reporter

Attest:

[Signature]  
City Clerk

William R. Judd  
President of the Council

October 21, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, October 21, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, DeKinder, Chase, Watts, Judd.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Captain Sellers, John Granstedt, Charles Troppito, Will Gray, the City Clerk, and the Council Reporter. Treasurer Pendleton arrived at 8:02 p.m.

Minutes: On motion by Councilman Judd, seconded by Councilman Henry, the minutes of the meeting of October 7, 1974, were approved as submitted.

Visitors: Newman Guthrie, Elmer Selonke. Member of the Press: Bob White.

MAYOR'S REPORT

#1192

A letter of resignation from Councilman William R. Judd had been distributed. Mayor Ballard expressed regret for Mr. Judd having to resign and noted that he had been an outstanding councilman. Councilman Judd stated it was a matter of pressure and tension, and on the advice of his physician he felt it was the only thing to do to be fair to his family.

#1203

On motion by Councilman DeKinder, seconded by Councilman Watts, consideration of the Public Works recommendation relative to bids for a new roof on the Public Works building was moved to the next item of business.

#1209

Public Works - Recommendation re Bids for New Roof for Public Works Building: Charles Troppito reported that two bids had been received for removing the old roof and replacing it with a GAF built-up roof, as follows:

Earl Hankins Roofing Co.	\$6,565.00
Kaw Roofing and Sheet Metal, Inc. (plus \$280.00 for a bond)	\$7,118.00

John Granstedt explained the specifications. He said estimates given had varied from \$1.00 to \$1.50 per square foot. Mr. Troppito said the Hankins bid amounted to \$1.17 per square foot. He said it had been the intent for this expenditure to come out of the Public Works rent account which had a present balance of \$15,140.00.

#1244

Councilman Present entered the meeting at 7:40 p.m. during discussion of the bids.

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Councilman Henry moved that the bid of Earl Hankins Roofing Co. in the amount of \$6,565.00 for re-roofing the Leawood Public Works Building at 2008 West 104th Street be accepted and approved; seconded by Councilman Judd. Motion carried.

#1284

Date for Report from Committee on Money not Designated for a Particular Department: Mayor Ballard requested that Councilman DeKinder assist Councilman Alt in the study, and that a report be presented by the second meeting in November.

OLD BUSINESS

#1294

Ordinance No. 466 - Relative to Billing and Collection of Sewer Service Charge (Second Reading): At the suggestion of Councilman Henry, "Missouri" was inserted after the words "Kansas City". City Attorney Winn explained that the ordinance was necessitated by the change in method of billing and collection. Ordinance No. 466 was adopted unanimously.

#1317

Ordinance No. 467 - Providing for Establishment of Fees for Examination of Sub-Division Plats, etc. (Second Reading): Ordinance No. 467 was adopted unanimously.

#1324

Occupation License Application - Manuel Rabago: A letter from Mr. Rabago explaining his proposed operation and stating it would be practically impossible for him to attend the Council meeting had been distributed. Councilman Henry stated he had talked with Mr. Rabago and confirmed that he planned to cater one meal a week, that no trucks or extra equipment would be involved, and that the operation would be in the nature of a market sampling. Councilman Chase moved that the motion relative to Mr. Rabago be taken from the table and put before the Council; seconded by Councilman Henry. Motion carried. Following discussion, Councilman Judd moved that Mr. Rabago be given a permit to conduct the type business outlined in his letter dated October 12, 1974, for the balance of this year, subject to renewal July 1, 1975, contingent upon Mr. Rabago obtaining proper licensing from the State of Kansas; seconded by Councilman Chase. Motion carried.

#1385

NEW BUSINESS

#1402

Personnel Status Form - Fire Department: On motion by Councilman Judd, seconded by Councilman Watts, the following employment was approved:

Jack Clinton Scott, Probationary Firefighter, at the rate of \$690.00 per month.

#1409

Bids for Vehicle Acquisition for Leawood Police Department for 1975: Chief Blume reviewed that upon being advised that the leasing agent would not be able to lease police cars, the Council had approved the purchase of five cars and placement of three men on a vehicle allowance. He said no leasing supplier had submitted any affirmative bids, and

October 21, 1974

two bids had been received from purchasing suppliers, as follows:

Bud Brown Chrysler-Plymouth, for Satellite Custom	\$23,737.70
Schlozman Ford, for Gran Torino	\$23,710.00

#1561 Chief Blume stated the Chrysler-Plymouth product could be operated on regular gasoline thereby obviating the purchase and installation of a no-lead gasoline tank this year, and the Ford Gran Torino bid was for a two barrel carburetor and a single exhaust system. He said the Council should make the policy decision as to whether or not another gasoline tank should be purchased at this time. He recommended that the Council accept one of the two bids so the cars could be ordered to be on hand by January 1. Since the bids were over the estimated \$4,200.00 per unit, the plan for acquisition of police cars would now cost \$10,345.54, or \$2,841.60 more than the Council had approved. Councilman Watts stated the difference would have to come from Federal Revenue Sharing in addition to the \$26,400.00 budgeted from Federal Revenue Sharing. City Attorney Winn stated the Council could not contract in 1974 to commit 1975 money but suggested that Chief Blume tie down the arrangement by letter. Councilman Judd suggested that the Satellite cars be purchased since they used regular gas and the City would be buying time to make provision in the 1976 budget to finance the installation of storage tanks and pumps for the unleaded gas. The matter was discussed. Chief Blume stated he was requesting permission of the Council to authorize him to correspond with Bud Brown and place an order with them for five vehicles as specified in the amount of \$23,737.70. He explained that the bid did not include \$168.06 interest on the bid bond which he felt the City should pay. Councilman Watts moved that the Council accept the bid of Bud Brown Chrysler-Plymouth and authorize Chief Blume to correspond with Bud Brown concerning the City's intention to purchase in 1975 for delivery in 1975 the cars described for the total price of \$23,737.70 plus the bid bond premium of \$168.06; seconded by Councilman Judd. Motion carried.

#1571

Bids for Security System, Leawood Police Department:

Councilman Judd stated the bids were for the final phase of the security system. Captain Sellers stated four bids were submitted and the low bidder was Burstein-Applebee in the amount of \$5,200.00, which he recommended be accepted although it was over the amount scheduled for that portion of the equipment. He said there had been a savings on parts 1 and 2 which could be applied to the shortage in Part 3, provided the City would be willing to pick up the overall shortage of \$230.56 in excess of the grant. Councilman Judd moved that the bid of Burstein-Applebee be accepted in the amount of \$5,200.00; seconded by Councilman Henry. Motion carried.

#1580

#1587

Recommendation Relative to Request of Culligan Water Conditioning, Inc. to Distribute Advertising Material:

Councilman Watts reported the Public Safety Commission recommended that this permit not be granted because it represented the endeavors of a commercial establishment and it had been general practice of the City to approve such solicitations only from charitable organizations. Councilman Watts moved that the Council not approve the request of Culligan Water Conditioning, Inc. to distribute advertising material; seconded by Councilman Judd. Motion carried.

#1616

Budget and Finance Committee Report: Councilman Watts gave a brief rundown by departments on expenditures to date. He said it appeared the City could have a \$68,000 carryover (\$20,000 over the carryover forecast), not considering the Public Works roof or additional expenditure for police cars. There was discussion concerning the status of the special fire equipment fund. Councilman Watts said in his figures he had assumed the City Administrator would not be hired in 1974, that the capital expenditure account would be carried over in its entirety, that the entire charges for City services to Parks and Recreation would be carried over, and that the \$7,000 from the County for road maintenance would be carried over.

#1691

Schedule for Recreation Complex: Mayor Ballard said at the next meeting he would like to appoint a Council committee to work with the Recreation Commission to present the financial aspect of operating the recreation complex to the Council at the time the Council was asked to approve the bids.

#1713

Ordinance No. 468 - Relative to Issuance of Temporary Note - Leawood Recreation Complex: Newman Guthrie stated the Recreation Commission had asked the City Attorney to prepare the necessary documents to allow the Commission to pay the architect and the engineer before the sale of the bonds. He said the contracts approved by the Council called for monthly payments and most of their work would be completed before the bonds were sold. City Attorney Winn stated the bonds would be advertised for sale on November 20. He said the ordinance was for authority to issue a \$50,000 temporary note to be out for approximately 45 days. Councilman Judd moved that an emergency be declared for the purpose of authorizing and providing for issuance of a \$50,000 temporary note of the City of Leawood, Kansas, to pay partial cost of construction of the Leawood Recreation Complex on existing park property; seconded by Councilman Watts. Motion carried. On motion by Councilman Judd, Ordinance No. 468 was unanimously adopted.

#1776

#1782

Ordinance Providing for Donation by Developers of Cash for Use for Parks and Recreation (First Reading): Mr. Guthrie stated the Recreation Commission suggested the City adopt the proposed ordinance to provide for donation of certain money by developers. City Attorney Winn explained the Recreation Commission felt such an ordinance was desirable

October 21, 1974

#1951

in order for the Commission to continue to plan parks and recreational area. He said the advantage of cash would be that the City could accumulate the money and acquire property of suitable size. Charles Troppito said the Plan Commission had been concerned that the original ordinance allowed the City to either accept a tract of land or cash in lieu thereof, and felt if the ordinance were one which provided for cash only, the City would be in much better position to choose land to conform to the overall plan. Mr. Winn said the Recreation Commission was hoping the Council would encourage the Plan Commission to study the ordinance and bring recommendations to the Council. Administrative procedure under the plan was discussed. Charles Troppito reviewed a study made by the City of Lee's Summit concerning the cities which used such a plan and the donation requirements. There was discussion concerning the alternative of taxing the whole city for park land, concerning the possibility of establishing districts where all lots would be taxed equally, concerning the City's position in buying property from a builder after collecting the cash from that builder, and concerning a provision that a developer could donate land shown for parks on the comprehensive plan. Councilman DeKinder moved that the ordinance providing for donation by developers in cash for use within the City of Leawood for parks and recreation be referred back to the Plan Commission for reconsideration of the points discussed and report to the Council by December 16. It was suggested that the Plan Commission contact developers to get their input.

#1968

Approval of Status Form for New Recreation Director: Mayor Ballard presented the status form of Frederick Krebs, presently Parks and Recreation Director of the City of Merriam, and recommended that he be retained as Parks and Recreation Director for the City of Leawood at the rate of \$3,800.00 per year. Following discussion, Councilman Judd moved for approval of the employment; seconded by Councilman DeKinder. Motion carried.

#2008

Resolution re Creation of Benefit District for Drainage Area Pertaining to 95th Street: Councilman Judd read a letter he had received from Mrs. Verna White in which she expressed the hope that he would convey her feelings to the Council that she believed it was arbitrary of the controlling body to choose to promote and provide major financing for only the lake area drainage before the coming election, even though some had continued to ask for a complete drainage study and control below 95th Street. She said she felt it was negligent to consider study of the lake area only without considering and providing for the confluent water. She said she felt such engineering was very qualified, incomplete, careless of detail, and morally wrong. She said the City could not plead ignorance of possibly more frequent two-way pollution between storm and sanitary sewers, more sewer backup in homes, debris, and erosion. Councilman Judd said he thought the Council was completely out of order not to take the overall look at the project as Mrs. White requested.

#2075

#2086

Councilman Present said he felt the resolution was only presentable after the November 5th results because it stated in Section 1: "The governing body of the City of Leawood hereby finds and finally determines that it is advisable to make the following improvement: The construction of underground storm sewers including the possible use of an open concrete lined ditch, in order to convey storm water from storm sewers in 95th Street southerly to the creek named James Branch, in the vicinity of 98th Street and Lee Boulevard." He said such a storm drainage plan was not necessary if 95th Street remained as it is, so there was no sense making the resolution. He asked that the Council withhold action on the resolution until the first meeting after the election on November 5. There was discussion that the newsletter indicated some decision would be made on the benefit district prior to the election. Councilman Present said the percentage of assessment had been agreed and outlined in the newsletter. Mayor Ballard said the storm drainage that was being proposed was necessary regardless of whether or not 95th Street was widened. The purpose of the resolution was discussed. Councilman Judd moved that the resolution be tabled. A second by Councilman Present was withdrawn to allow discussion. Following considerable discussion, Councilman Watts moved for adoption of the resolution. Councilman Chase seconded the motion and contemporaneously moved that the motion be postponed until the first regular meeting following the bond election; seconded by Councilman Watts. Motion to postpone carried.

#2205

#2285

#2313

Certification of Cost of Street Improvement Bond Program:  
City Attorney Winn explained that the total cost of the street improvement bond program was \$77,000.00, much below projected cost. Councilman Judd moved to approve the certification of cost of the street improvement bond program; seconded by Councilman Henry. Motion carried. A copy of the certified cost summary is attached hereto as part of the record.

#2353

Councilman Present left the meeting at 9:38 p.m. following passage of the motion certifying cost of street improvement bond program.

#2354

Resolution No. 327 - Accepting Low Bid for Purchase of Bonds:  
City Attorney Winn presented a tabulation of bids for the street improvement bonds, as follows:

George K. Baum & Co., Inc., average interest rate of 5.49 per cent; total interest cost of \$13,879.67; rate on the coupons of 5.5 per cent.

Stern Brothers, average interest rate of 5.6065 per cent; total interest cost of \$14,165.83; rate on coupons on bonds maturing in 1976, 1977 and 1978, 5.75 per cent; on bonds maturing in 1979 and 1980, 5.5 per cent.

First Securities Investment, average interest rate of 5.5570 per cent; total interest cost of \$14,039.40; rate on coupons maturing in 1976 and 1977, 5.75 per cent; maturing

CERTIFIED COST SUMMARY OF PROJECT ST. 74-1  
IMPROVEMENT OF MAIN TRAFFICWAYS

We, the undersigned, hereby certify that the total project cost of the improvement of main trafficways in the City of Leawood, to wit: Lee Boulevard, 103rd Street, Mission Road and 123rd Street, are as follows:

	PAID	DUE OR ESTIMATED	TOTAL
Construction Contract: (Bid Price)	\$39,653.58	\$32,254.08	\$71,907.66
Engineering Services:	\$ 385.00	1,105.00	1,490.00
Legal Services: (Project Attorney)	\$ 150.00	1,900.00	2,050.00
Bond Attorney's Opinions:	\$ 150.00	200.00	350.00
Publication Costs:		237.35	237.35
Bond Printing:		138.10	138.10
Interest on Temporary Notes:	-0-	600.00	600.00
Right-of-Way Costs:			-0-
Contingent Fund:			226.89

TOTAL COST OF PROJECT...\$77,000.00

This summary has been prepared from the records of the Offices of the City Clerk, Project Engineer and City Attorney. Total amount of General Improvement Bonds to be issued by the City of Leawood is \$ 77,000.00.

This certificate executed this 21<sup>st</sup> day of October, 1974.

Walter K. Chris  
PROJECT ENGINEER

APPROVED:

[Signature]  
Mayor

[Signature]  
City Clerk

Approved by the Governing Body of Leawood October 21, 1974.

in 1978, 1979 and 1980, 5.5 per cent.

He said the apparent successful bidder was George K. Baum & Co., Inc. Councilman Watts moved the adoption of Resolution No. 327 accepting the bid of George K. Baum & Co., Inc. for the purchase of \$77,000.00 in general obligation bonds of the City of Leawood, Kansas, issued for the purpose of paying for the improvement of Lee Boulevard, Mission Road, 103rd Street, and 123rd Street, bearing interest at the rate of 5.5 per cent per annum payable semi-annually; seconded by Councilman DeKinder. Resolution No. 327 was unanimously adopted. A copy is attached hereto as part of the record.

#2420

Ordinance No. 469 - Authorizing the Issuance of General Obligation Bonds to Pay Cost of Street Improvement Program (First and Second Readings): City Attorney Winn explained the ordinance. Councilman DeKinder moved that an emergency be declared for the purpose of passing the ordinance authorizing issuance of general obligation bonds in the sum of \$77,000.00; seconded by Councilman Watts. Motion carried. On motion by Councilman Watts, Ordinance No. 469 was unanimously adopted.

#2447

#2455

Acceptance of Resignation from the Council - William R. Judd: Mayor Ballard read the letter of resignation from the Council of William R. Judd as of the close of this Council meeting, because of recurring physical problems. Mr. Judd requested that he be retained on the Public Safety Commission for the tenure of his appointment. Mayor Ballard stated he had informed Mr. Judd he would appreciate his staying on the Public Safety Commission. Councilman DeKinder moved that with great reluctance the Council accept Mr. Judd's resignation; seconded by Councilman Watts. Motion carried. Mr. Judd thanked the Council and preceding Councils with which he had worked, saying he had thoroughly enjoyed participating and it was with a great deal of reluctance that he submitted the resignation.

#2493

Appointment of New Public Safety Commission Chairman: Mayor Ballard proposed the appointment of Councilman DeKinder as the new chairman of the Public Safety Commission. Councilman Henry moved for approval of the appointment; seconded by Councilman Watts. Motion carried.

#2503

Traffic Signal - 89th Street: Charles Troppito reported he had been informed that the 89th Street traffic signal would be installed within the next thirty days.

#2510

A letter from the Office of Emergency Services relating to Honduran relief effort was referred to the Civil Defense Director for recommendation.

#2516

Councilman Chase stated it had been suggested to him that naming of the street in the new Jay's Realty development Lee Court would be confusing from an address standpoint.

October 21, 1974

The reasoning behind naming it Lee Court was discussed.

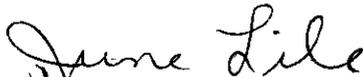
#2555

Invitation from American Red Cross: Mayor Ballard read an invitation from American Red Cross for the mayor and councilmen to attend a dinner for recognition of volunteers on Thursday, October 24.

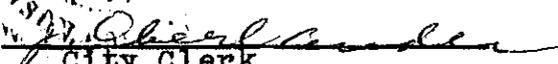
#2567

At 9:56 p.m., on motion by Councilman Chase, seconded by Councilman Henry, the meeting adjourned to Monday, November 4, 1974, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

November 4, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, November 4, 1974, in the Police and Court Building. Roll call was answered by Councilmen Henry, Alt, Eddy, Watts, Present.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Treasurer Pendleton, Charles Troppito, Will Gray, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Henry, seconded by Councilman Present, the minutes of the meeting of October 21, 1974, were approved as submitted.

Visitors: Sister Marie Coleman, Former Councilman Homer Evans, Mrs. J. P. Schaefer, T. W. Flynn, Brad Akright, Joe Middleton, Jean Wise, Wallace Beasley, Tom Nelson. Members of the Press: Dan Morris, Bob White.

#2583

Presentation of Certificate of Appreciation and Key to City to Retired Councilman: Mayor Ballard presented a certificate of appreciation and Key to the City to Homer Evans and thanked him for his outstanding service as a councilman.

#### REPORTS

#2611

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Present, seconded by Councilman Alt.

#2614

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Present, seconded by Councilman Henry.

#2618

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Present, seconded by Councilman Watts.

#2622

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Present.

#### COMMITTEE AND COMMISSION REPORTS

#2625

Budget and Finance: Councilman Watts stated he would be in touch with department heads shortly to start watching year end expenditures.

Ordinance: No report.

Parks: Councilman Alt reported the parks were in good condition and the Commission was working with the Recreation

November 4, 1974

Commission on the possibility of taking care of some of the field work.

#2634

Councilman Chase entered the meeting at 7:38 p.m. during the report on the parks.

#2648

Plan Commission: Councilman Alt reported the Plan Commission had looked over Recreation Commission plans of the total recreation area, the Plan Commission was in agreement with the land use and it conformed with the future land use plan. City Attorney Winn reported the deed from the Hall Family to additional park property had been received and acceptance of the property should be before the Council at the next meeting. Councilman Alt stated a public hearing on the land use plan would be held on November 14 at 7:30 p.m. at Brookwood School. Mayor Ballard suggested that there be thorough publicity concerning the public hearing.

Public Safety Commission: No report.

#2674

Public Works Commission: Mr. Gray stated the City had 350 to 400 tons of sand and salt already mixed. He stated it would cost more to take care of snow removal this winter because of increased cost of materials, overtime pay, and there were more streets.

#### MAYOR'S REPORT

#2708

Mayor Ballard stated it was a bit disconcerting after the Council discussions regarding the newsletter to see the not very accurate restatements in alarmist mailings. Councilman Present stated he was not a member of the Leewood Action Committee, was not affiliated with them, and had done nothing to contribute to anything they had done. Mayor Ballard suggested a letter to clarify the sewer situation might be in order.

#2743

Treasurer's Report: Mr. Pendleton reported he and Councilman Watts had met with the Recreation Commission concerning its operating budget.

#2748

Councilman Alt moved for a change in the agenda to add the election of a new president of the council as the first item of new business; seconded by Councilman Present. Motion carried.

#### NEW BUSINESS

#2756

Election of President of the Council: Councilman Alt moved that nominations be opened for President of the Council; seconded by Councilman Henry. Motion carried. Whereupon, Councilman Alt nominated Councilman Eddy as candidate for President of the Council. Councilman Present moved that nominations cease; seconded by Councilman Watts. Motion carried. Councilman Alt then moved that Councilman Eddy be elected President of the Council by acclamation to fill

November 4, 1974

the unexpired term of Councilman Judd; seconded by Councilman Watts. Motion carried.

#2791

Request for Permission to Solicit - New Haven Seventh Day Adventist Church: City Attorney Winn stated this permission had been requested and approved in prior years. Following discussion of the fact that it was dark during the hours specified in the application for solicitation, Councilman Chase moved that the request of New Haven Seventh Day Adventist Church for permission to solicit be approved from 9:00 a.m. until 5:00 p.m. on the dates specified; seconded by Councilman Watts. Motion carried, Councilman Present opposed.

#2890

Discussion of Storm Drainage South of 98th and Lee: Mrs. J. P. Schaefer stated she lived at 9915 High Drive on the James Branch of Indian Creek. She presented pictures of the creek after a rain. She said if any extra water was added there would be a serious drainage problem. She asked if anything had been done to avoid that problem before it happened. She said construction of a wall on neighboring property had compounded the problem. Mrs. Schaefer said she was concerned about the fact that it did not appear that the City had any overall plan for what was to be done with water from 95th Street except that it would take care of it until it reached 98th and Lee. Mayor Ballard said there was a comprehensive study in Shafer, Kline & Warren's office on the entire area. He said there was no question in his mind that the widening of 95th Street would have no measurable effect on the problem Mrs. Schaefer was talking about. The matter was discussed. Councilman Watts said he would like to see the study presented to the Council. Councilman Eddy said there were drainage problems in other areas in the City and it had been discussed and some preliminary work done. Mayor Ballard said when the original study on all the major storm drainage areas in the City was made and presented to the Council, due to the cost nothing else was done. The matter was discussed further.

#3437

There was a short recess to reverse the recording tape.

Side 2  
#0

The Council thanked Mrs. Schaefer for coming to the meeting and expressing her views. Councilman Eddy asked that the Public Works Commission invite Mrs. Schaefer to its next meeting regardless of what happened to 95th Street.

#36

Presentation of Park Development Plan: Jean Wise stated the Recreation Commission was requesting approval to advertise for bids on the project when the construction specifications were completed next week. She said Tom Nelson, representing the architectural firm, and Wallace Beasley, representing the pool engineers, were present to answer questions. City Attorney Winn said it was planned that bids would be opened on December 12. Mr. Beasley said the plans and specifications were substantially completed.

November 4, 1974

Councilman Alt said the Public Works Commission had asked Shafer, Kline & Warren to look at the plans. He referred to a letter dated November 4, 1974, from Phil Kline which stated that the plans were adequate based on a review of concept only. City Attorney Winn stated John Granstedt had examined the plans. The Council discussed with Mr. Nelson and Mr. Beasley responsibility for inspections during construction, method of payment, as well as division of responsibility between pool contractor and contractor for the remainder of the complex. Mr. Nelson said he had talked with Will Gray and determined that the Public Works Department did not have the capacity to bring the playing fields up to good standard with good drainage. He said they were now in the process of doing a less elaborate plan which the Public Works Department could handle which would bring the fields up to at least the standard of existing fields. Councilman Alt pointed out that the extension of the road beyond the swimming pool and the cul de sac would require grading and graveling by the Public Works Department. Mr. Nelson displayed the master plan of the complex. He said on a second interim plan a connection of about 200 feet was needed between where the road stopped and the existing gravel road. Grading of the fields was discussed. Councilman Eddy suggested that an alternate bid be taken for doing at least some of the grading now to make two additional ball fields usable. The matter was discussed. Councilman Eddy moved that the Council authorize Patty, Berkebile, Nelson, Love and Associates, Architects Incorporated, to advertise and receive bids on December 12, 1974, for that portion of the Leawood recreation complex excluding the swimming pool, with an alternate bid for additional grading in the playing field areas; seconded by Councilman Alt. Motion carried.

#155

#180

#465

#477

Councilman Eddy moved that Larkin & Associates be authorized to receive bids on December 12, 1974, for that portion of the Leawood recreation complex put forth by their plans for the swimming pool area; seconded by Councilman Alt. Motion carried. Mayor Ballard stated there was a new aluminized coating for chain link fence now available and suggested that it be put in as an alternate in the specifications.

#498

Resolution No. 328 - Pertaining to Opening of Bids for Sale of Bonds for Recreation Complex: City Attorney Winn explained the notice of bond sale, the official statement, and the proposal form for the recreation bond sale. He commented that the timing for offering the bonds seemed favorable. Councilman Present moved that Resolution No. 328 be adopted; seconded by Councilman Alt. Resolution No. 328 was adopted unanimously. Councilman Eddy was out of the room at the time of the vote. A copy of the resolution is attached hereto as part of the record.

#533

Resolution re Proposed Closing of Marsha Bagby School: Councilman Present presented a suggested resolution backing

November 4, 1974

the interest and concern of parents regarding a recommendation by a committee of the Shawnee Mission School Board that Marsha Bagby School be closed. Councilman Present said the general concern of the parents was that if Marsha Bagby closed the children would have to be driven or bused to two other schools and would be denied the neighborhood concept of schools. June Lile stated parents in Leawood whose children attend Corinth School felt differently, that the committee had undertaken a year-long study because of declining enrollment to concentrate the children in buildings so the cost per student would not be so high and to balance the enrollment in all of the area schools, including the junior highs and high schools so they would have equal opportunity for education and could compete in sports. She asked that the City not get involved but let it be a school board decision. Councilman Eddy suggested that if the City was going to get involved the Council needed to appoint committees and look into the matter in depth. No action was taken.

#612

Appropriation Ordinances: Nos. 334A and 323S in the amounts of \$137,590.92 (including \$75,000.00 in investments) and \$506,409.07 (including \$500,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.

#655

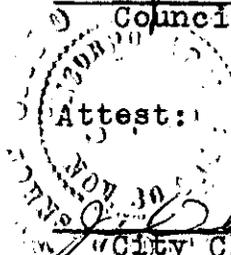
City Attorney Winn stated the <sup>recreation complex bond bid</sup> ~~street improvement bond bid~~ opening would be November 27th at 11:00 a.m. and he would like to have a quorum of the Council present to accept a bid that day. *mk for J.O.*

#664

At 10:15 p.m., on motion by Councilman Present, seconded by Councilman Chase, the meeting adjourned to Monday, November 18, 7:30 p.m.

*William J. Eddy*  
\_\_\_\_\_  
President of the Council

*June Lile*  
\_\_\_\_\_  
Council Reporter



*Cherub Anderson*  
\_\_\_\_\_  
City Clerk

November 18, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, November 18, 1974, in the Police and Court Building. Roll call was answered by Councilmen Alt, DeKinder, Eddy, Watts, Present. President of the Council Eddy presided.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Charles Troppito, Will Gray, the City Clerk, and the Council Reporter. Treasurer Pendleton arrived at 8:40 p.m.

Minutes: Councilman Alt suggested that the minutes of the meeting of November 4, 1974, be corrected by substituting "recreation complex bond bid" for "street improvement bond bid" in the first line of the third paragraph on page 1820. Councilman Alt moved that the minutes of the meeting of November 4, 1974, be approved as corrected; seconded by Councilman Present. Motion carried.

Visitors: Verna White, Mrs. Murray E. Steeble, Don Johnson, Elmer Selonke, Mr. and Mrs. Peter Lemke, P. N. Cannon, Stuart Johnson, Dr. Louis H. DuBois. Member of the Press: Bob White.

#677  
Stuart Johnson stated that beginning on June 10, he had called the Police Department about a truck with a Missouri license parked on the street, and finally learned that there had been a trial and dismissal. He asked if there was an ordinance against truck parking in the City or not. City Attorney Winn stated the defendant was found not guilty by the court, and he was trying to ascertain the reason. The matter was discussed and the City Clerk was asked to notify Mr. Johnson concerning the disposition of the case.

Councilman Chase entered the meeting at 7:34 p.m. during the discussion with Mr. Johnson.

#### OLD BUSINESS

#765  
Request for Permission to Solicit - New Haven Seventh Day Adventist Church: A letter and revised application to solicit had been received from Thomas W. Flynn requesting that dates of solicitation be changed to Sunday, November 24, and Sunday, December 1, from 1:00 p.m. to 5:00 p.m. On motion by Councilman Present, seconded by Councilman Chase, the request was approved.

#770  
Councilman Present moved for a change in the agenda to consider the resolution concerning creation of a benefit district for the drainage area pertaining to 95th Street as the next item of business; seconded by Councilman Watts. Councilman Alt stated the drainage problem was before the Council in connection with 95th Street and since the voters defeated the bonds for improvement of 95th Street, he recommended that

November 18, 1974

the drainage be tabled. City Attorney Winn said the particular resolution before the Council would not be technically correct since it pertained to a certain project which no longer existed. There was discussion that the drainage problem was a matter for consideration by the Public Works Commission. Motion to change the agenda carried, Councilman Chase opposed.

#800

Resolution re Creation of Benefit District for Drainage Area Pertaining to 95th Street: Councilman Present moved that the resolution concerning creation of a benefit district for the drainage area pertaining to 95th Street be disapproved; seconded by Councilman Alt. Motion carried.

#819

Resolution No. 329 - Pertaining to City's Official Policy Regarding 95th Street Maintenance: Councilman Eddy read the resolution proposed by Mayor Ballard. Councilman Watts moved that Resolution No. 329 be approved; seconded by Councilman DeKinder. Councilman Present questioned whether or not the Public Works Commission and the Intergovernmental Cooperation and Community Affairs Committee should handle the matter instead of the three-man special committee proposed to coordinate the project with Overland Park. The roles of the special committee and of the Public Works Commission were discussed. Councilman Alt said he felt the Public Works Commission should move ahead to develop a plan for presentation to the Council. Councilman Present said as a member of the Intergovernmental Cooperation and Community Affairs Committee he had taken it upon himself to contact Overland Park and discuss the possibility of a traffic plan for Ranch Mart shopping center. Councilman Eddy said he thought with the authority and backing of the Council as a whole, a councilman's discussions with another city would have more impact. Resolution No. 329 was unanimously adopted. A copy is attached hereto as part of the record.

#969

Councilman Eddy referred to a letter to councilmen from Mayor Ballard discussing the resolution just passed and proposing the appointment of the following as a special 95th Street Coordinating Committee: Councilman Alt, chairman; Councilman Henry, and Councilman Watts. Councilman DeKinder moved that the three names submitted as the make-up of the special 95th Street Coordinating Committee be accepted; seconded by Councilman Chase. Motion carried.

#985

Resolution Relative to 95th Street: Councilman Present withdrew his proposed resolution since it was so close to that just adopted by the Council. He commented that the Public Safety Commission had authorized his first contact with Overland Park quite some time ago.

#### NEW BUSINESS

#994

Occupation Licenses in R-1 Areas: City Attorney Winn referred to the conflict between zoning ordinances specifying no commercial use in residences and the provision whereby the City

granted occupation licenses for people operating businesses in residences. He said he was seeking guidance from the Council for preparation of some amended ordinances to cover the subject. There was discussion that the intent was to protect non-conforming uses already existing, but to permit no further. It was agreed that City Attorney Winn and Charles Troppito should prepare a revision of ordinances in connection with occupation licenses and let the R-1 zoning code stand.

#1068

Ordinance Relating to Certain Revisions in Present Ordinance Dealing with Salaries, Vacations and Sick Leave for City Employees (First Reading): Councilman DeKinder presented the ordinance to clarify "gray areas" in current vacation, sick leave, and other benefits for employees, and make the City somewhat competitive with surrounding cities in these areas. He referred to a chart which had been distributed comparing benefits under the present ordinance and under the proposed ordinance. There was discussion that if an employee had exhausted his accumulated sick leave he would be entitled to use vacation time as additional sick leave. There was considerable discussion concerning the provision that sick leave may be accumulated and compiled toward retirement. The Council discussed clarification of the provision that there would be no cash payment for sick leave upon termination other than retirement. It was discussed that in applying sick leave to retirement an employee would be paid on a regular basis until accumulated sick leave was exhausted, then retirement payments would become effective. The provision permitting granting of pay raises during the year was discussed. It was agreed that City Attorney Winn, Councilman DeKinder, and those interested should review the ordinance to make clear that neither vacation or sick leave would be remunerated in cash prior to retirement, and to make other changes if they see fit. Councilman DeKinder moved that the suggested ordinance pertaining to sick leave and other benefits for employees be accepted for first reading and be resubmitted in its final form incorporating the changes discussed at this meeting; seconded by Councilman Watts. It was discussed that extension of sick leave by Council action would not be subtracted from such employee's subsequent accumulation of sick leave. Motion carried, Councilman Eddy opposed.

#1210

#1442

Authorization to Sign Warrants for City Obligations: On motion by Councilman DeKinder, seconded by Councilman Alt, William M. Eddy as President of the Council was authorized to sign warrants for the City of Leawood.

#1454

Ordinance re Overtime Payment and Revising Method of Bi-Monthly Compensation for Employees to Bi-Weekly Compensation (First Reading): Councilman Watts requested that the ordinance be deferred to the next meeting.

#1457

Ordinance Accepting Deed to Hall Property (First Reading): City Attorney Winn requested that this matter be deferred

since the original documents were not in hand.

#1460

Status Forms - Fire Department: On motion by Councilman DeKinder, seconded by Councilman Watts, the following reclassification was approved:

Gary M. Scheer, from Captain to Captain performing fire prevention duties, no salary change until the ordinance can be changed.

On motion by Councilman DeKinder, seconded by Councilman Watts, the following promotion was approved:

Dennis A. Thomason, from Lieutenant to Lieutenant in Charge as Shift Commander "A" Shift, rate increase from \$860 to \$900 per month.

On motion by Councilman DeKinder, seconded by Councilman Alt, the following reclassification was approved:

Nick L. Montee, from Fire Inspector to Firefighter First Class, same rate of pay.

#1482

Status Form - Police Department: On motion by Councilman DeKinder, seconded by Councilman Watts, the following promotion was approved:

Peggy Hamer, from Assistant Court and Violations Clerk to Court and Violations Clerk, rate increase from \$440 to \$480 per month.

#1500

Councilman Present asked to be excused from the meeting at 9:19 p.m.

#1503

Recommendation re Support for Johnson County Drug Squad: Councilman DeKinder explained that the proposal was to assign an officer to the Johnson County Drug program, the City to be compensated by the County for his activity, and to hire a replacement yet have some use of the assigned officer. He moved for approval of the City's participation in the personnel for the Johnson County Drug Squad under the LEA program; seconded by Councilman Watts. Chief Blume stated he felt overall the City would benefit from the additional input and investigative coordination by having an officer working with the drug squad but still reporting to Chief Blume. Chief Blume said the controlling board would include himself, two additional police chiefs, the District Attorney, and the Sheriff as the project director. Councilman Eddy expressed concern that the Board was not directly controlled by the electorate. Councilman Watts stated since the make-up of the Board had been changed he now very strongly supported the drug squad. Chief Blume said the cost to taxpayers of Leawood would be \$584.76 for F.I.C.A. and \$739.68 for city employee retirement. Motion carried.

November 18, 1974

#1599

Public Works - Report on County Road Meeting: Councilman Alt stated the County advisory board in connection with road maintenance being turned over to cities by the County had voted to direct Virgil Holdredge to request from the County Commissioners \$1,000 per lane mile for maintenance, which would raise Leewood's amount from \$9,200 to \$17,500 or more per year.

#1605

Report re Wage and Salary Recommendations - 1975: Councilman Alt requested that this matter be deferred to the agenda of the next meeting.

#1610

Plan Commission Report: The report had been distributed. Councilman Alt stated he hoped the comprehensive plan could be presented to the Council at the first or second meeting in December.

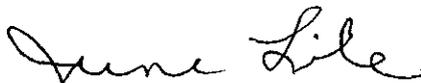
#1621

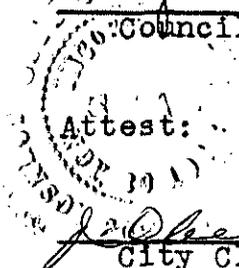
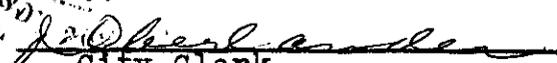
Budget and Finance Committee Report: Councilman Watts reported that the committee had discovered there were several items from the 1973 budget payable in 1974 that had come in and wiped out the carryover from 1973 to 1974. He said he would give a full report at the next meeting. He stated this meant the City was in an extremely tight budget situation going from 1974 to 1975.

At 9:35 p.m., on motion by Councilman Eddy, seconded by Councilman Watts, the meeting adjourned to Wednesday, November 27, 1974, at 11:00 a.m., at which time bond bids for the recreation complex would be opened.

#1639

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

  
Attest:  
  
\_\_\_\_\_  
City Clerk

November 27, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 11:00 a.m. on Wednesday, November 27, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, DeKinder, Eddy, Watts, Present.

Others present were Police Chief Blume, City Attorney Winn, Treasurer Pendleton, Charles Troppito, the City Clerk, and the Council Reporter.

Visitors: M. L. West, B. F. Wagner, Mark J. Grant, Doug Morgenson, Norman Gaar, Bob Lytle, Jean Wise. Member of the Press: Bob White.

#1645

Opening of Bids - \$925,000 of General Obligation Bonds; Series Park and Recreation 74-1: Bids were opened, as follows:

Stern Brothers & Company, in association with George K. Baum & Company, Inc., Stifel, Nicolaus & Co., Inc., and Zahner and Co., total interest cost \$597,062.19, no premium, average annual net interest rate 5.8016488 per cent.

United Missouri Bank of Kansas City N.A., in association with Commerce Bank of Kansas City, N.A.; A. F. Stepp Investments, Inc.; and McLiney and Company, total interest cost \$595,631.25, no premium, average annual net interest rate 5.78774 per cent.

Perry, Adams & Lewis, Inc., total interest cost \$604,537.50, no premium, average annual net interest rate 5.8743 per cent.

#1715

At 11:18 a.m., on motion by Councilman DeKinder, seconded by Councilman Eddy, the Council went into executive session for the specific purpose of considering the currently opened bids for the recreation bonds.

The Council returned to regular session at 11:25 a.m. The same councilmen were present.

Resolution No. 330 - Accepting Bid for Purchase of \$925,000 of General Obligation Bonds: Mayor Ballard announced that it appeared the bid of United Missouri Bank and associates was the low bid. Councilman Watts moved the adoption of the resolution accepting the bid of United Missouri Bank of Kansas City N.A., and associates, for the purchase of \$925,000 of general obligation bonds of the City of Leawood, issued for the purpose of paying the cost of land and construction thereon of its municipal swimming pool, lighted tennis courts, children's playground, and related improvements, the acceptance to be subject to written confirmation

November 27, 1974

and changing the word "below" to "above" in the second to last sentence; seconded by Councilman Present. Resolution No. 330 was adopted unanimously. A copy is attached hereto as part of the record.

City Attorney Winn stated if representatives of Perry, Adams & Lewis and Stern Brothers would sign a receipt, their deposit checks would be returned.

#1837

Ordinance Authorizing Issuance of General Obligation Bonds in Sum of \$925,000 (First Reading): City Attorney Winn presented the ordinance. Councilman Watts moved the approval of the proposed ordinance for first reading, with the following interest rates inserted:

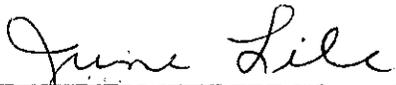
Bond Nos. 1 through 37, total \$185,000, at 6 per cent;  
Bond Nos. 38 through 120, total \$415,000, at 5.50 per cent;  
Bond Nos. 121 through 185, total \$325,000, at 6 per cent;

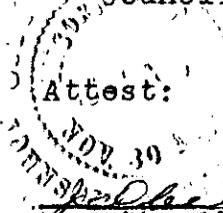
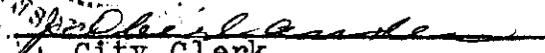
seconded by Councilman Henry. Motion carried.

#1849

At 11:38 a.m., on motion by Councilman Present, seconded by Councilman Eddy, the meeting adjourned to Monday, December 2, 1974, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:  
  
  
\_\_\_\_\_  
City Clerk

December 2, 1974

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, December 2, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Watts, Present.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Treasurer Pendleton, Charles Troppito, Martha Heizer, and the Council Reporter.

#1854 Minutes: On motion by Councilman Watts, seconded by Councilman DeKinder, the minutes of the meeting of November 18, 1974, were approved as submitted.

Visitors: Sister Marie Coleman, James B. Young, Melvin Knoche, Phillip Hodes, Mrs. John Watts, Chris Watts, Stuart C. Johnson, Don Larson, P. N. Cannon, Dr. Wallace P. McKee, Saul Ellis. Member of the Press: Bob White.

Councilman Chase entered the meeting at 7:36 p.m., during recognition of visitors.

#1872 Dr. Wallace McKee stated he had a proposal which he would like to present for consideration in connection with the overall plan for the City. Councilman Alt stated the Plan Commission had adopted the comprehensive study and it would be presented to the Council at the next meeting, and suggested the input by Dr. McKee would be appropriate at that meeting since the Plan Commission would not meet before that time. Dr. McKee left written material and map with Councilman Alt.

#1912 P. N. Cannon said he was acutely interested in law enforcement and in learning more about the Leawood Police Department. He said he was greatly concerned because every house in his neighborhood had been robbed in the last year. Mayor Ballard invited him to attend a Public Safety Commission meeting and/or to meet with Chief Blume.

#1962 Stuart Johnson said he complained about a truck parked on a driveway on his street in June, that it took until November before it went to court, the court threw it out. He asked why the ordinance was not upheld. City Attorney Winn stated in his opinion the ordinance which prohibited the parking of a pickup truck which was suitable for driving to and from work was not constitutional and was an unreasonable restraint on a person's right to own and drive a pickup truck. He said he was now attempting to redraw that ordinance so it would restrict other types of vehicles which were generally considered to be of a nuisance variety. Mr. Johnson said he felt a pickup used commercially was a different matter. City Attorney Winn said he was attempting to determine how

December 2, 1974

to logically, reasonably and legally distinguish between all the various types of vehicles and various types of ownerships. He said he hoped to have a new ordinance before the Council in two weeks. The matter was discussed.

#### REPORTS

- #2110 Treasurer: Mr. Pendleton stated his report was included in two other items on the agenda.
- #2125 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Present, seconded by Councilman Watts.
- #2136 Fire Department : Chief Toman's report was submitted and approved on motion by Councilman Present, seconded by Councilman Watts.
- #2142 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Present. Chief Blume stated after the first of the year the department would participate in an identification program whereby for a period of several weeks the department would provide a man with an etching machine to go to homes or businesses to advise citizens on how to better protect their premises, and etch driver's license numbers on any item of value desired.
- #2180 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Henry.

#### COMMITTEE AND COMMISSION REPORTS

- #2199 Budget and Finance: Councilman Watts stated the budget situation was going to be very, very tight for the balance of this year and for all of 1975. He said he would give a written report at the next meeting. The dates of December 26, 27, or 30 were discussed for the final appropriation meeting.
- #2252 Ordinance No. 470 - Pertaining to Employee Benefits (Second Reading): Councilman DeKinder stated clarifications suggested at the last meeting had been incorporated in the ordinance. City Attorney Winn indicated a section had been added which stated no cash payment shall be made in lieu of accumulated vacation or sick leave except as specifically provided, and that corrections had been made to except Chief Officers and Fire Prevention Bureau personnel from Sections 1-1012 and 1-1013. Councilman DeKinder moved for approval of the ordinance relating to certain revisions in Chapter 1, Administration, dealing with salaries, vacations and sick leave for City employees, as drawn. Ordinance No. 470 was adopted unanimously.
- #2282

#2332

Ordinance re Occupation Licenses, R-1 Areas (First Reading):  
Charles Troppito explained that while operation of businesses in R-1 areas was prohibited by the zoning code, as a matter of practice occupation licenses were issued for businesses in these areas. He said it would seem the way to reconcile that would be to issue licenses for non-conforming uses. City Attorney Winn suggested that the phrase "until such time as a change in the ownership of any structure in question" in the second paragraph of Section 8-105, be changed to "until such time as such use is discontinued." The ordinance was discussed and approved for first reading, second reading to be on the agenda of the next meeting.

#2467

Ordinance re Overtime Payment and Revising Method of Compensation for Employees to Bi-weekly Compensation (First Reading):  
Councilman Watts explained that this ordinance was brought up for technical reasons for the City to comply with new Federal wage and hour legislation that employees be paid for actual overtime worked. He said it was inconvenient and difficult for the payroll clerk to compute overtime when dealing on a semi-monthly payroll as opposed to exactly two weeks. Treasurer Pendleton said he felt going to a bi-weekly arrangement would put more of a burden on the staff because there were two more pay periods and his experience had been that employees did not like it because take-home pay each pay period would be less than under the present arrangement. The matter was discussed. Treasurer Pendleton will discuss the matter with the Financial Clerk. The ordinance will be on the agenda of the next meeting for second reading.

#2624

Ordinance re Acceptance of Easement from Leawood Building Company for Sewer Purposes (First Reading): City Attorney Winn said the situation involved the subdividing of a lot in The Cloisters into two lots which necessitated moving the easement, now the new easement was being deeded to the City. Mayor Ballard said Phil Kline had checked it and there was no problem. Councilman Present stated he would like to look into the situation for his own satisfaction.

#2682

Ordinance No. 471 - Authorizing the Issuance of General Obligation Bonds in the Sum of \$925,000 (Second Reading):  
Councilman Present moved that the ordinance be adopted; seconded by Councilman Alt. City Attorney Winn stated the coupon rates had been confirmed in writing. Ordinance No. 471 was adopted unanimously.

#2720

Parks: Councilman Alt moved for a change in the agenda to consider acceptance of the deed from the Hall family as the next item of business; seconded by Councilman Henry; motion carried.

#2730

Ordinance Accepting Deed to Hall Property (First Reading):  
City Attorney Winn stated he had in hand the original warranty deeds from the Hall family for a total of 13.46 acres. He said the descriptions had been checked by survey.

December 2, 1974

Mr. Winn said the land was deeded in fee simple so long as it was used as a park and left basically in its present environmental condition. A resolution of appreciation will be prepared.

#2796

Plan Commission - Presentation of Sub-Division Plat, Huntington Farms: Councilman Alt presented the plat of Huntington Farms, a development by Saul Ellis which had been approved by the Plan Commission and the Council, at 111th and Roe. Charles Troppito stated the platting was a technicality required by state statute for the conveyance of the lots. City Attorney Winn said it in no way affected the zoning already approved. Mr. Troppito said the plat had been reviewed by the City Architect for conformance of the lot lines to the original final plan; that storm drainage, streets and sanitary sewage facilities had been approved and reviewed by the City Engineer. Councilman Alt moved that the Council approve the plat for Huntington Farms; seconded by Councilman Present. Motion carried.

#2869

Recommendation re Special Use Permit - Ron Felkner: Councilman Alt displayed a map of the area at Lee Boulevard and Somerset. He said on March 17, 1969, the City Council approved the zoning marked in red stripes for a Planned Business District. Councilman Alt said a house was built at 8002 Lee Boulevard, and the business zoning went through that house, leaving about eight feet on the south side zoned R-1. He said the house was currently being used for interior decoration. He said Mr. Felkner had been before the Plan Commission and asked that the City rezone the south eight feet for Planned Business. Councilman Alt stated the Plan Commission recommended that this portion not be rezoned and perhaps open the gate for further requests, but that the Council approve on a three year basis a special use permit for the remaining portion of the property. The matter was discussed. Councilman Alt recommended that the matter be placed on the agenda of the next meeting and he would make sure the Council had the appropriate document with restrictions as to use of the interior of the house.

#3067

#3110

Public Safety - Report on Use of Firearms in Sparsely Populated or Agricultural Areas for Sport or Hunting Purposes: City Attorney Winn stated an ordinance had not yet been drawn, but it was contemplated to permit licensed hunting and fishing on rural agricultural tracts of more than thirty acres with written approval of the landowner. He said he was trying to come up with something that would also cover sport shooting. The ordinance will be on the agenda at the next meeting.

#3201

Public Works: Councilman Alt reported the Public Works Commission had asked Mr. Kline to do some preliminary engineering on 95th Street.

#### MAYOR'S REPORT

#3217

Mayor Ballard said he would like for Councilmen Eddy and Watts and himself to interview candidates next week for the vacant

December 2, 1974

council position in Ward 4.

#3232

Discussion of County Commissioner's Comments Relative to 95th Street: Councilman Watts said he felt actions of some persons outside the City had what could be alarming overtones and he felt the Council owed it to the citizens of Leawood to protect them from unwanted interference from persons residing outside the City. He quoted from an article in The Kansas City Star on November 19, 1974, stating that some county leaders had hinted that Leawood voters could be bypassed, expressing concern that 95th from Mission Road to State Line would become a growing traffic bottleneck, stating that County Commissioner Franke's legislative proposal would lift the responsibility for funding from the city budgets, and reporting a statement by County Commissioner Price that, "We've got to get going on this and not be stopped by a small group of landowners who don't want something the rest of the area needs." Councilman Watts stated he would remind Commissioner Price that 5,461 Leawood citizens who voted in the November 5th bond election represent a very sizeable majority of all the registered voters in Leawood and not just a small group of landowners. He said the attitude of the County Commissioners represented a dangerous political philosophy. He suggested that the County Commissioners direct their attention to such projects as the drainage problem, easing the budget problem of cities in 1975 and 1976, or extension of 87th Street west past Shawnee Mission Park. Councilman Watts said he felt it was important that the Leawood City Council make sure that it had not inadvertently left the door open for someone from outside the city to force something that the voters of Leawood had expressed their opinion that they did not want. He said the Council passed Resolution No. 278 authorizing the City of Leawood to contract for the improvement of 95th Street by means of widening the roadway to forty-eight feet in width, including proper curbing. He said he understood that on the authority of this resolution, the City applied for Federal Aid Urban funding of the road. Councilman Watts said it was possible as long as the City's request for Federal Aid Urban funding was outstanding, this could be deemed to be permission on the part of the City for the widening of the road, and the county could, by paying the thirty per cent that the Federal government didn't pay, come in and widen 95th Street without additional permission of the City Council. Councilman Watts moved that the City Council rescind Resolution No. 278; seconded by Councilman Present. In answer to a question by Councilman DeKinder, City Attorney Winn said it seemed to him the key question would be who owned the right-of-way for the street. The Mayor said he had sent a letter in effect killing the City's request for Federal funds. The matter was discussed. Motion to rescind the resolution carried.

#3325

#3440

There was a short recess to change the recording tape.

December 2, 1974

Resolution No. 331 re 95th Street: Councilman Watts proposed the adoption of a resolution to make sure no implied permission existed for the county to widen 95th Street. Wording of the resolution was discussed. Councilman DeKinder stated he would like to go on record as taking great exception to a number of people saying this is what the voters of Leawood have said about two lanes, four lanes, etc., when what they said was they did not want the bond issue to pass for the widening of 95th Street. Councilman Watts said the purpose of the resolution was to keep the Leawood voters from being bypassed. On motion by Councilman Watts, seconded by Councilman Alt, the following resolution was adopted:

RESOLUTION NO. 331

WHEREAS, the registered voters of the City of Leawood did defeat a bond issue for proposed widening of 95th Street by more than a two-to-one majority November 5, 1974; and

WHEREAS, the Leawood City Council on November 18, 1974, did by unanimous vote adopt a resolution to bring the 2-lane street up to standard by proper asphaltic overlay, financed all or in part by issuance of general obligation bonds;

NOW, THEREFORE, BE IT RESOLVED that the City of Leawood no longer requires Federal Aid Urban funding and hereby rescinds any and all previous requests for Federal and County participation in the project to widen 95th Street to 4 lanes.

NEW BUSINESS

#106

Review of Budget of Recreation Commission: Councilman Watts reported he and Treasurer Pendleton had met with the Recreation Commission and made a preliminary review of their proposed budget. He stated the Commission had done a thorough and comprehensive job in looking at their proposed expenditures and in trying to anticipate what their 1975 income would be. He said there were potential problems in that they may not have their revenues in fast enough to pay proposed expenses early in the year. He stated they were interested in the appointment of a new commission member to fill the vacancy. Mr. Pendleton stated another problem was that orders for supplies would have to be placed prior to the time they would know when they would really be in business. The Council discussed the need to sell memberships early in the spring. Treasurer Pendleton said the situation would have to be monitored closely.

#192

Appropriation Ordinances: Nos. 335A and 324S in the amounts of \$94,965.41 (including \$40,000.00 in investments) and \$499,567.97 (including \$450,000.00 in investments), providing

December 2, 1974

for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.

#222

Report re Wage and Salary Recommendations, 1975: Councilman Alt referred to sheets distributed for each department. He stated a general 6.5 per cent increase for all employees for 1975 plus paying one-half of family health insurance premiums for all employees had already been budgeted. He said he and Councilman DeKinder as a special committee had reviewed City salaries and recommended that the City pay the remaining half of the family health insurance for those employees eligible for 1975 only (estimated to cost \$7,547.40) and in addition that merit increases be given to key personnel along with a certain amount available to each department to apportion to remaining personnel (amounting to \$6,869.00); total additional salary requirements for 1975 would be \$14,416.40.

#250

Councilman Present left the meeting at 10:22 p.m. during presentation of the special committee recommendation.

#345

The recommendations were discussed, including that if the recommendations were approved \$2,400 would have to be taken out of other line items to get the budget back in order. Councilman Alt moved that the payroll rate review sheets be revised to conform with the salary increases recommended by the special committee appointed by the Mayor and that the payroll rate review sheets include a 6.5 per cent increase for the City Attorney, the Assistant City Attorney, and the Municipal Judge; seconded by Councilman DeKinder. Motion carried.

#364

Councilman Alt moved that the City also pay the full family health insurance plan for the City employees, not to exceed \$64.70 per month, for the year 1975; seconded by Councilman DeKinder. There was discussion concerning employees with families not presently enrolled in the City's family plan. Chief Blume said he felt they would legally and morally be entitled to participate. It was agreed that the Council could not make a distinction. Motion carried. Councilman Watts commented the pay increases and insurance might cost \$5,000 extra out of the budget rather than \$2,400, and requested City department heads to let him know in the next few days any possible places in their budgets where they could see a possible cut.

#449

Revision of Salary Ordinance: A draft of the proposed ordinance had been distributed. The salary range of the City Attorney, the Assistant City Attorney, and the Judge were filled in, as follows: City Attorney, minimum \$250, maximum \$600; Assistant City Attorney, minimum \$200, maximum ~~\$300~~<sup>\$350</sup>; Judge, minimum \$250, maximum \$400. The ordinance was approved for first reading.

523

1975 Budget Revisions to Accommodate Salary Increases: Deferred; Councilman Watts will present at the earliest possible time.

December 2, 1974

#524

Status Forms - Fire Department: On motion by Councilman DeKinder, seconded by Councilman Watts, the following promotion was approved:

Jerry D. Cunningham, from Firefighter Probationary to Firefighter First Class, at a salary of \$750 per month, effective January 1, 1975.

On motion by Councilman DeKinder, seconded by Councilman Chase, the following personnel change was approved:

Gary M. Scheer, from Captain performing fire prevention duties, to Fire Inspector, at a salary of \$1,065 per month, effective January 1, 1975.

On motion by Councilman DeKinder, seconded by Councilman Watts, the following promotion was approved:

Dennis A. Thomason, from Lieutenant in charge as "A" Shift Commander, to Captain, at \$1,000 per month, effective January 1, 1975.

#540

Letter of Commendation - Police Department: Councilman DeKinder read a letter from M. C. Olson commending the Police Department for regularly checking his home when he was away.

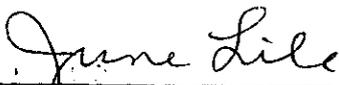
#546

Resolution No. 332 -- Designating Alternate Official City Newspaper: Charles Troppito stated the resolution was to select an alternate official city newspaper because there was need from time to time to publish legal notices on other than Wednesday or Friday. On motion by Councilman Watts, seconded by Councilman Chase, Resolution No. 332 designating The Daily News of Johnson County, Kansas, as the alternate official city newspaper was approved, Councilman Alt opposed. A copy of the resolution is attached hereto as part of the record.

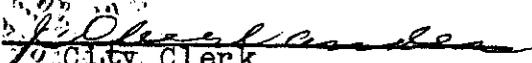
#586

At 11:10 p.m., on motion by Councilman Chase, seconded by Councilman Watts, the meeting adjourned to Monday, December 16, 1974, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

December 16, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, December 16, 1974, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, Eddy, Chase, Watts.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Charles Troppito, Will Gray, John Granstedt, the City Clerk, and the Council Reporter. Treasurer Pendleton arrived at 9:10 p.m.

Minutes - Meeting of November 27, 1974: On motion by Councilman Watts, seconded by Councilman Henry, the minutes of the meeting of November 27, 1974, were approved as submitted.

Minutes - Meeting of December 2, 1974: Councilman Alt moved that the minutes of the meeting of December 2, 1974, be approved with the following correction: On page 1834, under Revision of Salary Ordinance, that the maximum salary range for the Assistant City Attorney be \$350; seconded by Councilman Henry. Motion carried.

Visitors: Dave Waxse, James C. Garland, Dr. W. P. McKee, Don Larson, Melvin Knoche, Mr. McCorkendale. Member of the Press: Bob White.

#### MAYOR'S REPORT

Mayor Ballard stated he had received a letter from Dr. and Mrs. Richard L. Sutton, Jr. regarding burglaries in the City and stating they would be glad to contribute their share toward a program for increasing manpower and efficiency of the police department.

#632

Appointment to Fill Council Vacancy: Mayor Ballard stated the applicants had been interviewed and the committee recommended the appointment of Mrs. Charles (Mildred) Gersh, 2000 West 92nd Street, to fill the Council vacancy created by the resignation of William R. Judd. On motion by Councilman Watts, seconded by Councilman Chase, the appointment of Mrs. Gersh to fill the Council vacancy in Ward 4 was approved.

#### COMMITTEE AND COMMISSION REPORTS

#656

Ordinance No. 472 - Accepting Deeds from Hall Family (Second Reading): Councilman Eddy moved for approval of the ordinance accepting deeds from the Hall family. Ordinance No. 472 was unanimously adopted.

#665

Ordinance No. 473 - Establishment of Wage and Salary Ranges for Appointed City Officials and City Employees (Second Reading): Councilman Alt suggested the following changes

in the ordinance as presented: Police Chief minimum from \$1300 to \$1350; Fire Chief maximum to \$1800; Public Works Superintendent maximum from \$1350 to \$1500; Laborer, part time or seasonal, maximum from \$3.50 to \$4.25; Police Clerk, minimum reduced to \$425 from \$450; Part-time Student Clerk maximum to \$2.50. Councilman Alt moved that the ordinance be adopted with the changes outlined. Ordinance No. 473 was adopted, Councilman Eddy abstaining and Mayor Ballard voting in favor of adoption of the ordinance.

#771

Ordinance No. 474 - Occupation Licenses in R-1 Areas (Second Reading): The ordinance was discussed. Councilman Henry suggested that "for any structure" in the first line of the third paragraph be changed to "in any structure". Councilman Alt suggested that "situate" in the second line of the third paragraph be changed to "situated". On motion by Councilman Henry, Ordinance No. 474 was unanimously adopted.

#822

#845

Ordinance No. 475 - Acceptance of Easement for Sewer Purposes from Leawood Building Co. (Second Reading): The ordinance was discussed. On motion by Councilman Henry, Ordinance No. 475 was adopted unanimously.

#866

Ordinance re Firearms (First Reading): City Attorney Winn read suggested language to be added to the existing firearms discharge ordinance, permitting discharge of a firearm by a licensed hunter or fisherman in rural areas and permitting discharge of firearms at an established trap or skeet range during daylight hours. Chief Blume stated the suggested ordinance would permit trap shooting on any day, whereas the present ordinance only permitted it on Sunday. There was discussion relative to limiting trap shooting to weekends or weekdays instead of weekends, and limiting hours. City Attorney Winn will discuss the matter with club representatives.

#945

At 8:24 p.m., on motion by Councilman Watts, seconded by Councilman Eddy, the Council went into executive session for a report in reference to the litigation between the Krohs and the City of Leawood.

#949

The Council returned to regular session at 8:55 p.m. The same councilmen were present.

#952

Ordinance re Limited Office Zoning - 111th and Roe (First Reading): Mr. and Mrs. John Warren were present. Councilman Alt reported the Plan Commission had recommended rezoning the Warren property consisting of approximately ten acres at the southeast corner of 111th and Roe, as a Limited Office District. Councilman Alt read the proposed ordinance. He said the Saul Ellis development encircled the Warren property to the south and east. Councilman Alt said he had a letter signed by the Warrens in which they specified they would give to the City 55 feet of right-of-way on 111th Street (in conformance with that which Mr. Ellis gave) and 40 feet on Roe. Councilman Alt said he had some question as to whether the 40 feet was adequate on Roe. Mr. Warren said he would be glad to amend it to 55 feet to conform. The matter will be

checked into before the next regular Council meeting.

#992

Comprehensive Plan Presentation: Copies of the Plan Commission recommendation concerning the comprehensive plan had been distributed. Councilman Alt reported the Plan Commission had adopted and was submitting to the Council a revised comprehensive plan for review in accordance with Kansas statutes. A summary of the study by Lawrence-Leiter Company had been distributed. Kent Crippin of Lawrence-Leiter stated the documents presented were substantially the same as those presented some three months ago. Mr. Crippin explained the map indicating types of land use. The plan was discussed with councilmen. Councilman Alt explained the Plan Commission was the body to adopt such a plan, then present it to the Council, and the Council had sixty days to make recommended changes to the Plan Commission. He said once the plan was adopted, it should be reviewed and changed as the situation changed. Councilman Alt stated the Plan Commission was working on a revised zoning and subdivision code which would be compatible with the plan. The plan was discussed further.

#1141

Dave Waxse, representing Garland Development Company, owner of a tract of land located at 119th and Mission Road, stated Mr. Garland did not get notice of the public hearing on the land use plan and missed the hearing. He said Mr. Garland appeared at the Plan Commission meeting when the resolution presented to the Council was adopted, and there were some procedural questions as to whether he had a right to appear at that point. So he did not get to make his full presentation and that is why he was appearing before the Council.

#1270

Mr. Waxse stated he wished to point out that the statute states one of the things that needed to be taken into consideration was the past and present use of the land. He said it had been Mr. Garland's intention to develop in accordance with the land use plan of 1969. He said it was Mr. Garland's desire to give the Council the option to make recommendations to the Plan Commission that the proposed land use plan in essence take into consideration the plans of the owners in that area that have been in existence for quite a while. He said they thought the plan contained the right mix of densities but the question was whether the so-called higher densities were in the right locations. Mr. Crippin said that area had been shown as primarily single family residential but because of the potential for increased pressure upon the Plan Commission and the Council to develop much of Leawood to the south for higher density housing, area was included for that type housing. He said, however, if areas for higher density housing were spread throughout, the map would indicate the whole area would be for higher density housing. He said an ordinance had been proposed to create a planned unit development district zoning, basically an area of mixed usage. He suggested as Mr. Garland began to develop his property he should apply to the Plan Commission for a planned unit development district. Mr. Crippin said Mr. Garland wanted to extend the higher density housing to the south across 119th Street. Mr. Crippin said if the

recommendation were made to extend higher density housing across 119th Street, it would be very difficult to deny another large tract of higher density housing. Mr. Garland said representatives of J. C. Nichols Company had stated they had nothing proposed along 119th Street but single family development. He said he would like to have his single family lots protected from apartments across the street. There was discussion as to whether it would be appropriate for the Council to act on the Garland presentation with a recommendation. Dr. McKee said none of the three families he represented were informed of the public hearing and he had been informed that with the flow of events this was the only place their presentation concerning 240 acres of land could be made. Mr. Crippin suggested that the Council response to the Plan Commission should include any matters the Council felt the Plan Commission should take into consideration before the plan was finalized. The matter was discussed. Councilman Eddy moved that when the Council did send the land use plan back to the Plan Commission, the Council include the recommendation that the Plan Commission consider Mr. Garland's proposal and Dr. McKee's proposal; seconded by Councilman Chase. Motion carried. The comprehensive plan will be on the agenda of the second meeting in January. Mayor Ballard suggested that a resolution or comprehensively written motion be prepared for that meeting. Councilman Alt noted that a letter regarding Dr. McKee's proposal had been distributed.

#1445

#1507

#1532

Special Use Permit - R-1 Structure at 8002 Lee Boulevard: Councilman Alt moved that consideration of the non-conforming use at 8002 Lee Boulevard be carried over to the first meeting in January. Motion carried.

#1557

Ordinance Relative to Overtime Pay and Establishment of a Method of Bi-weekly Personnel Compensation: The proposed ordinance was discussed. Treasurer Pendleton said no one with whom he had talked seemed to be totally in favor of the change. Chief Blume said the police were not in favor of it. Councilman Alt moved that this ordinance be tabled; seconded by Councilman Watts. Motion carried.

#1577

Public Safety - Resolution Providing for Five Additional Street Lights, Leawood South: At the request of Councilman Watts, this matter was deferred to the next regular Council agenda.

#1581

Discussion of Prairie Village Animal Control Contract: Chief Blume stated the present contract expired December 31st of this year. He said in Councilman DeKinder's contact with Mayor Franklin, Mayor Franklin felt there was a possibility that Prairie Village would consider renewing the present agreement as specified in a letter from the City Attorney of Prairie Village, except that they might be available for emergency calls to the area south of I-435 on a cost per call basis, as an alternative to their present patrol. Chief Blume said the objection of Prairie Village was that response time to Prairie Village from Leawood South was disadvantageous to their own citizens. The matter was discussed. Councilman

#1642

Chase moved that (a) Prairie Village be asked to present a new contract for animal control limited to the area north of I-435 except on special call basis; (b) the Public Safety Commission be asked to study the matter of animal control in Leawood, particularly south of I-435, and (c) Prairie Village be asked to continue the existing agreement on an oral basis through January to give Leawood an opportunity to consider the proposed contract; seconded by Councilman Watts. Motion carried.

#1652

Discussion of Police Vehicle Acquisition for 1975: Chief Blume reported that ten days ago he was advised by Mr. Bud Brown, successful bidder for police car acquisition for 1975, that the plants capable of building said police cars were now closed until January 6. He presented the turn-in schedule of present leased cars and said any could be extended at \$325 per month per unit. He said Mr. Brown had verbally advised that he would pay \$325 to lease one car one additional month. Chief Blume reported Mr. Brown said there was a fifty-fifty chance he could deliver at least three cars on the first of February. Chief Blume requested that the Council give permission to pass through the contract period on police car acquisition, retain one marked car, bill Mr. Brown to lease it, turn in two unmarked cars, and re-examine the problem the middle of January. The matter was discussed. Councilman Alt moved that the Council give Chief Blume authorization to work out the proposition he had placed before the Council, having the Brown agency pay for the rental of one car through January, subject to the approval of the City Attorney; seconded by Councilman Chase. Motion carried.

#1693

Request to Purchase Heavy Duty Lift for Public Works Department: Councilman Watts explained it was a joint proposal between the Police Department and the Public Works Department to buy a hydraulic lift for the Public Works Department, estimated cost \$1,427, for use in working on the various vehicles in the City, including police vehicles. He pointed out that this was not a budgeted item for 1975. The matter was discussed. Charles Troppito said the City had applied and received funding approval from the Federal government to pay one hundred per cent for six months of one individual's salary as maintenance man and part-time laborer. He said this individual could be part of the increased maintenance. Chief Blume stated the maintenance costs in the vehicle acquisition plan submitted was predicated on the City doing this maintenance. There was discussion that no money was budgeted in 1975 for the other half of this man's salary. Following discussion, Councilman Watts moved that the Council approve \$1,500 out of the Sewer Fund for the lift; seconded by Councilman Eddy. Motion carried.

#1807

#1817

Discussion of Fire Hose Quotations: Chief Toman reported out of seven quotations on 1,000 feet of hose for the Fire Department, the Public Safety Commission considered the bids of American LaFrance Company, and American LaFrance through salesman George Klein. Chief Toman stated the hose bid by

George Klein was a better hose but was \$36.20 more. He recommended acceptance of George Klein's American LaFrance bid of \$1,500.00 for 1,000 feet of hose to be paid out of the Special Fire Equipment Fund. Councilman Watts moved that George Klein's American LaFrance bid in the amount of \$1,500.00 for 1,000 feet of fire hose be accepted; seconded by Councilman Henry. Motion carried.

#1843

Resolution re City Public Safety Needs: Deferred to the next regular meeting at the request of Councilman Watts.

#1845

Public Works - Change of Designation of Somerset Drive from F.A.P., Type II, Route, to F.A.U. Route: Councilman Alt reported Public Works representatives had discussed the improvement of Somerset Drive with officials of Prairie Village. He said Prairie Village was desirous of improving the west portion. Councilman Alt said the Leawood representatives made it quite clear they did not feel Leawood would participate in the overall improvement of Somerset at this time, however, Leawood was most anxious to get the intersection at Somerset and Lee included in an overall improvement plan. He said the first step was for both cities to change the present designation of Somerset from a Federal Aid Primary Type II route to Federal Aid Urban route, under which it was possible to get funding. Councilman Alt moved that the Governing Body of Leawood, Kansas, hereby authorize the Mayor to inform the Mid-America Regional Council that Leawood, Kansas, desires the entirety of Somerset Drive within the city limits of Leawood, Kansas, be deleted from all Federal Aid Systems maps as a designated Federal Aid Primary, Type II, route and be redesignated as a Federal Aid Urban Route. Following discussion, reference to inclusion of a plan for improvement of the intersection at Somerset and Lee was deleted from the motion. Motion seconded by Councilman Chase. Councilman Eddy said he had qualms about the Council approving some improvements on Somerset by changing the designation of the roadway without also including in the plans the improvement of the intersection at Lee and Somerset. Motion carried, Councilman Eddy abstained.

#1985

Public Works - Snow Removal - Overland Park Proposal for Winter Maintenance of Common Streets: Councilman Alt moved that snow maintenance as shown on the map attached to the agreement with Overland Park be approved only for the snow year 1974-75; seconded by Councilman Henry. Motion carried.

#1998

Public Works - Federal Aid Urban Funds - Boundary Change: Councilman Alt reported that some two years ago he had written a letter to MARC advising that Leawood did not agree with their 1970 Federal Urban boundary in fact and requested that it be changed. Councilman Alt moved that the City Council adopt the 1990 Urban in fact boundary as depicted on the map distributed as the actual boundary for funding eligibility, that the 1970 census urban boundary be deleted, and that MARC be requested to make such change on the regional plan; seconded by Councilman Watts. Motion carried.

December 16, 1974

#2015

Report of Budget and Finance Committee: Councilman Watts stated the sheet distributed indicated that if anticipated expenditures and revenue come in as forecast, there would be a \$59,000 carryover (including parks, recreation and general operating budgets), which was \$18,000 short going into the 1975 budget.

Report from The Cloisters Committee: Deferred.

NEW BUSINESS

#2054

Insurance Report and Recommendation re Hospitalization Package: Councilman Chase reported life and individual and family hospitalization coverage had not gone up, except the Medicare supplement was up from \$6.35 to \$10.96. Councilman Chase moved that the City's hospitalization insurance package policy with The Travelers be renewed for the coming year; seconded by Councilman Watts. Motion carried.

#2087

Resolution No. 333 - Expressing Appreciation to the Hall Family for Donation of Land: Mayor Ballard read the resolution of appreciation. On motion by Councilman Eddy, seconded by Councilman Watts, Resolution No. 333 was unanimously adopted. A copy is attached hereto as part of the record.

#2097

Approval of Cereal Malt Beverage Licenses: Chief Blume reported each applicant had been checked. Councilman Alt moved that the Council approve cereal malt beverage licenses for Martin's Finer Foods, Ranch Mart Bar-B-Q, Pumpernik's, King Louie Ranch Mart, and StateLine Raquet Club for the year 1975; seconded by Councilman Watts. Motion carried. Councilman Eddy stated there was still a problem with smoke from Gates Bar-B-Q. He requested that if the cereal malt beverage license were approved, that a letter be written to Gates mentioning that the City had had complaints about smoke odor from late hour operation. Councilman Alt moved that the Council approve the cereal malt beverage license for Gates Bar-B-Q for the year 1975; seconded by Councilman Watts. Motion carried.

#2163

Sewer Back-Up Problem and Claim for Damages: Mayor Ballard stated a lengthy letter concerning a sewer back-up problem had been distributed for information of councilmen.

#2176

Rodent Control Contract: Deferred.

Report of Bids for Recreation Complex Pool: Distributed.

Status Form - Fire Department: On motion by Councilman Watts, seconded by Councilman Alt, the resignation of Steven R. Wilson, Firefighter First Class, effective December 30, 1974, was accepted.

#2190

Christmas Tree: Mayor Ballard commented on the beautiful Christmas tree on the lawn of the new building, and credited Chief Toman, the firemen, and fourth and sixth grade Girl Scouts from Brookwood School with its decoration.

December 16, 1974

#2201

Letter of Resignation from Charles Troppito: A letter of resignation from Charles Troppito effective January 1 was distributed. Mayor Ballard wished him well and added he understood why Mr. Troppito would make the change from an economical point of view.

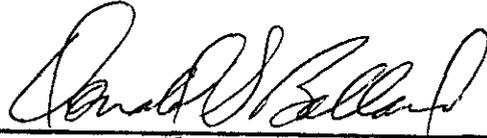
#2208

Councilman Eddy asked that the council tables be fixed so they do not rock and that councilmen be furnished keys to get to a telephone during council meetings. Mayor Ballard requested that Chief Blume have the lock on the side office door changed to the same as the entrance to the wing.

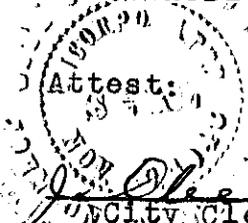
Date for Appropriation Meeting: Following discussion, it was agreed that the appropriation meeting be held on December 26th at 7:00 p.m.

#2252

At 11:20 p.m., on motion by Councilman Alt, seconded by Councilman Eddy, the meeting adjourned to Thursday, December 26, 1974, 7:00 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:  
  
  
City Clerk

December 26, 1974

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:00 p.m. on Thursday, December 26, 1974, in the Police and Court Building, 9617B Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Eddy, Present, Gersh. The City Clerk administered the oath of office to Councilwoman Gersh immediately prior to the meeting.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Dorothy Holtsclaw, Nadine Martin, the City Clerk, and the Council Reporter.

Approval of Final Appropriation Ordinances, 1974: Nos. 336A and 325S in the amounts of \$83,319.20 (including \$65,000.00 in investments) and \$5,354.70, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were approved.

#2270

On motion by Councilman Eddy, the Council went into executive session at 7:09 p.m. to discuss the litigation between Krohs and the City of Leawood.

The Council returned to regular session at 7:21 p.m. The same councilmen were present.

#2278

Ordinance No. 476 - Relating to Acceptance of Deed from Kroh Bros. Development Co., Conveying a Tract of Ground to be Used for Park Purposes: Councilman Alt moved that an emergency be declared to exist to consider Ordinance No. 476; seconded by Councilman Henry. Motion carried. Ordinance No. 476, accepting deed from Kroh Bros., was discussed. At the suggestion of City Attorney Winn, the deeding corporation was changed to Ward Parkway Investment Company, a Missouri corporation. Ordinance No. 476 was adopted unanimously.

#2305

Resolution No. 334 - Authorizing Mayor to Appoint Committee to Consider Naming and Marking of the Park and/or the Various New Park Facilities: Following discussion, on motion by Councilman Present, seconded by Councilman Alt, the following resolution was adopted, Councilman Eddy abstaining:

RESOLUTION NO. 334

"WHEREAS the City of Leawood is in the process of developing an extensive park and recreation complex south of Highway I-435; and

"WHEREAS, recent donations of land to the facility have been made by the Hall and Kroh families of the Kansas City metropolitan area; and

December 26, 1974

"WHEREAS, it would now be an appropriate time to consider the means by which to identify and name the park and/or the various new facilities;

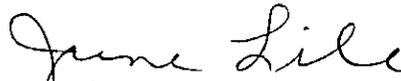
"NOW, THEREFORE, BE IT RESOLVED, that the Mayor appoint, with the consent of the Council, a special seven (7) member committee consisting of long-time Leawood residents, to consider an appropriate and tasteful manner of naming and marking the park and/or the various new Leawood park facilities; and

"BE IT FURTHER RESOLVED, that said Commission be appointed and named by the Mayor prior to February 1, 1975, and that such task be completed in time for the dedication of the new facilities to take place approximately June 1, 1975."

At 7:30 p.m., on motion by Councilman Present, seconded by Councilman Alt, the meeting adjourned to Monday, January 6, 1975, 7:30 p.m.

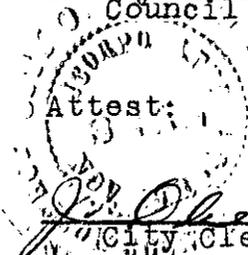
#2366

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Council Reporter

Attest:

  
  
\_\_\_\_\_  
City Clerk

January 6, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, January 6, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Alt, DeKinder, Watts, Present, Gersh.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, the City Clerk, and the Council Reporter. Treasurer Pendleton arrived at 9:00 p.m.

Minutes - Meeting of December 16, 1974: On motion by Councilman Watts, seconded by Councilman Present, the minutes of the meeting of December 16, 1974, were approved as submitted.

Minutes - Meeting of December 26, 1974: On motion by Councilman Alt, seconded by Councilman Present, the minutes of the meeting of December 26, 1974, were approved as submitted.

#2378

Visitors: Sister Marie Coleman, Joyce E. Cartmill, Douglas Henke, David E. Kinton, Ron Felkner, L. A. Hollinger, Jack Bell, Jean Wise, Ed Summerville, Tom Nelson, Louise G. MacKenzie, Tom Harbrecht, Wallace Beasley. Members of the Press: Dan Morris, Bob White.

Councilman Chase entered the meeting during recognition of visitors.

#2397

Presentation of Check from King Louie Ranchmart Representing Proceeds from Mayors' Christmas Tree Bowling Tournament: Jack Bell, general manager of King Louie Ranchmart, presented to Mayor Ballard a check in the amount of \$463.00, proceeds of the Bowlers Christmas Tree Tournament. Mayor Ballard then presented the check to Dr. Elliot Hollinger, representing the Northeast Kansas Lung Association, chosen as recipient of the 1974 bowling tournament proceeds.

#### REPORTS

#2437

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Present, seconded by Councilman Alt.

#2442

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Present, seconded by Councilman Chase.

#2447

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Present, seconded by Councilman DeKinder.

January 6, 1975

#2455

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Present.

COMMITTEE AND COMMISSION REPORTS

#2464

Budget and Finance: Councilman Watts stated a revised 1975 budget had been distributed. He said there was no change in the total. He reviewed changes made in line items, primarily to take care of increased hospitalization costs and merit salary increases approved by the Council earlier. Councilman Watts moved for approval of the revised 1975 budget; seconded by Councilman DeKinder. Motion carried.

#2538

Councilman Present moved for a change in the agenda to consider the following items at this time: (1) ordinance relating to acceptance of deed from Ward Parkway Investment Company, (2) approval of contract for Recreation Complex, and (3) Plan Commission report on special use permit at 8002 Lee Boulevard; seconded by Councilman Watts. Motion carried.

#2547

Ordinance No. 477 - Relating to Acceptance of a Deed from Ward Parkway Investment Company for Park Purposes (First and Second Readings): City Attorney Winn stated this was the second donation by Ward Parkway Investment Company of property previously leased by the City for park purposes, and completed a 44-acre donation by the Kroh family to the park. Councilman Alt moved for declaration of emergency to pass the ordinance relating to acceptance of a deed from Ward Parkway Investment Company; seconded by Councilman Present. Motion carried. Councilman Alt then moved for adoption of Ordinance No. 477 accepting deed from Ward Parkway Investment Company for park purposes. Ordinance No. 477 was adopted unanimously.

#2579

#2600

Approval of Contracts for Recreation Complex: Recreation Commission Chairman Jean Wise stated the Commission was requesting authorization for the awarding of contracts for construction of the recreation complex. She stated the low bidder on the swimming pool and bath house was Midwestern Construction Company with a bid of \$484,262.00, and the low bidder on the remainder of the complex was T.J. Construction Company with a base bid of \$185,000.00, plus alternate bid for grading of playing fields of \$51,136.00 and alternate bid for paving of road and parking lot of \$45,000.00, making a total of \$281,136.00. She said the sum of \$27,002.00 had been added to the contract for the addition of two tennis courts, bringing the total to \$308,138.00. Wallace Beasley recommended that the pool contract be awarded to Midwestern Construction Company and discussed the bids. He said he had good reports about Midwestern Construction Company. He said their bid was for completion in 180 days from the time of notice of award of contract. Tom Nelson recommended that the architectural contract be awarded to T. J. Construction Company, low bidder on any combination of the alternates. He said he had received reports that their performance had

#2629

#2694

January 6, 1975

been excellent, particularly in quality of workmanship. Tom Harbrecht of T. J. Construction Company was present. City Attorney Winn stated the architectural contract contained a provision whereby the City could delete the lighting entirely if it were decided it should be redesigned. The bids and contracts were discussed. Jean Wise stated the regular Recreation Commission budget would be used for contingencies. Councilman Alt requested that the Recreation Commission give consideration to providing a water supply at the playing fields. Mrs. Wise said the Recreation Commission had anticipated paying the light bill. Councilman Alt moved that the Council approve the contract for Midwestern Construction Company to construct the swimming pool complex and bath house for the amount of \$484,262.00; seconded by Councilman Watts. Motion carried. Councilman Alt moved that the Council approve the contract with T. J. Construction Company for construction of the tennis courts, the playground, the grading, the paving, to include alternates one and two and the addition of the two tennis courts, with the option of later withdrawing the tennis court lighting if it is felt desirable to do so within forty-five days; total contract in the amount of \$308,138.00; seconded by Councilman Watts. Motion carried.

#2936

#2958

#2983

Appointment to Fill Vacancy on Recreation Commission: Mayor Ballard proposed the appointment of Mrs. Joyce Cartmill as a member of the Recreation Commission. Councilman DeKinder moved that Joyce Cartmill be appointed to the Recreation Commission; seconded by Councilman Watts. Motion carried.

#3015

Plan Commission - Special Use Permit - 8002 Lee Boulevard: Councilman Alt reviewed the history of the zoning of the house in question, stating all but about an eight foot section was zoned for business. He said Felkner and Associates had requested that the remainder of the property be zoned for business. Councilman Alt said the Plan Commission felt it would be much more desirable if the Council were to grant a special use permit and in that way retain more control over the property. Councilman Alt stated the Plan Commission recommended that the City Council approve the special use permit as presented except that "3 years from the date of issuance of an occupation license, but not to exceed 90 days from date of approval," be substituted for "3 years from the date of approval." Councilman Alt read restrictions contained in the special use permit. David E. Kinton, representing Mr. Felkner, requested that the special use permit be issued to Ron B. Felkner instead of Felkner and Associates. Councilman Alt moved that the special use permit be granted to Ron B. Felkner as stated; seconded by Councilman Watts. Mr. Kinton stated Mr. Felkner was looking for a tenant to rent the house as a small office. Following discussion, motion carried.

#3062

#3367

Ordinance Relating to Establishing Zoning Classification of Limited Office District for a Tract of Land at 111th and Roe (Second Reading): Councilman Alt requested that the second reading be continued to the next meeting.

#3387

Ordinance No. 478 - Relating to Unlawful Discharge of Firearms Within City Limits (Second Reading): Councilman DeKinder

January 6, 1975

reviewed that the ordinance permitted hunting on rural tracts with permission of the owner of the property. City Attorney Winn stated club representatives had indicated a willingness to poll club members and get together with Chief Blume to work out something satisfactory to the City in relation to permitted days and hours for skeet shooting at the Saddle and Sirloin Club. Councilman DeKinder stated the ordinance as drawn still had very stringent restrictions on discharge of firearms. He moved that Ordinance No. 478, relating to discharge of firearms, be adopted. The ordinance was discussed. Councilman Present stated he felt the type of weapon to be fired on a trap or skeet range should be limited or that the distance from the boundary line of any adjacent property be increased. The matter was discussed.

#3601

There was a short recess to reverse the recording tape.

Side 2

#0

#42

Discussion concerning limiting and/or describing the type of weapon permitted continued. Councilman Present objected that the term "appropriate weapon" was not specific enough. Councilman Chase moved that the semicolon after the word "shot" in the fourth line of the second paragraph be changed to a comma, and in the next line, before "whatsoever" the words "or expansive propellant" be added; seconded by Councilman Alt. Motion carried. Following further discussion, Councilman DeKinder moved that paragraph d of the ordinance under Section 10-406 be amended by adding the following in the fourth line: "provided that club rules and any changes therein relating to the type of weapons and loads will be first submitted to the Chief of Police for approval;" seconded by Councilman Chase. Motion to amend carried. Ordinance No. 478 was adopted as amended.

#134

Ordinance Relative to Moving of Buildings (First Reading): City Attorney Winn explained that the proposed ordinance was to conform city ordinance to a change in state statute.

#140

Parks: Councilman Alt reported the parks were properly maintained and the Commission was looking into the grading of the west field.

#142

Public Safety - Resolution re Approval of Five Additional Street Lights (Leawood South): Councilman DeKinder requested that this matter be deferred to the next meeting.

#144

Resolution Relative to City Public Safety Needs: Councilman DeKinder stated he intended to introduce a resolution in the near future to propose that the Mayor appoint either the Public Safety Commission or an expanded Public Safety Commission to formally consider the total needs of public safety in the City and appropriate funding methods to bring the public safety area up to where it should be to provide the needs of the citizens.

#172

Animal Control Contract: Councilman DeKinder stated a thirty-day extension of the existing animal control contract had been granted and a new contract was being negotiated.

- #208 Public Works - Letter Reference Indian Creek Sewer Plant: Mayor Ballard stated a letter from the Regional Administrator of the United States Environmental Protection Agency dated December 12, 1974, was distributed. It stated the position of the EPA was that the Indian Creek treatment plant should be used only as an interim plant.
- #226 Rodent Control Contract: Councilman Alt reported the new contract was for \$750.00 for rodent control and that funds were budgeted to cover it. On motion by Councilman Present, seconded by Councilman Alt, a contract for rodent control with Allied Exterminators, Inc., was approved.
- MAYOR'S REPORT
- #241 Mayor Ballard reported he had interviewed several applicants to fill Charles Troppito's position, and others would interview his choice.
- OLD BUSINESS
- #248 Report from The Cloisters Committee: Councilman Present stated the committee had been reactivated to handle a complaint, and a letter answering the complaint had been distributed.
- NEW BUSINESS
- #252 Letter Requesting Funds for Johnson County American Revolution Bicentennial Committee: Mayor Ballard asked for recommendations for a chairman of the bicentennial for the City. Councilwoman Gersh requested that the Council delay authorization of funds as there was some possibility that there would be some state funding made available to this area.
- #277 Resolution No. 335 - Relative to Fiscal Problems of Kansas Municipalities: Councilman Watts presented the resolution and stated its purpose was to encourage the new governor to take a good look at the financial problems of cities and take action. Upon motion by Councilman Watts, seconded by Councilman Chase, Resolution No. 335 was unanimously adopted. A copy is attached hereto as part of the record.
- #288 Application for Cereal Malt Beverage License - Taco Villa: On motion by Councilman Alt, seconded by Councilman DeKinder, the application of Taco Villa for a cereal malt beverage license was approved.
- #297 Discussion re Johnson-Leavenworth Manpower Consortium Under Title VI: A letter from the Office of Manpower Programs had been distributed. Mayor Ballard stated he felt the Council should hold off on the proposal for twelve months' funding of an additional employee to see if the Public Works man needed assistance on maintenance. The Public Works Commission was requested to look into this matter.
- #324 Appropriation Ordinance: No. 337A including \$2,042.68 from the 1974 budget and \$41,021.53 from the 1975 budget, providing

January 6, 1975

for payment of certain claims against the City, was submitted and approved.

#337

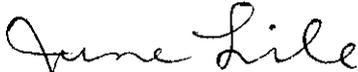
Resignation of Richard J. Conklin from the Plan Commission:  
On motion by Councilman Present, the resignation of Richard J. Conklin was accepted with regret.

#344

At 10:00 p.m., on motion by Councilman Watts, seconded by Councilman Present, the meeting adjourned to Monday, January 20, 1975, 7:30 p.m.



Mayor



Council Reporter

Attest:

  
City Clerk

January 20, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, January 20, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, Eddy, Present, Gersh.

Others present were Police Chief Blume, Fire Chief Toman, Treasurer Pendleton, Will Gray, John Granstedt, the City Clerk, and the Council Reporter. City Attorney Winn arrived at 8:53 p.m.

Minutes: On motion by Councilman Alt, seconded by Councilman Present, the minutes of the meeting of January 6, 1975, were approved as submitted.

Councilman DeKinder entered the meeting at 7:34 p.m., following approval of the minutes.

Visitors: Fred Gibson, John J. Ruddy, Dr. Don Hoover, Marvin Rainey, Robert E. Ervin, Robert C. Londerholm, Frances Wallas, Mr. and Mrs. John Warren, Dr. Wayne L. Harvey. Members of the Press: John T. Davis, Bob White.

#### MAYOR'S REPORT

#359

Expansion of Indian Creek Treatment Plant: Mayor Ballard reported the site work for "temporary" expansion of the Indian Creek Treatment Plant had gone out for bids. He said the Johnson County Sewer District was planning a road from Mission Road into the site through the southern part of the Saddle and Sirlain property, and the City was likewise planning a road through the same area to serve the park. He said plans were being formulated for a dual purpose road on which hopefully the County Commissioners would see fit to work with the City.

#### COMMITTEE AND COMMISSION REPORTS

#370

Ordinance No. 479 - Regarding Removal of Structures, Permits and Procedures Covering Same, and Repeal of Sections (Second Reading): On motion by Councilman Eddy, Ordinance No. 479, regarding removal of structures, was unanimously adopted.

#376

Councilman Alt moved that the next four items on the agenda be moved to the end of the agenda or until City Attorney Winn was present; seconded by Councilman Present. Motion carried.

#383

Public Safety Commission - Report re Police Vehicle Contract: Councilman DeKinder stated extreme difficulty had been encountered in obtaining the vehicles necessary for the Police Department. Chief Blume said Bud Brown had agreed

January 20, 1975

to deliver the vehicles originally specified and ordered, with necessary costs for temporary leasing of present vehicles to be borne by Mr. Brown, so the City would have the same vehicles at no additional cost to the City.

#398

Resolution No. 336 - Regarding Street Light Illumination Density: Councilman DeKinder explained that the resolution was being proposed to reconfirm the City's policy on street light density to continue to be 4,000 lumen incandescent lamps, to avoid the problem of Kansas City Power and Light Company changing the City's standard street light. He moved adoption of Resolution No. 336; seconded by Councilman Present. Resolution No. 336 was unanimously adopted. A copy is attached hereto as part of the record.

#417

Resolution No. 337 - Regarding Total Public Safety Needs Within the City of Leawood: Councilman DeKinder explained that the resolution was basically a request to have done what had been needed for some time, to have a special committee appointed composed of the Mayor, Fire Chief, Police Chief, Public Safety Commission and others from City government, or the public, appointed by the Mayor to study the needs of public safety, develop specific recommendations, set out estimated costs of each recommendation, recommend alternate methods of financing, and submit completed recommendations to the Governing Body no later than the first Council meeting in February, 1975, for consideration and possible submission of the question of financing to the voters. Councilman Henry reported the concern of homeowners in Leawood South for a fire station in south Leawood. The time for submission of the financing to the voters was discussed. It was agreed that the words "April 1, 1975 ballot" in the resolution be changed to "at the earliest possible time." At the suggestion of Councilman Present, it was agreed to add as No. 5 under duties of the special committee, "To seek out additional recommendations and suggestions with at least one public meeting." Paragraph No. 5 of the proposed resolution would then become No. 6. Councilman Present moved that the resolution be adopted with the two changes; seconded by Councilman Alt. Resolution No. 337 was unanimously adopted. A copy is attached hereto as part of the record.

#500

#520

Resolution No. 338 - Regarding Installation of Five Additional Street Lights (Leawood South): On motion by Councilman DeKinder, seconded by Councilman Eddy, the following resolution was adopted:

RESOLUTION NO. 338

BE IT RESOLVED that the Mayor be authorized to sign Resolution No. 27 under Ordinance No. 264 providing for five additional street lights in the City of Leawood, Kansas, to be paid for from the City's reserve fund with the Kansas City Power and Light Co. (Leawood South)

#535

Report Regarding Animal Control: Chief Blume stated the thirty day extension of the animal control contract expired January 30, and asked the Council's permission to verbally negotiate a gentlemen's agreement for the first few days of February, until the first Council meeting. He said a contract was being prepared by the City Attorney of Prairie Village. Councilman DeKinder moved that Chief Blume be granted permission to ask Prairie Village to extend the agreement for animal control until the first meeting of the Council in February; seconded by Councilman Present. Motion carried.

#543

Employee Status Forms - Police Department: On motion by Councilman DeKinder, seconded by Councilman Eddy, the following employment was approved:

David G. Thompson, as Patrolman, at the rate of \$775 per month.

On motion by Councilman DeKinder, seconded by Councilman Present, the following rate change was approved:

Ruth Blaw, Police Clerk, increase to \$478 per month.

#559

Councilman Alt moved that the comprehensive plan report be moved down on the agenda, following the ordinances; seconded by Councilman Henry. Motion carried.

#562

Plan Commission - Replat of Merry Lea Farms: Councilman Alt reported that the Plan Commission recommended that the replat be approved. He explained that the replat provided for acceptance by the City of streets in their present condition and since the City Engineer had not inspected the streets and storm drainage, the Public Works Commission recommended that the Council table acceptance of the replat until that inspection could be made. Councilman Present moved that the subject of the replat of Merry Lea Farms be postponed until the next regular meeting of the City Council for the purpose of the City's inspection of the streets; seconded by Councilman Henry. Motion carried.

#595

Public Works Commission: Councilman Alt commended the Public Works Department for the job they had been doing to keep the streets cleaned of snow and ice the past few weeks. He added that the Commission had been working with the Recreation Commission on the possibility of regrading the west field.

#601

Parks: No report. There was discussion concerning whether or not the City could deed certain small "parks." Mayor Ballard stated it would first have to be determined who owned the property. Councilman Alt stated that was one of the items before the Park Commission for recommendation to the Council.

OLD BUSINESS

#636

95th Street Safety: Councilman Present stated in an unofficial manner he had been talking to Overland Park regarding the possibility of a traffic pattern for the Ranch Mart Shopping Center, and about the placement of perhaps an additional light for traffic control around the shopping center. He said he felt he had gone about as far as he could and it should be turned over to someone in an official capacity. The matter was discussed. There was discussion that the whole matter of the street had been turned over to Councilman Alt's 95th Street Coordinating Committee. Councilman Alt stated the matter of the traffic lights and the inter-local agreement presented to him had been turned over to the Public Safety Commission for recommendation, as well as a letter concerning traffic patterns, etc. It was confirmed that Councilman Alt would work with Overland Park and the overall plan, consulting with the Public Safety Commission.

NEW BUSINESS

#704

Request for Permission to Solicit Funds - Kansas Heart Association: Following discussion, Councilman Eddy moved for approval of the application providing that 100 per cent of the money collected go to the benefit of the organization or to cover the costs of solicitation, and the percentages as shown, plus or minus one per cent, be explained, and that solicitation be made only during daylight hours; seconded by Councilman Henry. Following further discussion, motion carried, Councilman DeKinder opposed. Mayor Ballard requested that the Public Safety Commission study the application form, considering rules and regulations reference submitting the form, including standard hours for solicitations.

#784

Employee Status Form - Administrative Department: Mayor Ballard stated Mr. Robert J. Sirchia had been interviewed by Councilman Alt, Councilman DeKinder, Cal Spradley, and himself, and all recommended that he be employed effective February 1, 1975, at \$750 per month, with the title Assistant City Administrator. Mayor Ballard stated it was proposed that Mr. Sirchia be hired as Assistant City Administrator, below the ordinance minimum for Assistant City Administrator for Development, and give opportunity for promotion and change of title at the end of six months. Councilman Alt moved that Robert J. Sirchia be hired in accordance with salary and conditions outlined by the Mayor; seconded by Councilman DeKinder. Motion carried.

#801

COMMITTEE AND COMMISSION REPORTS (continued)

#813

Ordinance Establishing Zoning of Limited Office District at 3000 West 135th Street - Dr. Hoover (First Reading): Councilman Alt read the proposed ordinance for zoning 20 acres, more or less, as Limited Office District, sub-classification B-3. Councilman Alt stated the Public Works Commission had approved the streets and drainage. Chief Toman stated he would like to recommend consideration of sprinkler systems for the buildings and that hydrant

January 20, 1975

locations and supply lines to the hydrants be within the requirements of the Office of Insurance Services at Topeka. A map showing location of the property was displayed. Councilman Alt stated the applicant had designated 60 feet for street right-of-way from the center line to his property line, which met the present right-of-way deeded to the state. The right-of-way was discussed. Marvin Rainey stated 55 feet of right-of-way was the most that had been required by any city or county in the area. He said he had contacted MARC and the County and determined that a wider highway was only in very long range thinking and there were no definite plans for a wider highway. Councilman Alt pointed out that the setbacks on this property were not all such that they would be completely met if all adjoining property were zoned residential.

City Attorney Winn arrived at 8:53 p.m.

#927

Ordinance Regarding Septic Tanks (First Reading): Councilman Alt explained that the proposed ordinance repealed and replaced an existing ordinance, to allow the Governing Body to approve the use of septic tanks in developments such as Merry Lea Farms at the time of acceptance of plat, subject to standards prescribed by the Johnson County Health Department. He said it would eliminate the requirement for each individual owner in such developments to come before the Board of Zoning Appeals for permission to install a septic tank, when septic tanks were the only way to serve the area. The matter was discussed.

#979

Ordinance No. 480 - Establishing Zoning of Limited Office District for Tract at 11th and Roe (Warren Property)  
(Second Reading): Councilman Alt read the proposed ordinance that property located at the corner of 11th Street and Roe Boulevard be zoned Limited Office District B-4, subclassification 2. Councilman Alt stated he had a letter from the Warrens stating they would dedicate 55 feet for street right-of-way both on Roe and on 11th Street. Councilman Alt stated the Public Works Commission had examined and approved the proposal for streets and storm drainage. Chief Toman recommended consideration of sprinkler systems and that hydrant locations and supply lines be within the requirements of the Office of Insurance Services; he said he had suggested another entrance to the parking area along Roe to allow access by fire-fighting equipment, and had indicated it by penciled drawings. Councilman Present suggested that the phrase "now designated as College Boulevard" be added to the ordinance following the 11th Street address. City Attorney Winn stated the fact that right-of-way was later granted or taken, decreasing the acreage, would not affect zoning classification. It was determined that the width of the private driveways had been changed to 20 feet. Councilman Alt moved for adoption of Ordinance No. 480, zoning the tract Limited Office District B-4, subclassification 2. Ordinance No. 480 was adopted unanimously.

#1065

January 20, 1975

#1081

Ordinance No. 481 - Amending Zoning of Limited Office District, Roe near 111th Street (Saul Ellis): Councilman Alt stated there was an error in the wording of the legal description in the previous ordinance zoning this property. Councilman Present moved that an emergency be declared for the purpose of approving an ordinance to correct an error in legal description; seconded by Councilman DeKinder. Motion carried. Councilman Alt moved for adoption of Ordinance 481 repealing Ordinance No. 452 due to error in legal description. Ordinance No. 481 was adopted unanimously.

#1093

#1107

Comprehensive Plan Report: Councilman Alt reported that the Plan Commission had heard Mr. Garland, the Nichols Company, the Hall people, and Dr. McKee. Subsequently, the Plan Commission had instructed the planner to make minor changes in the plan in response to the landowners. Councilman Alt said he felt the Council would be well advised to hold a joint meeting with the Plan Commission to review the entire comprehensive plan before a motion was written with further instructions to the Plan Commission. Following discussion, Councilman DeKinder moved that the first item on the agenda of the February 3rd Council meeting be presentation of the comprehensive plan, evaluation, consideration, and a summary of recommendations by the Council to the Plan Commission; seconded by Councilman Present. Motion carried.

#1245

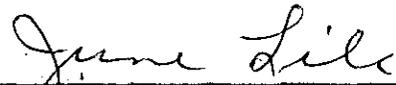
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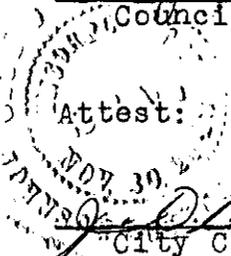
Letter from University of Louisville Regarding Acceptance of Captain Al Sellers: Councilman DeKinder reviewed a letter from the University of Louisville advising that Captain Al Sellers had been accepted to attend an administrative officers course beginning on March 3, 1975. He said this was a \$3,000 Federal grant and Captain Sellers had qualified to participate, which was a nice accomplishment. He said the only cost to the City would be his regular salary while there and transportation.

#1271

At 9:37 p.m., on motion by Councilman DeKinder, seconded by Councilman Alt, the meeting adjourned to Monday, February 3, 1975, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:  
  
  
\_\_\_\_\_  
City Clerk

February 3, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, February 3, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Chase, Watts, Present, Gersh.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Robert Sirchia, John Granstedt, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Present, seconded by Councilman Henry, the minutes of the meeting of January 20, 1975, were approved as submitted.

Visitors: Jean Wise, Joyce Cartmill, Dr. William Earl Evans, Fred Gibson, Phil Hodes, Cal Spradley, James Garland, Kent Crippin, Marvin Rainey, Dr. Don Hoover, William R. Judd, Richard J. Conklin, Ben Rockey, Jim Dierks. Members of the Press: Dan Morris, Bob White.

#1292

Presentation of Certificates of Appreciation: Mayor Ballard presented to William R. Judd a key to the City and a certificate of appreciation for outstanding service as a member of the Council. Mr. Judd expressed his appreciation for the opportunity to serve. Mayor Ballard then presented a certificate of appreciation to Richard J. Conklin for outstanding service as Chairman of the Plan Commission. Mr. Conklin expressed his appreciation.

#### REPORTS

#1321

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Henry, seconded by Councilman Present.

#1325

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Present, seconded by Councilman Watts.

#1327

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Present, seconded by Councilman Watts.

#1330

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Henry.

#### COMMITTEE AND COMMISSION REPORTS

#1332

Plan Commission - Comprehensive Plan Presentation: Councilman Alt stated the Plan Commission wanted to present to the Council the comprehensive plan completed by Lawrence-Leiter & Company, particularly going into land use and the

February 3, 1975

#1375

street network. Cal Spradley, chairman of the Plan Commission, said the Plan Commission wanted to be sure the comprehensive plan was understood and agreed to as well as possible so future land use development in Leawood did not surprise or unduly alarm any of its citizens or developers. Kent Crippin presented a topographical model depicting land use. He said a correction made by the Plan Commission at its meeting in December was shown on the map presented. He explained the plan. He said because of the demand by commercial establishments to locate in the area because of the high level of income, the plan commission in the future would have pressures to zone property in Leawood for commercial activity. He referred to the fact that at the present time approximately sixty-five per cent of the city was vacant property or property used for agricultural purposes. He said there would be a tremendous demand for medium density housing. He emphasized that the plan was not so explicit as to be a zoning map. Mr. Crippin reviewed the street system. He said the plan previously presented included multi-family housing extending south to 119th Street. After meeting with Nichols representatives, reviewing their proposal for the area for quality single family housing, and learning there would be no commercial development east of State Line at 119th Street, the plan was revised so that the entire north side of 119th Street was now proposed for single family housing. He said the plan was in conformance with the plan of Overland Park. Mr. Crippin said the only change made on this map from the two previous presentations was in the area of 119th Street as indicated. Mr. Crippin discussed the plan with the Council. Extension of 111th Street was discussed. Mr. Crippin stated 111th Street was designated a primary arterial to Roe, and the recommendation was that it be designated as a secondary arterial from Roe over to Mission. He pointed out that there was a mistake in painting of the street from Roe to Mission on the model. Mr. Crippin said it would be very, very expensive to extend 111th Street straight through to State Line and it would put the Leawood park between two freeways, destroying its rather serene character to the south. He said he felt most of the traffic from the office structures at 111th and Roe would be on I-435.

#1866

James Garland of Garland Development Company, owner (since 1961) of 80 acres south of 119th Street, objected to multi-family across 119th Street from his single family area. He said it would be a tremendous handicap and he did not feel it was fair treatment of a developer who was probably there ahead of any other. Mr. Crippin said the area proposed by Mr. Garland for single family just barely touched upon the area for multi-family. Mr. Crippin pointed out that Mr. Garland had proposed in his own plan for multi-family to back up to single family. Mr. Spradley stated the Plan Commission had considered the matter. City Attorney Winn pointed out those areas could probably be very compatible if the City took the time and care when the plans were actually submitted. Mr. Spradley

#1929

added that it was a zoning matter.

#2038

Councilman Alt stated the action that needed to be taken was to formulate any instructions the Council wished to give back to the Plan Commission for consideration. Councilman Present said he would like the Plan Commission to look over 111th Street again, to think of another alternative for 111th rather than connecting to Mission Road "and channeling the traffic to the center of Leawood." Mayor Ballard stated there was absolutely no evidence whatsoever to indicate that traffic was being channeled through the middle of Leawood. Following further discussion, Councilman Alt moved that the City Council send a recommendation to the Plan Commission that the plan be adopted as presented; seconded by Councilman DeKinder. Motion carried, Councilman Present opposed.

#2185

Councilman Alt moved for a change in the agenda to consider the Recreation Commission proposal as the next item of business; seconded by Councilman Watts.

#2215

#2222

Recreation Commission Request for Approval of Tennis Court Lighting Plan: Mayor Ballard reviewed that at the time of approval of the contract with T. J. Construction Company an option was included to remove \$17,500 for lights. He said it was now proposed to issue a change order in the amount of \$44,902.96, at the same time pulling out the \$17,500, and light all eight courts in accordance with the current plan for better quality lights. Councilman Watts pointed out that the added amount should not be charged against carryover, but suggested it be charged against one of the capital expenditure items. Jean Wise explained that with the addition of two tennis courts an item in the amount of \$17,000 had been added for tennis court lighting. Joyce Cartmill stated research had been done and it was determined that the majority of people knowledgeable about lighting were dissatisfied with conventional lighting, and recommended metal arc lighting, such as was now installed at Homestead Country Club. She said metal arc lighting seemed to be above average in every respect and was practical in that the bulbs had 10,000 life hours as opposed to some that had 2,000 life hours. She said Wallace Beasley had done independent research and reached the same conclusion. The matter was discussed. Phil Hodes questioned whether the metal arc bulbs would be immediate starting bulbs. Councilman Chase asked whether the lights might give out radio or television interference. Chief Blume asked that it be ascertained whether or not the bulbs would explode and emit noxious gases. Councilman DeKinder moved that the Council approve the expenditure of the additional \$10,402.96 for the improved lighting for the eight tennis courts at the Leawood park over the original budgeted amount, subject to the satisfactory resolution of the question on radio or television interference, subject to the further assurance that there was not an excessive warm-up on the lights, and subject to a report to the Chief of Police on the possibility of danger of exploding

#2403

February 3, 1975

or being shot out and emitting any type of harmful gases or powders; a report on all three contingencies to be made at the next Council meeting; seconded by Councilman Watts. There was discussion that if all three of the contingencies were resolved, there was no reason not to proceed before the next Council meeting. Motion carried.

#2453

Replat of Merry Lea Farms: Councilman Alt reported the Plan Commission had recommended that the Council accept the replat of the Merry Lea Farms development. Councilman Alt said he had a letter from Phil Kline stating he had made a visual inspection of the existing streets in the subdivision and determined that they were in good condition and no maintenance would be required for several years. Mr. Kline recommended their acceptance as public streets. Councilman Alt moved that the replat of Merry Lea Farms be accepted; seconded by Councilman Present. Motion carried. Councilman Alt pointed out that the replat would not become official until all of the people whose property surrounded it had signed the replat, and recommended that none of the city officials sign until the proper number of copies with all the signatures were brought to the City.

#2513

Ordinance No. 482- Establishing Zoning Classification of Limited Office District for a Tract of Land - 3000 West 135th Street (Second Reading): The plans for the tract were discussed, including setback for streets and recommendation for sprinkling systems. There was discussion that city ordinances or codes should include the requirement that multi-family housing units have sprinkling systems. Mayor Ballard asked Chief Toman to look into the matter and have Mr. Sirchia prepare and submit whatever was needed. Councilman Alt read a letter from the developer of Merry Lea Farms regarding the private roads and screening. Following discussion, Councilman Alt moved that the property commonly known as 3000 West 135th Street be zoned as Limited Office District B-4, subclassification 3. Ordinance No. 482 was unanimously adopted.

#2575

#2620

#2647

Ordinance No. 483 - Regarding Installation of Septic Tanks (Second Reading): Following discussion, Councilman Alt moved for adoption of the ordinance. Ordinance No. 483 was unanimously adopted.

#2695

Public Works - 95th Street Report: Councilman Alt reported an inter-city agreement had been received from Overland Park. He said Mr. Kline had examined the Overland Park proposal and felt it to be reasonable and had presented an estimate of the cost for taking care of the remainder of 95th Street, from the Overland Park boundary east. Councilman Alt said the committee was in agreement that the City should do primarily an overlay on 95th Street. He said the costs would amount to \$12,000 for the Leawood portion of the Overland Park proposal, \$625 for traffic striping, \$5,000 for patching work from Mission to State Line, overlay \$26,000, for a total cost to Leawood of approximately \$43,625.00.

February 3, 1975

City Attorney Winn reviewed the agreement. He suggested the City explore the possibility of tacking on the specifications for the Leawood part when Overland Park takes bids, making it all part of one bid. The Public Safety Commission will consider the striping, etc. The inter-city agreement and a resolution authorizing issuance of bonds to pay for the improvement will be submitted for Council approval at the next meeting.

#2770

Animal Control Contract: Councilman DeKinder stated the proposed contract distributed was basically the same contract the City had with Prairie Village with the exception of the modification that Prairie Village would not patrol south of I-435 but would respond to calls from the Leawood Police Department in the area south of I-435 when advised by the Police Department of a serious or emergency situation requiring immediate action. Councilman DeKinder stated patrolling south of I-435 was the basis for the lack of interest of Prairie Village in continuing to participate with Leawood, that regular patrolling as far south as Leawood goes took the officer out of the accessibility to Prairie Village for several hours. He stated the Public Safety Commission felt this contract was the best available solution to the problem of animal control. Chief Blume said he thought the monthly rate had been raised about \$15 per month. Councilman Henry said he felt Verona Gardens, Leawood South, and other areas south should receive the same sort of regular patrolling service as the area north of I-435. Councilman DeKinder explained that looking at all the available alternatives, this was the most palatable under the economics faced by the City. The matter was discussed. The Council agreed that all areas of the City should get the same patrolling. Due to lack of another alternative at this time, Councilman Present moved for approval of the agreement between Prairie Village and the City of Leawood on dog control; seconded by Councilman DeKinder. Motion carried, Councilmen Alt, Henry and Chase voting no. Mayor Ballard asked that the Public Safety Commission investigate a more satisfactory long range solution. Mayor Ballard asked Robert Sirchia to find out whether the federal grant of six months' salary for a public works employee (applied for but not exercised) could be used for an animal control officer.

#3265

MAYOR'S REPORT: No report.

#3325

Status Form - Police Department: On motion by Councilman DeKinder, seconded by Councilman Watts, the following employment was approved:

Catherine E. Gordon, Crossing Guard at Brookwood School,  
at the rate of \$9.00 per day.

#3344

Appropriation Ordinances: Nos. 337A and 326S in the amounts of \$288,698.32 (including \$220,000.00 in investments) and

February 3, 1975

\$483,896.87 (including \$475,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved.

#3415

Discussion of Complaint Relative to Parking of Vehicles: Councilman Chase referred to a letter dated January 30 from Steven Rose suggesting that the Council consider an ordinance prohibiting automobiles from being parked on any surfaces other than hard or gravel surfaces. Councilman Chase stated the complaint had to do with an automobile parked in the front yard. He said apparently this was not covered under present ordinances. Mayor Ballard stated City Attorney Winn would consider this matter as part of the ordinance being drafted concerning parking of vehicles. Enforcement of the ordinance concerning parking of trailers was discussed.

#3525

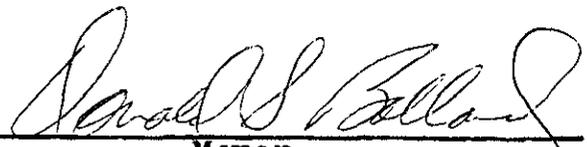
MARC Federal Aid Urban Boundary: Councilman Alt stated the City may want to consider the Federal Aid Urban boundary line again. He said the matter would be considered by the Public Works Commission.

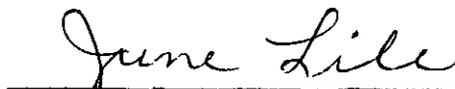
#3533

County Levy for Parks: Councilman Henry stated he understood a two mill levy for Tomahawk park would be on the ballot at the April election. He said he thought the Council should consider giving all the facts to the citizens, perhaps publishing a newsletter. The matter was discussed. Mayor Ballard suggested that Jean Wise be asked to write material concerning the Leawood park for a newsletter.

#3586

At 11:00 p.m., on motion by Councilman Chase, seconded by Councilman Watts, the meeting adjourned to Monday, February 17, 1975, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

177130

February 17, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, February 17, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Present, Gersh.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Robert Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman Henry, the minutes of the meeting of February 3, 1975, were approved as submitted.

Visitors: Frances Wallas, Howard Present, T. R. Nordstrom, J. R. Trimble, W. M. Textor. Member of the Press: Bob White.

#### MAYOR'S REPORT

#7 Appointments to Newsletter Committee: Mayor Ballard explained that Councilman Watts had asked to be relieved of his responsibility as chairman of the Newsletter Committee. Mayor Ballard proposed the appointment of Councilman Henry as chairman of the Newsletter Committee and Councilwoman Gersh as a member of that committee. Councilman Alt moved that the Mayor's nomination of Councilman Henry as chairman and Councilwoman Gersh as a member of the Leawood Newsletter Committee be approved; seconded by Councilman DeKinder. Motion carried.

#### COMMITTEE AND COMMISSION REPORTS

#22 Public Works: No report.

#23 Public Safety - Resolution No. 339 - Regarding Removal of Fourteen Street Lights from Leawood Park: On motion by Councilman DeKinder, seconded by Councilman Alt, the following resolution authorizing temporary removal of fourteen street lights in Leawood Park, necessitated by the improvement project, was adopted:

#### RESOLUTION NO. 339

BE IT RESOLVED that the Mayor be authorized to sign Resolution No. 28 under Ordinance No. 264 providing for removal of fourteen street lights in the City of Leawood, Kansas. (Leawood Park)

#48 Status Form - Fire Department: On motion by Councilman DeKinder, seconded by Councilman Present, the following employment was approved:

Jackie Dale Jones, as Firefighter Probationary.

February 17, 1975

#54 Announcement of Second Meeting of Committee Studying Total Public Safety Needs of the City: Councilman DeKinder announced the second meeting of the special committee would be held Wednesday, February 19, 1975, at 7:30 p.m., in the Council Chamber; the purpose of the meeting being to summarize findings and prepare a plan of action to bring the information to the people of Leawood at the earliest possible date.

#70 Recommendation for Ordinance Regarding Smoking on Buses: Mayor Ballard referred a recommendation for an ordinance regarding smoking on buses to the Public Safety Commission.

NEW BUSINESS

#82 Contract for Audit: Since Treasurer Pendleton was not present, this matter was deferred to the next agenda.

#83 Request for Permission to Solicit Funds - American Cancer Society: The request was referred to the Public Safety Commission. Councilman Present expressed concern that names of solicitors did not accompany the request and that pamphlets would be left door to door.

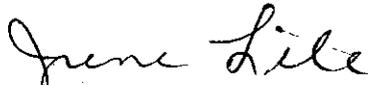
Councilman Chase entered the meeting at 7:49 p.m.

OLD BUSINESS

#113 Report Relative to Tennis Court Lighting: Councilman Chase reported he had talked with the architect and was advised that the proposed lights were in common and widespread use around town, including the Sports Complex, and apparently caused no problem from the standpoint of radio interference. Chief Blume said he had called two people who had that type of lights and they had found them no more dangerous than fluorescent fixtures. On motion by Councilwoman Gersh, seconded by Councilman Present, Councilman Chase's report was approved.

#127 At 7:51 p.m., on motion by Councilman Present, seconded by Councilman Alt, the meeting adjourned to Monday, March 3, 1975, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

March 3, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held on Monday, March 3, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. The meeting was called to order at 8:10 p.m., when a quorum had assembled. Roll call was answered by Councilmen Alt, DeKinder, Watts, Present, Gersh.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Robert Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman DeKinder, the minutes of the meeting of February 17, 1975, were approved as submitted.

Visitors: Mrs. John Watts, Chris Watts, John J. Ruddy, Jack A. Newman, Jr., Phil Hodes. Members of the Press: Bob Fiser, William Stoner.

Mrs. John Watts asked if anything had been done about a lion in the 9700 block of Overbrook Road. Chief Blume stated the alleged owner of the lion was scheduled to appear in municipal court this month. Chris Watts asked if the Leawood Recreation Complex would be open this summer. Mayor Ballard referred to the newsletter published by the Recreation Commission and stated he believed the tennis courts were anticipated to be open in early July, the swimming pool in early August.

#### REPORTS

- #158 Treasurer: No report.
- #159 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Present.
- #161 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Present, seconded by Councilman Watts.
- #165 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Present. City Attorney Winn commended Chief Blume for his handling of a situation involving an irate citizen. Councilman Present questioned whether the Police and Fire Departments should both be answering animal calls. The matter was discussed and it was determined that the present method of cooperation between the departments was the most efficient method of handling such calls.

March 3, 1975

#194

Public Works Department: Will Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman DeKinder. Councilman Alt commended the Public Works Department for the way they kept salt and sand on the streets during the recent ice episode. He noted that \$2,564.00 had been spent on sand and salt from January 1 to February 16.

COMMITTEE AND COMMISSION REPORTS

#211

Plan Commission: Councilman Alt reported that the Plan Commission had by resolution adopted the comprehensive plan upon the recommendation of the City Council.

#216

Resolution No. 340 - Accepting Plat of Charlemagne Manor: Councilman Alt reported the Plan Commission, after careful consideration of all phases of Charlemagne Manor, was submitting said plat to the City Council and recommending that the plat be adopted. A copy of the Plan Commission resolution regarding the plat was distributed. Councilman Alt reported the Public Works Commission and the Public Safety Commission had examined the plat and both found it to be in conformance. Councilman Alt moved that the following resolution be adopted:

RESOLUTION NO. 340

"The Leawood City Council has considered the Charlemagne Manor plat as submitted by the Plan Commission, and

WHEREAS this property located on 143rd Street between Mission Road and State Line Road, containing 79.880 acres more or less, and more commonly known as Charlemagne Manor (case #2-74), and

WHEREAS all requirements have been satisfied by the applicants, and

WHEREAS the Plan Commission has recommended to the City Council favorable action in this matter,

THEREFORE, BE IT RESOLVED that the Leawood City Council does approve this plat.

FURTHER, the City Council also approves the installation of septic tanks to serve each residential structure subsequently installed in Charlemagne Manor, provided each lot owner shows proper County Board of Health and other authoritative approval, as necessary, to the Chief Building Official and the City Architect, when obtaining a building permit and design approval."

Seconded by Councilman Watts. Resolution No. 340 was adopted unanimously.

March 3, 1975

Public Safety:

- #250 Request for Permission to Solicit Ticket Sales - Cub Scout Pack #3197: Councilman DeKinder reported the Public Safety Commission recommended approval of the solicitation request of Cub Scout Pack #3197, and moved for approval of the request; seconded by Councilman Watts. Motion carried.
- #257 Request for Permission to Solicit Sales - Johnson County Association for Retarded Citizens: Councilman DeKinder moved for approval of the request for permission to solicit sales by Johnson County Association for Retarded Citizens; seconded by Councilman Watts. Motion carried.
- #260 Request for Permission to Solicit Funds - American Cancer Society: Councilman DeKinder moved for approval of the request for permission to solicit by American Cancer Society; seconded by Councilman Watts. Motion carried.
- #262 Requests for Permission to Keep Three Dogs - Julie Floerke, 12862 Sagamore Road, and Mr. and Mrs. Victor H. Berndt, Jr., 8015 High Drive: Following discussion, Councilman DeKinder moved for approval of the requests for permission to keep three dogs subject to verifying that the signatures were the adjacent property owners to 12862 Sagamore Road; seconded by Councilman Watts. Motion carried.
- #285 Recommendation regarding Rabies Certifications for Licensing of Dogs: Councilman DeKinder reported it was the recommendation of the Public Safety Commission that whatever the Kansas veterinarians were willing to document in a rabies certificate should be sufficient for the City to accept as suitable rabies vaccination proof. There was discussion that many of the veterinarians were certifying two and three year vaccines and the City Clerk was requesting guidance from the Council as to whether to accept the two and three year certificates. The matter was referred to the Public Safety Commission for further investigation and recommendation. Phil Hodes stated there was talk about changing ordinances whereby the tags would identify specifically the coloring, weight, and breed of dog that was vaccinated.
- #330 Request for Authorization to Install Additional Timing Equipment at 85th Terrace and State Line: Councilman DeKinder reported the Public Safety Commission recommended the installation of two additional timing dials which would cost the City \$7.50 per month, to seek to improve traffic flow on State Line. Councilman DeKinder moved for approval and acceptance of the additional timing equipment; seconded by Councilman Watts. Motion carried.
- #339 Recommendation for Ordinance Prohibiting Smoking on Buses: Councilman DeKinder stated the Public Safety Commission was in favor of an ordinance prohibiting smoking on buses. Councilman Present suggested that such an ordinance refer to public conveyances rather than to stipulate a particular type vehicle. Following discussion, Councilman DeKinder

March 3, 1975

moved for approval of the recommendation for drafting of an ordinance prohibiting smoking on buses for the City of Leawood; seconded by Councilman Alt. Motion carried.

#363

Recommendation re Agreement with Overland Park for Sharing of Certain Traffic Signals: Councilman DeKinder reported the Public Safety Commission had no objection to the sharing of traffic signals at 95th Street and Mission Road (vehicular traffic); 95th and Wenonga (pedestrian traffic); and 99th Street and Mission Road (pedestrian traffic). Councilman DeKinder moved that the Mayor be authorized to sign the inter-local agreement with Overland Park on behalf of the City of Leawood; seconded by Councilman Alt. Councilman Present stated he was not against the light at 95th and Mission Road but wondered if the City was ready for a change in the lighting at this time. He said an OPTCS system put in there would possibly create more flow in the City of Leawood without additional control around Ranch Mart shopping center. He said it was a highly congested area and he felt an OPTCS system for 95th and Mission should be designed in conjunction with a light or some type of control at Ranch Mart shopping center. The matter was discussed. Councilman Present said he felt the City should investigate the shopping center situation. Councilman Present maintained an OPTCS system light would let considerably more cars into the area without a sequential break. Councilman DeKinder stated this particular recommendation was not for an OPTCS system, it was to upgrade the intersection to eventually be tied into an OPTCS system. Councilman Present maintained approval of the agreement would be giving tentative agreement to go ahead with the OPTCS system, and the Council should have a complete plan to look at. Mayor Ballard stated he thought the OPTCS system light would make egress from the shopping center easier because it would clear the intersection a lot quicker; he said now the traffic stayed backed up so long cars cannot get out of the shopping center. Councilman Alt moved for the previous question; seconded by Councilman DeKinder. Motion carried. Motion to authorize the Mayor to sign the inter-local agreement carried, Councilman Present opposed.

#472

#478

Suggested Lane Markings for Resurfaced 95th Street: The Council discussed the map showing lane markings. Councilwoman Gersh said she would like to see some further marking or warning of the Marsha Bagby school crossing beyond where the blinker light was located, between Wenonga and the stop light. Chief Toman explained that the dotted lines indicated the traffic pattern, and appropriate left turn lanes would be put in each intersection where a left turn arrow was shown.

#515

Councilman Alt moved that 95th Street Improvement be moved up to the next item on the agenda; seconded by Councilman Watts. Motion carried.

March 3, 1975

#518

Resolution No. 341 - 95th Street Improvement: Councilman Alt reported the 95th Street Improvement Committee had met with Overland Park and had come to the conclusion that Leawood would do the necessary preparatory work on 95th Street from Mission to State Line to give a smooth surface and put in a two-inch overlay. He presented a resolution setting out the findings and determinations of the committee, recommending that the City move ahead on the two-inch overlay and that the Leawood portion of the funds be obtained through general obligation bonds. He said Overland Park would have jurisdiction for submitting the contract and doing the supervisory work from Mission to the Leawood-Overland Park boundary; Leawood would have the task of drawing up the specifications from the Leawood-Overland Park boundary to State Line, letting the bids and supervising the work. He said it was envisioned that each city would draw its plans and these would be submitted for bid together so that one contractor could bid on both. Councilman Alt moved that the City Council adopt Resolution No. 341; seconded by Councilman Watts. Councilman Alt stated the map of markings had been recommended by Overland Park for the area of the shopping center for which they had responsibility. Leawood would bear its share of the cost for the markings. Councilman Alt said the marking was not part of the resolution. He stated the resolution was for a total sum of \$46,000 under general obligation bonds. He said 95th Street had already been declared a main trafficway. He explained that passing the resolution would put the Council on record of going ahead to improve the street and to move ahead on financing by general obligation bonds. Whereupon, the following statements were made:

#543

#555

Councilman Present: "Item B in the resolution, estimated probable cost \$46,000, and that we say it should be done by bonds, I would like for it to come out of the Public Works budget 100 per cent. I would like to explain why. For five years the residents of the City of Leawood have been denied proper maintenance and repair work on 95th Street, and now I don't feel the residents of the City of Leawood should be penalized by increasing their taxes in the sum of \$46,000 to pay for it. Now enough money can be found in the Public Works budget to pay for this. I don't see any reason why we should devote as much money as we do to a regular street plan when it is not necessarily appropriate. I am asking that this Council adjust the--change the--resolution that instead of the \$46,000 to be paid for by government obligation bonds, or obligation bonds, that the sum appropriate to paving the street come out of Public Works budget."

Mayor Ballard:

"Well, I don't know if everybody else can accept that statement, Harvey. You are a member of the Public Works Commission and if anybody ought to know that there isn't that much money in the Public Works Commission, you ought to know it. You voted for the resolution to pave that street out of bonds

March 3, 1975

"to begin with and you know what the situation is, or you should know what the situation is, on maintenance of streets in the City of Leawood. There isn't any way that it can be taken out of that budget and properly maintain the other streets."

Councilman Present: "Just a minute, may I answer you? I have reviewed the budgets 1974 and 1975. In 1974, we had a budget of street repair maintenance to a sum of \$43,000. When we let out our contracts for street maintenance there was a sum of approximately \$33,000 left for repair and improvement, which left a surplus of \$10,000. Now I don't know where this \$10,000 went because it was used up in the budget elsewhere. And as far as I am concerned, Mr. Alt tampered with the budget without the authority of the Public Works."

Mayor Ballard: "Did you get a copy of the audit, Mr. Present?"

Councilman Present: "I have the floor, please."

Mayor Ballard: "Nobody tampered with the budget."

Councilman Present: "Without authority of the Public Works Commission. Now, the Public Works Commission is a three man body and I think Mr. Alt has taken upon his own that it is a one man body and I disagree with him there. That \$10,000 - "

Mayor Ballard: "Gentlemen, I don't think we have to put up with this, I am not going to sit here - "

Councilman Alt: "My character has been put at stake here."

Councilman Present: "You will have time to answer."

Mayor Ballard: "Do we have a motion on the floor?"

Councilman Present: "I rise to a point of order, I have the floor and according to parliamentary procedure, there is room for debate."

Mayor Ballard: "I don't see that as even close to being proper debate, Mr. Present."

Councilman Present: "Well, we shall see. If we would have maintained that \$10,000 carryover in its appropriate budget area, and we now have budgeted for this year a sum of \$36,000 for street contracts, plus we have put

March 3, 1975

"into new facilities, capital improvements, this year an additional \$13,000 over last year where I don't know why we need it, we can levy the \$10,000 which you are not going to recover, we can definitely pay for it out of the Public Works budget. Now, Public Works has approved a plan to pave twenty per cent or one-fifth, whatever it may be, of the streets per year. But that plan is no longer feasible because every year it is a growing city, we are gaining more streets and the list of streets to be paved this year has been submitted and I have reviewed the streets. I am certainly not a public engineer but I do know that with the men I have consulted with that the streets could last one more year without maintenance, well, with just minor maintenance. And because of that 95th Street can certainly be paid for out of Public Works funds."

Mayor Ballard: "I disagree with you wholeheartedly."

Councilman Present: "Well, I know you have on 95th every time - "

Mayor Ballard: "I am not talking about 95th Street. I am talking about maintaining the rest of the City roads. I would submit that you don't know the first thing about maintaining roads and you have been a member of the Public Works Commission for several months."

Councilman Present: "To each his own."

Councilman Alt: "Mr. Mayor, my character has been impinged upon by public statement that I have juggled the books of the City of Leawood. We are going to have an audit. I would like to see incorporated in that audit appropriate statements that the books have not been juggled; there is no way that it could be because this Governing Body has approved the expenditures of all sums, and I demand an apology from Mr. Present for impinging upon my character."

Councilman Present: "Well, if you can show me a \$10,000 carryover, I'll be glad to apologize publicly."

#609

Councilman Watts then stated he could guarantee to the Council there was not the money in the Public Works budget to pay \$46,000 for paving 95th Street, unless all the rest of the streets, sanding, and other routine maintenance be cut off completely. He said he could document at the next meeting that there was no way this improvement could come out of the Public Works budget. Mayor Ballard asked that Councilman Watts report on the Public Works carryover at the next meeting.

March 3, 1975

Councilman Present maintained that a prior resolution stipulated that part of the funds for improving 95th Street would come out of the Public Works budget and part would come out of general obligation bonds. Mayor Ballard stated the intent of the prior resolution was that preparation of the street surface would be done by the Public Works Department to the greatest extent possible, with the cost of the street coming out of bonds. Councilman Watts moved the previous question, seconded by Councilman DeKinder. Motion carried.

Councilman Present maintained the proposed resolution was out of order because it did not indicate what contribution would be made by Public Works out of its budget. Resolution No. 341 was adopted by a roll call vote, Councilmen Alt, DeKinder, Watts, Gersh, and Mayor Ballard voting aye; Councilman Present voting no.

#676

Suggested Lane Markings for Resurfaced 95th Street (continued):

Councilman Alt explained that the markings presented were those suggested by Overland Park and planned to be put on 95th Street. He said the markings had been submitted to the Public Safety Commission for recommendation to the Special Committee. There was discussion that the markings could be given to Mr. Kline and if there were things the Council would like changed, they could be worked out with Public Safety monitoring the matter. Councilwoman Gersh questioned whether the left turns into Ranch Mart shopping center were correctly indicated. Chief Toman and the Mayor explained this was the way such turns were indicated on such maps. Councilman Present maintained that if the markings were followed as shown on the map presented, there would be a third lane. Councilman DeKinder stated it was his understanding that Leawood would be provided with final plans for both the street and the markings prior to deposit of Leawood's share of the money with Overland Park. Councilman Alt reviewed and submitted for approval the agreement between Overland Park and Leawood for placing a two-inch average thickness asphaltic concrete overlay on 95th Street from Mission Road to a point 209 feet east of the center line of Chadwick Street. Councilman Alt stated he had confirmed with Overland Park that specifications would be separate but put out for bid together. Councilman Alt moved that the Council adopt the inter-local agreement; seconded by Councilman Watts. Motion carried. Councilman Alt said he would see that a letter was directed to Overland Park asking to review their specifications and street markings.

#753

MAYOR'S REPORT: No report.

NEW BUSINESS

#762

Contract for Audit: Councilman Watts stated the recommendation was for a contract with the previous auditor, Hollis, Kuckelman & Van De Veer of Olathe, for examination of financial records for the year 1974, preparation of audit

March 3, 1975

report, and opinion on the report. Fee for services not to exceed \$2,550.00. Councilman Watts moved for approval of the contract for audit; seconded by Councilman DeKinder. Following discussion, motion carried.

#783

Resolution No. 342 - Urging Consideration of a Bank Charter in the City of Leawood: Mayor Ballard presented a proposed resolution which had been distributed. Mayor Ballard said he had appeared before the State Banking Board discussing the need for a bank within the City of Leawood. The matter was discussed. Councilman Present moved to change the proposed resolution by striking the words "charter application now before the State Banking Board" and substituting "the general concept"; seconded by Councilman Watts. Motion carried. Councilman Present then moved to approve the resolution as amended; seconded by Councilman Watts. Resolution No. 342 was unanimously adopted. A copy is attached hereto as part of the record.

#865

#873

#878

Status Forms - Fire Department: On motion by Councilman DeKinder, seconded by Councilman Watts, the following reclassification and increase in pay was approved:

Gary W. McCauley, to Firefighter First Class at the rate of \$775 per month.

On motion by Councilman DeKinder, seconded by Councilman Watts, the following rate change was approved:

Dennis A. Thomason, Captain, at the rate of \$1,050 per month, retroactive to January 1, 1975.

Councilman DeKinder stated Mr. Thomason's rate had in error been increased from \$959 to \$1,000, while by ordinance the minimum salary for Captain in the Fire Department was \$1,050 per month.

#891

Report from Special Committee on Public Safety Needs: Councilman DeKinder reported the committee had met in preparation for a public hearing on public safety needs to be held on Monday, March 10, 1975, at 7:30 p.m. at Brookwood School. He said the committee was encouraging active participation by residents, as well as councilmen.

#919

Appropriation Ordinances: Nos. 339A and 327S in the amounts of \$144,208.13 (including \$50,000.00 in investments) and \$680,848.74 (including \$630,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted. Mayor Ballard requested that Warrant No. 9605 be deleted. Councilman Watts moved that the appropriations ordinances be approved with that deletion. Councilman Present inquired about warrants numbered 9642, 9643, 9644 and 9645. Mr. Gray explained that the bumper blocks went to 95th and Lee Boulevard, and the spot curb work was at 103rd and Overbrook and 103rd and High Drive. Councilman Alt said this was spot replacement of

March 3, 1975

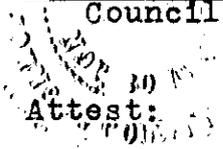
curbs which was no change of policy. The appropriation ordinances were approved by roll call vote, Councilmen Alt, DeKinder, Watts, Gersh and Mayor Ballard voting aye. Councilman Present stated he approved the ordinances with the exception of the items he brought to the attention of the Council.

At 10:10 p.m., on motion by Councilman Alt, seconded by Councilwoman Gersh, the meeting adjourned to Monday, March 17, 1975, 7:30-p.m.

#954

  
\_\_\_\_\_  
President of the Council

  
\_\_\_\_\_  
Council Reporter

  
Attest:

  
\_\_\_\_\_  
City Clerk

March 17, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, March 17, 1975, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council William M. Eddy presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Eddy, Chase, Present, Gersh.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Treasurer Pendleton, Will Gray, Robert Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman DeKinder, seconded by Councilman Present, the minutes of the meeting of March 3, 1975, were approved as submitted. Councilman DeKinder said he wanted to make sure everyone had read through the minutes. No one responded. Councilman Eddy said evidently everyone had had an opportunity to look at the minutes.

Visitors: Andrew D. Lyons, M. H. Shaw, Ernie Anselmi, Robert W. Laing, Jean Wise, Tom Nelson, Elmer Selonke, E. J. Warren, Tom Bieszczat, Phil Hodes, E. O'Brien, Kay Chase, Mrs. John Watts, Arnold Shanberg, C. I. Frieze. Member of the Press: John T. Davis.

Robert W. Laing said there was a group of trees on Blue River Road which Jackson County would clear out next month which would be fabulous for the Leawood park. He said he would try to put in a bid for shrubbery for the new park.

Councilman Watts entered the meeting at 7:36 p.m. following recognition of visitors.

#### COMMITTEE AND COMMISSION REPORTS

#990

##### Ordinance Committee:

Ordinance re Smoking on Buses (First Reading): Councilman DeKinder stated the proposed ordinance was identical or similar to related ordinances of other cities. He explained that the Council of Mayors of Johnson County had recommended that all cities have such ordinances to facilitate enforcement.

#1007

Ordinance Establishing Zoning Classification of Planned Business Zoning--Leawood Plaza Shopping Center: Councilman Alt reported the Plan Commission recommended that the Council adopt the ordinance approving zoning for a planned business district at the northwest corner of Kansas Highway No. 150 and State Line Road. Arnold Shanberg, attorney and secretary of the applicant, stated the property was known as the State Line Airport property, consisting of 64½ acres. He stated the present ownership had the property since 1963. Mr.

March 17, 1975

Shanberg presented and explained the proposed plan for a regional center with two levels on one side, three levels on the other. He said 19 $\frac{1}{2}$  acres of open space had been dedicated. Mr. C. I. Frieze, architect in charge of the project, was also present. He said the parking ratio was substantially higher than required. He said there would be 65 feet of right-of-way west of the center line of State Line Road and 85 feet of right-of-way from the center line of Highway 150. Mr. Frieze said he had met with Mr. Shafer and devised a plan which had been filed with the City for an underground drainage system. He said the street through the property would be dedicated a public street. The Council discussed the plan. Mr. Frieze said it was virtually the same size and mix as Ward Parkway Shopping Center. The system of storm sewers was explained. In answer to inquiry by Councilman Present, Councilman Alt stated there were no problems or complaints presented at the Plan Commission public hearing on the project.

#1214

Public Safety Commission:

Resolution No. 343 - Relating to Street Light Installations:

Councilman Watts explained that the Council had previously passed a resolution instructing Kansas City Power & Light Company to install incandescent street lights because they were cheaper than mercury vapor lights. He said Ben Rockey had advised him that incandescent lights would be a more expensive alternative in the long run. Councilman Watts said his investigation revealed the mercury vapor lamps cost the City \$85 per year and incandescent lights cost \$70 per year. However, the mercury vapor lights were much more efficient, had a longer life span, gave three times the light, and Kansas City Power & Light was planning to phase out completely the incandescent lights over the next three years. Councilman Watts said he felt it would be prudent to rescind the resolution demanding incandescent lights and let Kansas City Power & Light recommend incandescent or mercury vapor when the City requests a street light. Following discussion, upon motion by Councilman Chase, seconded by Councilman Watts, Resolution No. 343 was unanimously adopted. A copy is attached hereto as part of the record.

#1267

Report re Request for Permission to Keep Third Dog - Floerke:

Councilman DeKinder asked that the matter be deferred until the next meeting because the person who made the request was having difficulty in getting the prescribed signatures of adjacent property owners.

#1272

Report re Rabies Vaccinations: Councilman DeKinder reported that his investigation and that of Councilwoman Gersh both indicated currently there was not a one-year rabies vaccination being used, but veterinarians used two or three year serum which they were sure was good for at least that period of time. Following discussion, Councilman DeKinder moved that the City of Leawood by Council policy accept a valid rabies vaccination

March 17, 1975

certificate by a licensed veterinarian which may be good for as long as three years; seconded by Councilman Watts. Following further discussion, motion carried.

#1351

Report from Committee on Public Safety Needs: Councilman DeKinder stated there would be a report of findings and conclusions of the Committee on Public Safety Needs at the next Council meeting.

#1355

Recreation Commission - Request for Authorization to Put Leawood Park Landscaping Plan to Bid: Jean Wise stated the Recreation Commission was requesting authorization to put the landscaping plan out for bids; she said this was a separate set of specifications from the architectural specifications that went out earlier, for the reason that the landscaping plan did not involve any supervision by the general contractor. She said the architect anticipated putting the plan out for bid around the first of April and taking bids the middle of April, most of the planting to be done in the fall. She said there was about \$20,000 included in bond issue expenses for landscaping. Tom Nelson displayed and explained working drawings of the landscaping. The matter was discussed. Councilman Present asked who would be responsible for the maintenance of the recreation complex. Councilman Alt said the Park Commission normally had handled maintenance but the two commissions would have to get together to determine lines of jurisdiction. There was discussion that the Recreation Commission should pay for part of the maintenance. Councilman Present asked if the City was helping to contribute financially toward the completion of the recreation project (labor, gravel, etc.). Councilman Alt stated the Public Works Commission had under discussion the grading of the west field (which was not part of the contract), graveling of one parking lot, and graveling of the cul de sac. Councilman Eddy moved that the Council authorize advertising for bids for landscaping of the new recreation complex; seconded by Councilman Watts. Mr. Nelson explained that they would ask for a maintenance contract through the winter months until the trees leaf out. Motion carried.

#1456

#### OLD BUSINESS

#1474

Report from Shafer, Kline & Warren re Status of Sewer Renovation Engineering Contract: E. J. Warren reported ninety per cent of the field work was completed and his firm was proceeding in the office with design of the interceptor sewers. He said a facilities plan was under preparation which was delayed until they received in February a report from Kansas City, Missouri, now some additional information was needed, brought to light by that report. He said priorities had been rearranged and they were proceeding with design of supplemental lines which they felt any facilities plan would indicate must be installed; that informal meetings had been held with the State to keep them informed; and he looked for a

March 17, 1975

resolution within the next month of some of the problems between the different jurisdictions. He said they were close to the schedule for completion of design on the facilities in August, 1975. Mr. Warren said the scope of the study was everything north of I-435. He explained that three basic plans were submitted to the State, now alternates to those plans must be worked out and submitted with the facilities plan, and determination made as to the most feasible and economical way to go.

#1535

Discussion of Three Revised Ordinances re City Reorganization for City Administrator: A letter from Mayor Ballard attached to proposed ordinances requested that the ordinances be examined closely by a committee composed of the Public Safety, Public Works, Budget & Finance committee chairmen and the Council President, and submitted for approval the appointment of Councilmen Eddy, Watts, DeKinder, and Alt to a committee to bring the ordinances back to the Council no later than April 7th for first reading. Councilman DeKinder questioned whether it could be done by April 7th, and moved for approval of the appointment of Councilmen Eddy, Watts, DeKinder and Alt to a committee to bring these ordinances back to the Council at the earliest possible date; seconded by Councilman Alt. Motion carried, Councilman Present abstained. There was discussion that Peat, Marwick, Mitchell & Co. made the job description studies and that the City Attorney would review them as quickly as possible to advise the committee and perhaps sit in on some of the discussions.

#1555

#1565

Report of Carryover from 1974 Public Works Budget: Councilman Watts stated the Mayor had asked him to make a report on a carryover item which Councilman Present referred to in the last Council meeting. He asked that his comments be put in the minutes verbatim. His comments were as follows:

"Let me start by reviewing Mr. Present's comments. Paraphrasing, Mr. Present said he had reviewed the budgets for 1974 and 1975. He further said that it was his opinion that the money for the 95th Street repair should come out of the public works budget. Had he examined the official budgets, he would know that there is no official public works budget. However, from his comments, I assume he was referring to the motor fuel tax fund. Mr. Present alleged that there should have been a \$10,000 carryover in relation to street contracts in what he referred to as 'its appropriate budget area.' And I assume that means in the motor fuel tax fund. I might again remind Mr. Present that he should know this well as a member of the Public Works Commission that there never had been nor will there ever be permitted any carryover in that fund. Furthermore, that fact has been planned and approved by the Council, including Mr. Present, several times. Mr. Present voted, I believe, for approval of the budget on July 15, 1974, August 19, 1974, and January 6, 1975, to name a few times that this item

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"came up before the Council. The official budget was approved by the Council on these dates and Mr. Present has a copy. It clearly showed that no planned carryover was budgeted in the motor fuel tax fund. That's what the Council approved, that's the way it was handled. Additionally, Mr. Present referred to, 'Plus we have put into new facilities, capital improvements, this year an additional \$13,000 over last year.' If Mr. Present had studied the 1974 and 1975 budgets as he stated, he would have known that there are no capital improvement line items in either the motor fuel tax fund or the street budget. There is in the City Administration budget \$13,000 budgeted in 1975 for capital improvements, but that's not additional. In 1974, the item was \$29,000, so \$13,000 represents a \$16,000 reduction in funds so available in that account in 1975 versus 1974.

"Further Mr. Present said, 'Mr. Alt tampered with the budget without the authority of the Public Works.' I am surprised that Mr. Present as a member of the Council doesn't himself recognize that as a ridiculous statement. First of all, the Public Works Commission itself has no authority to alter the approved budget. Indeed, the City Council itself cannot approve any changes in the overall totals of the approved budget once it has been certified and filed with the state and county officials. Furthermore, Public Works has no authority to approve and authorize City expenditures. Furthermore, Mr. Alt himself couldn't tamper with the budget, it's impossible because Mr. Alt has no authority to approve and authorize City expenditures. He can't even co-sign a City check. Mr. Present knows or should know that only the City Council in official session can approve expenditures, and he has been an active participant in that process. So if any expenditures were approved of which Mr. Present does not now approve, he has only himself to blame. It seems to me that if Mr. Present is desirous of additional education in the area of budgets that he study the official auditor's report which should be out any day now as far as the City's 1974 expenditures are concerned, and further he attend the public hearing on the official budget which we will hold this summer. I don't think he cared enough to attend our last public hearing but I might remind the Council that Mr. Alt did. My statement should amply prove that any statement that Mr. Alt tampered with the budget is not only false, but spurious, ridiculous, and impossible. And I for one do not plan to waste any more Sunday afternoons pouring over budgets to have to refute irresponsible charges against this Council. The time I have to devote to the City can be used in better ways. That is my report, Mr. President."

#1624

Councilman Present asked if there was a capitalization budget in the parks area. Councilman Watts stated he had not

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reviewed the parks budget. Councilman Alt stated Public Works was not responsible for the parks budget. Councilman Watts then stated there was a \$14,000 capital improvements item in parks. Councilman Present asked how much more that was this year than last year. Councilman Watts said parks had a new facilities item of \$1,600 last year. Councilman Present said he would like to point out that on the same line account there was a difference of \$13,000 more this year than last year and he believed one would find the approximate same amount of decrease in street maintenance account, and he also believed the street contracts were \$35,000 last year and there was \$45,000 in the total street budget.

#### NEW BUSINESS

#1665

Discussion on Previous Council Action: Councilman Present made the following statement which he said was directly related to previous council action and at the same time addressed itself at the next two items on the agenda:

"To Mr. Alt, I do owe an apology. It seems that the meaning of the word tamper has changed over the years. Upon checking an old dictionary around my house, and a thesaurus, the word means to change or adjust. Upon checking a much later dictionary, I find that the meaning has changed to imply a dishonest change or adjustment. No matter how much I disagree with Mr. Alt on certain issues, I do not feel that Mr. Alt has done anything dishonest at all. Wrong perhaps in judgment, in my opinion, but not dishonest. For that, Mr. Alt, I do owe you an apology.

"Yet I do wish to make it clear that I am not retracting my charge that Mr. Alt did authorize the spending of funds not originally meant to be spent in that manner; that those funds were spent without the approval, and without the seeking of the approval of the whole Public Works Commission. You may say that that is a matter of normal procedure; and all department heads, or commission chairmen, do it as a matter of procedure. In this case, it has disastrous effects. If I had known that the monies left in the street maintenance account would be spent for other items as well, then I would not have approved depleting of a special rental account that was under control of the Public Works Department. And again, I'll admit my phrase 'in Public Works Department' is wrong. That account had \$15,000 in it, but we are using it to redecorate the old City Hall. Yet, we are raising taxes to pay for street maintenance. I also would not have agreed to the budget change where we are taking \$13,000 out of street maintenance to pay for capital improvements which have never been properly explained. Yet, we are raising taxes for street maintenance. I have yet to agree to the spending of \$35,000 for preventative maintenance on our streets; streets that could possibly go by for another year or

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"two without resurfacing. Yet, this Council is raising taxes to pay for street maintenance. If that surplus had not been spent but carried over to fulfill its natural intent with the availability of funds that had not yet been spent, that we could do all the street maintenance necessary without raising taxes. Everyone on this Council knows that if we spent the money intended where it originally was intended, then no harm would have been done. The only problem was that we could not raise the money to redecorate City Hall without raising taxes, and that surely would not go over too well with a lot of the citizens. By the way, Mr. Ballard's open letter to me will go to great pains to label me negative. If trying to protect the welfare and interests of the citizens of this city is being negative, then I wear the label proudly.

"This Council passed a resolution, Resolution No. 329, labeled 'official city policy'. That resolution states that the repair and repaving of 95th Street 'at least in part' will be paid for out of increased taxes. But this Council disregarded that resolution and is paying for all of that project through increased taxes. To top it all off, the rumor is being spread that for the same money we could have had a four lane street.

"I voted for the passage of that Resolution No. 329 because I felt that it was written in good faith and passed in good faith. Mr. Ballard even admits that he was instrumental in writing it. He was also instrumental in writing the second resolution which laughed at the intent of the first resolution.

"About this resolution of censure. I would like to point out to this Council and our guests this evening, that the question of censure had been presented before during the time when Margaret Jordan was Mayor and just before election time. The censure was against her. It seems funny that the initiator of that censure was at that time the President of the Council and would have succeeded her as Mayor. That person, again, happened to be Don Ballard. I would also like to bring to this Council's attention that during 1973, Don Ballard used his office as Mayor in such a way as to misrepresent the intent on a matter to which he was opposed. That matter happened to be 95th Street. An executive session was called and one of the councilmen at that time reprimanded Mr. Ballard for his actions and intention.

"I would like to digress for a moment. Since that time I just received notice of everything that is happening Friday and I researched it, not carrying it too far, but I found out that what Mr. Ballard was reprimanded for was very closely related to what Mr. Ballard was trying to censure Margaret Jordan for.

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"It is now time for another trip to the polls. His most outspoken opponent, me, is up for re-election. Now he wants to censure me. I was advised that a move like this would most likely come about, especially during the last Council meeting before election. Not only is he wanting a censure resolution to pass, but he is having a letter read by the President of the Council, Mr. Eddy. Don Ballard is not even here to read it himself. Business prevails. It is of no consequence that the letter is asking me to resign from the Public Works Commission. I will not. It is of no consequence that the letter carries strong intent and criticism, which in itself, and the way it is worded, is against the intent and the purpose of the resolution we are going to be discussing. This is expected, because it is the way Don Ballard has operated during his entire term in city government. This censure is a political ploy aimed to discredit opponents before election. I am sorry, Mr. Eddy, that even though you are endorsed by Don Ballard to fill his vacancy, that you are also his instrument in presenting this action by reading his letter.

"Again, Mr. Alt, I had no intention of even implying anything dishonest against you. It seems I was a victim of the times and Mr. Webster. And that is my statement upon all three matters at this time."

#1730

Councilman Eddy stated he was not asked to read the letter, contrary to what Mr. Present said, and in fact there was discussion that the letter would not even be brought up. Councilman Eddy said he understood another councilman had been asked to present the letter. Councilman Eddy said he was the only one present who was on the council at the time that Don Ballard was President of the Council and he personally would like to hear what Don Ballard had to say about the censure thing. Councilman Eddy said he did not remember that there was any censure brought against Margaret Jordan prior to an election that would have made Don Ballard mayor if she had not been elected. Councilman Eddy requested that Councilman Present's remarks be put down verbatim, and requested an answer from Mayor Ballard when he returns. Councilman Present said the purpose of the censure was that Margaret Jordan would be removed from office, then the President of the Council would succeed as mayor. There was discussion that a censure did not remove anybody from office. Councilman Chase requested that the Council require Councilman Present to submit a signed and dated copy of his statement for distribution to the Council. Whereupon, Councilman Present submitted a signed and dated copy of his statement.

#1805

Councilman Eddy said when Resolution No. 329 was written there was discussion that possibly bonds would have to be sold to take care of 95th Street, and it was felt that the phrase "at least in part" should be put in so everyone

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would know back on the 18th day of November that this was coming up. Councilman DeKinder stated throughout the statement Councilman Present misstated a number of facts, one of which was the language of the actual Resolution No. 329. Councilman DeKinder said Resolution No. 329 read, "Further be it resolved that present plans contemplate the improvement to be funded at least in part by the issuance of general obligation bonds." Councilman DeKinder disputed Councilman Present's statement that the resolution passed at the last Council meeting laughed at Council Resolution No. 329, and said he took great offense at constantly having Councilman Present cloak himself in the knight's armor to uphold the citizens' interest of Leawood; that most of the councilmen felt the same obligation. Councilman Alt stated Councilman Present's statement still left the implication that \$13,000 was moved by Councilman Alt unauthorized, and used for some other purpose, which was not the case. Councilman Watts added that no individual council member could so authorize an expenditure. Councilman DeKinder referred to the statement by Councilman Present on page 1872 in the verbatim copy of the minutes: "Well, if you can show me a \$10,000 carryover, I'll be glad to apologize publicly." Councilman DeKinder said he believed that Councilman Present was implying something other than misunderstanding of the word "tamper" by that statement. There was discussion concerning Mr. Alt's demand for an apology at the last meeting. Councilman Present then stated he did not read the minutes.

#1829

Mayor's Letter Requesting Councilman Present's Resignation From the Public Works Commission: Councilman Eddy stated he was not at any time ever asked to present that letter to the Council. Councilman DeKinder said he had been asked to read it to the Council. Following discussion, Councilman Eddy suggested that the letter be taken up at such time as the Mayor was present.

#1853

Resolution No. 344 - Censure of Councilman Present: Councilman DeKinder moved adoption of the following resolution, seconded by Councilman Chase:

#1871

RESOLUTION NO. 344

"WHEREAS, the present Governing Body of the City of Leawood, as well as city councils of past years, has encouraged constructive and open debate on issues confronting the City; and

"WHEREAS, Councilman Harvey Present, at the Council meeting of March 3, 1975, violated the spirit of such tradition by making a reckless and false statement concerning a fellow councilman, which statement impugned the personal integrity of a councilman who for many years has served the City with honesty and dedication;

March 17, 1975

"NOW, THEREFORE, BE IT RESOLVED that the Governing Body adopt this resolution of censure and strongly urge that future debates and discussions in council chambers be conducted in a positive and constructive atmosphere, free of personal attack."

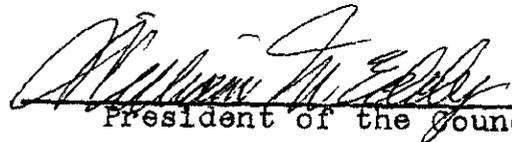
#1887

Councilman Eddy asked Councilman Present if the minutes of the last meeting were correct. To which Councilman Present replied he had not read them. Councilman Eddy then asked the Council Reporter if the minutes contained in fact a verbatim transcript of the best record on the tape, to which she replied they did. In reply to question by Councilman Chase, Councilman Present said he had no reason to disagree with the minutes because the words were there. Councilman Present confirmed that he did approve the minutes when the Council voted on them. Councilman Present's statements made at the previous meeting and procedures in authorizing expenditures were discussed. Councilman Alt stated the charge had not been withdrawn that \$10,000 was moved unauthorized. He added there was no way a member of a commission could use \$10,000 without the specific authorization of the Council. Resolution No. 344 was adopted, Councilmen Henry and Present abstaining.

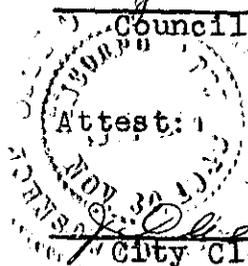
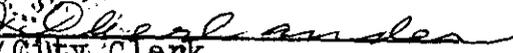
#2044

At 9:40 p.m., on motion by Councilman DeKinder, seconded by Councilman Watts, the meeting adjourned to Monday, April 7, 1975, 7:30 p.m.

#2066

  
\_\_\_\_\_  
President of the Council

  
\_\_\_\_\_  
Council Reporter

Attest:  
  
  
\_\_\_\_\_  
City Clerk

April 7, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, April 7, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Eddy, Chase, Gersh.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Robert Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Henry, seconded by Councilman DeKinder, the minutes of the meeting of March 17, 1975 were approved as submitted.

Visitors: Mrs. Virgil L. Walstrom, Mrs. John O. Baeke, Ernest Anselmi, Dick Hertel, Jean Wise, Andrew Lyons, Tom Nelson, Elmer Selonke, Arnold Shanberg, Stephen Merz, Phil Hodes, G. W. Neville, Sister Marie Coleman, Jeanette Harriman, Elizabeth O'Brien, Kent Crippin, Susan Handley, Edward M. Haas, Robert Irvin. Members of the Press: Dan Morris, John Davis.

#2082

Presentation of Plaque - Leawood Woman's Club: Councilwoman Gersh introduced Mrs. Virgil Walstrom, president of the Leawood Woman's Club, and Mrs. John Baeke, civic chairman of the Leawood Woman's Club. Whereupon, Mrs. Baeke presented to the City an add-on plaque listing gifts made by the Woman's Club to the City, totaling \$2,200 to date. Mayor Ballard accepted the plaque on behalf of the City. Councilman Alt moved that the Council thank the Leawood Woman's Club for the plaque and for all of the help they had given the City in the past; seconded by Councilman Chase. Motion carried. Mayor Ballard read a letter from the Leawood Woman's Club accompanying the plaque.

#2159

Councilman DeKinder moved that the request for approval of additions to the Recreation Complex be moved up as the next item of business on the agenda, and that the report from the Special Committee on Public Safety Needs be considered immediately following the recreation matter; seconded by Councilman Eddy. Motion carried.

#2172

Request to Close Leawood Park for the Duration of Construction: Jean Wise stated the reason for the request was that the contractors had complained that there had been a lot of vandalism and the Recreation Commission felt the presence of the large hole for the swimming pool would constitute a liability to the City. She said the Commission felt it would be best to close the park completely to pedestrian traffic, as well as to automobiles. She explained the road had been closed off to automobile traffic but they had been

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letting soccer players through. She said she realized the closing would cause an inconvenience to them. There was discussion that an ordinance was not needed to close the park. Mr. Stephen Merz, soccer commissioner, requested permission to use the two fields in the park for soccer on weekends only. He said the commission chairman and coaches would take responsibility upon themselves to keep outsiders away if they could continue to play on the fields. Councilman Alt moved that the policing and closing of the park be referred to the Public Safety Commission for consideration; seconded by Councilman Henry. Motion carried.

#2260

Request for Authorization for Additions to the Recreation Complex: Jean Wise stated since the interest money from the bonds could only be used to retire the bonds or pay interest to the bondholders, that item in the letter distributed should be disregarded. She said one of the five items, improved tennis court lighting, had already been authorized by the Council. In addition, the Commission was seeking authority for extension of sewer lines, a maximum of \$1,000 for soil testing under the tennis courts, \$3,500 to construct a basketball court, and \$1,200 to buy brick for a proposed tennis building. She said taking the interest money out would leave \$51,000, \$44,500 of which had already been received from the county. She said it was anticipated that about \$17,000 would be spent in running the tennis courts, paying salaries, etc., with approximately \$17,000 proposed for capital expenditures, would leave \$17,000 for contingencies. She said there was also approximately \$15,000 in the bond money budget which they did not anticipate spending this year. In answer to question by Councilman Eddy, Tom Nelson stated he would like to start out a project of this nature with 3 to 5 per cent in the contingency fund and that could prudently be reduced each month. Five per cent of construction cost would be \$40,000. Councilman Eddy expressed concern that if something unforeseen happened there would be enough money to take care of it; he said it seemed that at the beginning of the project \$17,000 was quite a ways from having enough money. Mr. Nelson said on this kind of project the most critical thing was under-surface conditions and most of those should by now have been uncovered, so from here on he would feel more comfortable about reducing the contingency fund. The items were discussed. Councilman Alt moved that item (2) in the amount of \$2,374 for extension of sewer lines beyond what was called for in the engineering specifications, be authorized; seconded by Councilman Eddy. Motion carried. Councilman Alt moved that the Council approve a maximum of \$1,000 for soil monitoring and testing under the site of the tennis courts; seconded by Councilman Eddy. Motion carried.

#2333

#2339

Jean Wise stated a lot of residents had expressed interest in construction of a basketball court. She said the reason for considering it now was that it was in the vicinity of the other facilities being built and it was strongly recommended that it be done professionally so that the slope

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#2466

would be correct for proper drainage, and while all the equipment was there stabilizing, grading and surfacing would be the ideal time to do it. Jerry Neville said he was one of the citizens very interested in the basketball courts, and said he felt it would be a good investment for the City. The matter was discussed. Jean Wise explained that the \$17,000 listed as expected expenses for 1975 included \$8,300 in salaries, as well as \$1,500 newsletter expense, and the balance of the \$17,000 would be for the actual running of the tennis courts and the playground area when it opened. She said the Commission anticipated selling tennis permits and planned to charge \$10 per individual membership per calendar year. Councilman Eddy moved that the Council authorize the expenditure of \$1,200 to buy brick for a proposed tennis office, and that the Council authorize \$3,500 for construction of an asphalt basketball court, with the asphalt to be laid after July 1, 1975; seconded by Councilman Alt. During discussion, Councilman Eddy stated his reasons were that after July 1st was the best time to lay asphalt and that would be a way to hold money back for contingencies. The matter was discussed. Tom Nelson stated the price would have been implicit contingent on working with the contractor's schedule, and he wanted to get in the asphalt equipment as soon as the weather permitted, probably sometime in May. There was discussion that a good surface on the courts was important. Tom Nelson stated the asphalt specifications stated temperature required and the contractor had the right under the contract to put the courts in when that temperature was reached. Mr. Nelson said he felt confident that the specifications precluded the possibility of cracks; that most cracks were the result of under-surface problems. Councilman Alt moved to amend the motion by deleting the date of July 1st for laying the asphalt; amendment seconded by Councilman Henry. Following further discussion, the amendment carried, Councilmen Eddy and Chase opposed, Councilwoman Gersh abstained. Motion as amended carried, Councilwoman Gersh abstained.

#2607

#2697

Report from Special Committee on Public Safety Needs of the City: Councilman DeKinder commended the committee and introduced members present, including Ernest Anselmi, Susan Handley, Chief Toman, Edward M. Haas, Chief Blume, and Robert Irvin. A report of findings of the special committee had been distributed to councilmen. Councilman DeKinder stated it was obvious there was a strong need for improved levels of public safety in the City of Leawood. Mayor Ballard said he had had some concern expressed to him by other employees of the City that upgrading compensation should be done on a city-wide basis instead of on a public safety basis. Councilman DeKinder reviewed the recommendations for construction of Fire Station No. 2, improvement of Fire Station No. 1, purchase of furniture and equipment for both stations, and purchase and equipping a rescue car for Station No. 2, totaling \$508,000. Councilman DeKinder stated Kansas statutes permitted general

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#2793

obligation bonds to construct public buildings. He said 15 year bonds at 6% would necessitate an approximate 1.4 mill levy increase. He said such bonds could be issued with Council action alone. Certain items, such as purchase and equipment of a rescue car could be handled through issuance of no fund warrants. Councilman DeKinder stated in the areas of staffing, the committee recommended improvement in compensation levels of current Fire Department personnel (including fringe benefit costs and 1976 increase) of \$42,203 and new personnel for staffing Fire Station No. 2, \$136,977, for an annual operating cost increase of \$179,180. Councilman DeKinder stated the committee recommended improvement and/or additions to the Police Department totaling \$225,760. The total annual operating cost increase for recommended additions and improvements for both the Fire and Police Departments would be \$404,940. He said funding methods and alternate sources of revenue had been examined and based on the amount of the monies and the ability to sustain it over a period of time, the only avenue found to be feasible was the removal of the tax lid. Based on the current valuation in the City, the annual operating cost would be an increase of about 10 mills, which included with actual construction funds necessary for Fire Station No. 2, would represent an increase of 11.4 mills. Councilman DeKinder reported the committee recommended that the Council adopt an ordinance approving the issuance of general obligation bonds in the amount necessary to construct Fire Station No. 2 and improve Fire Station No. 1; that the Council consider holding a special election on the first Tuesday in June to submit to the voters the removal of the tax lid in amount sufficient to provide for annual operating costs necessary for recommended improvements in compensation levels and staffing of fire and police departments; that it be a combined question of Fire and Police, not two separate items; that removal of the tax lid should be for not less than five years; and that a voter education program be initiated. The matter was discussed. Arnold Shanberg asked if the committee considered what effect the addition of the second fire station would have on fire rates. Chief Toman stated it would make a substantial difference in commercial rates but the difference on homeowners policies would be minimal. There was discussion that improvement of salary levels for the rest of the City would cost approximately \$40,000 per year. Mayor Ballard stated the building inspector situation would have to be improved with anticipated increase in building in the southern part of the City, and not everything recommended by the committee necessarily would be higher than some of the other priorities looking at the administrative function of the City as well. Councilman DeKinder urged that the Council not delay action on public safety to now have a study of total city needs to coordinate. Mayor Ballard stated the recommendations must be pared down so all could support it unequivocally. The schedule to be met in order to have an election on the first Tuesday in June was discussed.

#2837

#3036

#3282

Councilman Chase moved that the Council hold a special meeting to consider in detail the report from the Special

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Committee on Public Safety Needs in view of the time, the agenda, and the technical nature of the presentation; seconded by Councilman Alt. Motion carried. Following discussion, Councilman Chase moved that a special session of the Council be held on Monday, April 14, 1975, at 7:30 p.m. to consider the report of the Special Committee on Public Safety Needs; seconded by Councilman Alt. Motion carried. Mayor Ballard requested that Bob Sirchia put together information on salary adjustment figures for the rest of the City. He said the Council needed a chart with an inflationary factor to show where the City would be at the end of five years. Councilman DeKinder reminded the Council that the recommendations were not a matter of increasing services, but rather how to provide the same level of services on a continuing basis.

#### REPORTS

- #3397 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Alt, seconded by Councilman DeKinder.
- #3402 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Eddy.
- #3407 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Eddy, seconded by Councilman Henry.
- #3416 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman DeKinder.

#### COMMITTEE AND COMMISSION REPORTS

- #3429 Ordinance No. 484 - Establishing Zoning Classification of Planned Business Zoning, Northwest Corner of Kansas Highway 150 and State Line Road (Second Reading): Councilman Alt stated the only open item at the first reading was the approval of the Public Works Commission regarding the storm drainage. He said the storm drainage had been re-evaluated, the proponent had resubmitted drawings taking the storm drainage from the surface as originally proposed, putting in underground drainage and draining it into natural drainage ways, and the Public Works Commission had approved the report. Councilman Alt said he would like to have the owner's agreement to participate in a storm drainage district as a covenant in the ordinance or incorporated by reference. City Attorney Winn stated he contemplated putting such an agreement in the ordinance.
- #3500

There was a short recess to reverse the recording tape.

Side 2  
#1

Ordinance Establishing Zoning (continued): City Attorney Winn suggested the addition of the following wording after the designation of zoning: "The owner or its successor

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#35 "agrees to participate in any legally constituted storm drainage benefit district which is necessitated by the development of the watershed area which includes the above-described property." Mr. Shanberg stated Mr. Eisenberg, the moving party in the developing group, had no objection to the stipulation. Councilman Alt read the proposed ordinance, including the added language. Councilman Eddy moved that the ordinance be approved as read. Ordinance No. 484 was unanimously adopted.

#40 Ordinance No. 485 - Relative to Smoking on Buses (Second Reading): Councilman Eddy moved for adoption of the ordinance prohibiting smoking or carrying of lighted cigars, cigarettes or pipes on any buses operated in common carrier passenger service upon the streets of the City of Leawood. Ordinance No. 485 was unanimously adopted.

Public Safety:

#54 Request for Permission to Keep a Third Dog - Floerke: Councilman DeKinder stated the request had been withdrawn and the item should be removed from the agenda.

#55 Resolution No. 345 - Additional Street Lights in Leawood South: On motion by Councilman DeKinder, seconded by Councilman Chase, the following resolution was adopted:

RESOLUTION NO. 345

BE IT RESOLVED that the Mayor be authorized to sign Resolution No. 29 under Ordinance No. 264 providing for five additional street lights in the City of Leawood, Kansas, to be paid for from the City's reserve fund with the Kansas City Power and Light Co. (Leawood South)

#64 Request for Permission to Solicit Ticket Sales - Cub Scout Pack 3385: Councilman DeKinder moved for approval of the request; seconded by Councilman Eddy. Motion carried.

OLD BUSINESS

#72 Letter Requesting Councilman Present's Resignation from the Public Works Commission: Mayor Ballard stated under his appointment, Mr. Present would have another year to serve on the Public Works Commission. Mayor Ballard said the Public Works Commission would have a lot of responsible jobs to do in the next year and he did not see any way the Commission could continue to function as the Council would expect it to function under the current circumstances, and as much as he disliked having to do it, Mayor Ballard recommended that Mr. Present be removed from the Public Works Commission immediately. Councilman DeKinder moved that the Council approve removal of Harvey Present from his position on the Public Works Commission; seconded by Councilman Chase. Motion carried.

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#103

Removal of Harvey Present from the Intergovernmental Cooperation and Community Affairs Committee: Mayor Ballard said in the proposed reorganization there would not be an intergovernmental committee. Following discussion, Mayor Ballard recommended that Mr. Present be removed from the Intergovernmental Cooperation and Community Affairs Committee. Councilman DeKinder moved for removal of Harvey Present from the Intergovernmental Cooperation and Community Affairs Committee immediately; seconded by Councilman Chase. Motion carried, Councilmen Henry and Eddy abstained.

#137

NEW BUSINESS

#145

Resolution No. 346 - American Revolution Bicentennial Committee: Mayor Ballard said he and Councilwoman Gersh had attended three meetings where various people had expressed some interest in being a part of such a committee. He said the purpose of the resolution was to create the vehicle to give formality to the group, and he hoped to submit at the next meeting names of people interested in serving on the committee. Councilwoman Gersh read the resolution. Upon motion by Councilman Chase, seconded by Councilman Eddy, Resolution No. 346 was unanimously adopted.

#183

Appointment of Bicentennial Representative: Deferred to the next agenda.

#185

Appointment of Gerald Rushfelt to Johnson County Human Relations Commission: Deferred to the agenda of the organizational meeting in May.

#197

Resolution re Tomahawk Reservoir: Councilwoman Gersh requested that this item be removed from the agenda.

#198

Appropriation Ordinances: Nos. 340A and 328S in the amounts of \$498,312.70 (including \$405,000.00 in investments) and \$558,277.03 (including \$550,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Eddy.

#229

At 10:04 p.m., on motion by Councilman Eddy, seconded by Councilman Henry, the meeting adjourned to Monday, April 14, 1975, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:  
  
\_\_\_\_\_  
City Clerk

April 14, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, April 14, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Chase, Watts, Gersh.

Others present were Fire Chief Toman, City Attorney Winn, Police Lieutenant Robert Becker, Will Gray, Robert Sirchia, the City Clerk, and the Council Reporter.

Visitors: Jean Wise, Frances Wallas, Paul Vajdic, Kent E. Crippin, William R. Judd, Susan Handley, Edward M. Haas.

#240

Public Safety Needs of the City of Leawood: Councilman DeKinder stated the Special Committee on Public Safety Needs was concerned following the last Council meeting about discussion of reduction of certain of the requirements. He emphasized that the report submitted included the actual needs of the City and any determination to reduce the recommendations would be done strictly on economics. He said the recommendations had been approached strictly from a need standpoint, not what the voters would accept. Mayor Ballard stated the first Tuesday in June was the date the Council was working toward for a special election.

#340

Councilman DeKinder reviewed the implementation recommendations contained in the report and explained at the last meeting. City Attorney Winn stated he did not think there was any doubt that the needs were there, but the needs and the politics of the situation could not be separated, and he thought a question to upgrade city salaries, even though it was needed, would have a very difficult time carrying. Bill Judd stated the committee felt salary upgrading was absolutely an essential part of the package because of the money the City was spending in training personnel only to lose them because Leawood was not paying as much as adjoining cities. City Attorney Winn stated the Council needed to put together a package that had a good chance to get voter approval, because the needs were vital. Edward Haas said it was his impression that the number one priority of the committee was the upgrading of salaries of the police and fire departments. Susan Handley agreed. Paul Vajdic stated he was a data processing consultant, had attended the public meeting, and felt cost effectiveness should be considered. He suggested an alternative of having the park and sewer department employees augment the regular firemen between the hours of eight to five, thereby reducing the requirement for fire department personnel. He asked if the committee had data on the juvenile population (in relation to the recommendation for a juvenile officer); he inquired about the cost effectiveness of an assistant fire chief, and stated the committee was dominated by the

#380

April 14, 1975

police and fire chiefs. Councilman DeKinder stated the committee did look at a number of those kinds of questions, and now the Council was to consider those things in terms of priorities, to offset the needs with the dollars that were available and acceptance by the voters. Mr. Vajdic questioned whether a second fire station should be located at 127th and Mission Road. Kent Crippin said his company had come to the conclusion, based on the projected road network, that 127th and Mission Road would be the best location. Mayor Ballard said the Council must reach a consensus that what was being proposed was absolutely essential.

#462

City Attorney Winn stated the rescue car and equipment would come from no fund warrants, not from the bond issue. He said bonds would be issued to construct and equip the fire station. The Council discussed the recommendations for additional personnel and improvement of current compensation levels. City Attorney Winn suggested it might be possible for the salary improvement item for existing personnel to come from regular city revenue, and that new people, their increases and fringe benefits, be in the voter package. Councilman Alt said a five per cent increase for all personnel of the City at the end of this year would be about \$28,000. Chief Toman said Leawood Fire Department salaries were already \$110 per month behind other fire departments. Councilman Chase suggested perhaps the rescue car could be added in the future as the population in the south area increased. Chief Toman stated the first four to six minutes to a non-breathing victim were important and the cost of a rescue car to save a life was cheap. He said life support equipment was not carried on a fire truck. The EMS county-wide rescue program was discussed.

#670

Councilman DeKinder listed recommendations 5 through 13 on a chalkboard, as follows:

(5) improvement of compensation, current Fire Department personnel	\$42,203
(6) staffing for Fire Station No. 2 (deleting the assistant fire chief)	121,000
(7) improvement of compensation, current Police Department personnel	30,600
(8) Four police field officers	65,000
(9) Detective	15,980
(10) Juvenile officer/Detective	15,980
(11) Two traffic officers	23,000
(12) Clerk/Secretary	7,200
(13) Four dispatch officers	50,000

#745

Councilman Eddy entered the meeting at 8:57 p.m. while Councilman DeKinder was listing the items.

The items were discussed. Lt. Becker said it might be possible to find someone with the educational background and motivation to work predominantly juvenile and assume some of the work load of the other detective, perhaps

April 14, 1975

eliminating item (9). It was determined that to add ten per cent to administrative and public works salaries would amount to \$17,000 to \$20,000. Mayor Ballard said the Council should decide whether this amount would be part of the voter package or worked into the budget next year. The Council discussed voter acceptance and the language of the question. It was proposed that items 9, 11, 12 and 13 be eliminated, making a total of approximately \$275,000 additional operating cost, or 6.2 mills based on a \$44 million tax base. Consideration was suggested of a resolution that comparable increases be funded for the rest of the City out of the general operating fund. Edward Haas said the committee felt provision to man the police department from 5:00 p.m. to midnight on weekdays and perhaps 16 hours on weekends should be part of the package to go to the voters.

#1005

Mayor Ballard suggested that the matter be referred back to the committee and put on the next Council agenda. Following further discussion, Councilman DeKinder moved that the Special Committee on Public Safety be directed to consider the Council's discussion, specifically, the removal of the assistant fire chief in the recommendations, item (6); to consider the removal of recommendations 9, 11, 12 and 13; to consider re-submitting some recommendation on staffing of the police station after hours and on weekends with the idea being, if at all possible, to have the total cost of those recommendations in the approximate annual cost or increased mill levy cost of 7 mills, not including the capital expenditures for the Fire Station and equipment for Fire Station No. 2; seconded by Councilman Eddy. Motion carried.

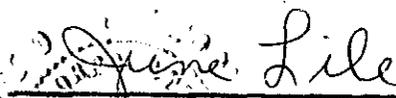
#1120

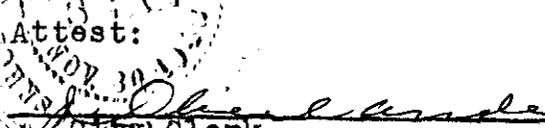
There was discussion that the question for the ballot be drafted before the next Council meeting, and that the Special Committee on Public Safety Needs should be involved in writing the ordinance on the bonds and the question for the ballot. Mr. Haas asked that the Council give some thought to what money would be available for the voter education program.

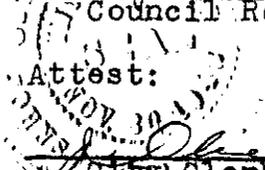
At 9:57 p.m., on motion by Councilman Watts, seconded by Councilman Chase, the meeting adjourned to Monday, April 21, 1975, 7:30 p.m.

#1185

  
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Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:  
  
\_\_\_\_\_  
City Clerk



April 21, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, April 21, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Eddy, Chase, Watts, Gersh.

Others present were Fire Chief Toman, City Attorney Winn, Robert Becker, Will Gray, Bob Sirchia, the Assistant City Clerk, and the Council Reporter.

Minutes - Meeting of April 7, 1975: On motion by Councilman Henry, seconded by Councilman DeKinder, the minutes of the meeting of April 7, 1975, were approved as submitted.

Minutes - Meeting of April 14, 1975: On motion by Councilman Alt, seconded by Councilman Henry, the minutes of the meeting of April 14, 1975, were approved as submitted.

#1198

Visitors: Andy Lyons, Susan Handley, Mr. and Mrs. J. S. Skaptason, Mr. and Mrs. V. M. Dostal, Ruth Westring, Jeanette Harriman, Phil Hodes, Jean Wise, M. H. Tyrrell. Members of the Press: Bob Fiser, Dan Morris.

#1210

Councilman Henry moved to revise the agenda so as to consider the resolution regarding Tomahawk Reservoir at this time; seconded by Councilman Eddy. Motion carried.

#1213

Resolution No. 347 - Regarding Tomahawk Reservoir: Councilwoman Gersh presented and read a resolution that the Council express opposition to the inclusion of Tomahawk Reservoir in the Blue River Basin Improvement Plan. She moved for adoption of the resolution; seconded by Councilman Watts. Wording of the resolution was discussed. It was agreed the word "has" in the second paragraph should be changed to "having". Councilman DeKinder said he objected to use of a vote which did not really call the question of support or non-support of the project but merely a tax increase for a park as reason for the Council to once again indicate disapproval of the project. Mayor Ballard stated as long as the resolution did not state the question that was on the ballot, he would not sign it. The matter was discussed. Councilman Watts moved to amend the resolution so that the second paragraph would read as follows: "Whereas, the voters of Johnson County, Kansas resoundingly defeated on April 1, 1975 a recreational mill levy tax increase proposed to support the Blue River Basin Improvement Plan which includes the Tomahawk Reservoir, a related proposal having been turned down twice by voters in Jackson County, Missouri;" seconded by Councilman Chase. Amendment carried. Resolution No. 347 was adopted as amended. A copy is attached hereto as part of the record.

#1326

#1344

Councilman Henry said he understood a delegation was going to Washington, D.C. to appear before the House and Senate

April 21, 1975

Subcommittee on Appropriations on April 29, and moved that at no expense to the City of Leawood, Councilwoman Gersh be authorized to present the resolution on behalf of the City of Leawood to the Senate and House Subcommittee on Appropriations meeting on April 29; seconded by Councilman Watts. Motion carried, Councilwoman Gersh abstaining.

#1362

Appointments to Leawood American Revolution Bicentennial Commission: Mayor Ballard presented the following names as members of the Bicentennial Committee: Otto Stueck, chairman; Mrs. Mildred Gersh; Mrs. Barbara Loftis; Mrs. Carolyn Atherton; Mr. and Mrs. Virgil L. Walstrom; Mr. and Mrs. Armand Glenn; Mrs. Sarah Wally; Mrs. Cynthia Kunkle; Mrs. R. O. Dickey; Mrs. Thomas O'Halloran; Mrs. Barbara Stattman; Mr. Pearl Scott; Mr. Newton L. Skirvin; Mr. Glenn Lichty; Mrs. Larry Handley; and Mrs. John Baeke. On motion by Councilman Alt, seconded by Councilman Watts, the appointments were confirmed.

#1403

Councilman Eddy moved for a change in the agenda to consider the report of the Special Committee on Public Safety Needs, Resolution Calling a Special Election, and Resolution Authorizing Issuance of General Obligation Bonds at this time; seconded by Councilman Watts. Motion carried.

#1409

Recommendation from Special Committee on Public Safety Needs: Councilman DeKinder read amended recommendations of the Special Committee on Public Safety Needs submitted to the Mayor and Council in a letter dated April 21. He said items 1 through 4 of the initial report remained the same, basically the construction costs for a second fire station, \$508,000; item 5, improvement in compensation levels, was amended to \$37,203; item 6, staffing for Fire Station No. 2, amended to \$120,577. He said Police Department annual costs were amended as follows: Item 7, improvement in compensation levels of present personnel, amended to \$25,600; item 8, unchanged; item 9, detective, removed; item 10, juvenile officer, unchanged; items 11, 12, and 13 removed. He said an additional recommendation had been added for two duty station personnel, cost \$20,000. Total annual operating costs for both fire and police departments would now be \$284,360. He said the current total property valuation of Leawood was approximately \$44,000,000, and the increased operating costs would require approximately a 6.5 mill increase in the tax levy. The total cost of all recommendations would be 7.9 mills. He said with those amendments, the committee's recommendations would stand as originally submitted. Councilman DeKinder moved for adoption of the Special Committee's recommendations as amended; seconded by Councilman Eddy. Councilman DeKinder stated while the recommendation was to include the contingency, there was considerable discussion in the committee that the Council should perhaps consider the issuance of the bonds to build the second fire station and not have that action contingent upon removal of the tax lid. The matter was discussed. City Attorney Winn said one possible advantage of building the fire station even though it might conceivably be empty for a while, was the current favorable interest rates

#1449

April 21, 1975

on bonds. Councilman DeKinder said the committee had discussed the low level of current interest rates and inflationary costs of construction. There was discussion that the Council should proceed as though the fire station would be built. City Attorney Winn said there were other remedies under the tax lid which had not been considered because it was felt best to go directly to the voters. He said there was emergency relief which the City could seek from the Board of Tax Appeals for some minimum personnel at least part of the time at the fire station. Councilman DeKinder stated throughout the discussions of the committee there was constantly the question of attempting to answer the needs of public safety without getting bogged down in the budgeting items. He said he hoped the Council would accept the recommendations with the slight amendment that the Council reserve the right to use the dollars as indicated within the framework the Council historically faces at budgettime. For instance, if certain compensation levels were satisfactory, there would be no need to use the entire amount, and would not levy 6.5 mills. Mayor Ballard explained to Chief Toman and Lieutenant Becker that they should make sure their department personnel understood that if this passed, all of the dollars proposed for salary adjustments for existing personnel would not necessarily be forthcoming immediately. He explained if it were all given at once, there would be no way the City could keep up with inflationary demands over the next five years, and some should be held in abeyance for salary increases later. Councilman DeKinder restated his motion, that the Council accept the Committee's amended recommendations to the report of April 4, 1975, with the stipulation that the areas of compensation improvement was as always a Council decision decided at budgettime; seconded by Councilwoman Gersh. Motion carried.

#1523

#1544

#1616

#1648

Resolution No. 348 - Authorizing Issuance of \$500,000 General Obligation Bonds for the Purpose of Constructing a Second Fire Station and Making Improvements to the Existing Fire Station: Councilman DeKinder read the resolution, striking paragraph numbered 4 in its entirety (which stipulated that the issuance of said bonds be contingent on the passage of the special question to be submitted to the electors on June 3). Councilman DeKinder then moved for adoption of the resolution with the deletion of item 4; seconded by Councilman Henry. By roll call vote, Resolution No. 348 was adopted unanimously. A copy is attached hereto as part of the record.

#1681

Resolution No. 349 - Calling a Special Election for the Purpose of Voting on the Proposition to Authorize Levying of Taxes in Excess of the Limitations Prescribed by Law for the Purpose of Providing Additional Police and Fire Protection: Councilman DeKinder read Resolution No. 349 and moved for its adoption as read. Following discussion, Councilman DeKinder moved an amendment to the resolution to delete the comma and add the words "in order" in the fifth line of the question; seconded by Councilman Watts. Amendment carried. Following discussion concerning inclusion of improvement of present

#1723

#1851

levels of compensation, Councilman DeKinder moved that the question be amended as follows: "for the purpose of providing seven additional policemen in order to provide a 33% increase in patrol capacity, expanded night and weekend services at the Police Station and additional juvenile and investigative services; for the purpose of providing improved compensation levels for police and fire personnel; and for the purpose of providing nine firemen (three men per each 24-hour shift) to staff the City's second fire station?" Amendment was seconded by Councilman Watts and carried. Motion to adopt Resolution No. 349 as amended carried. A copy is attached hereto as part of the record.

#1888

Allocation of \$1,500 for Voter Education Program: Councilman DeKinder moved for approval of the allocation of an amount not to exceed \$1,500 for the purpose of informing and educating the citizens of Leawood as to the need and importance of the public safety recommendation and the upcoming special election approved in the previous resolution; seconded by Councilman Eddy. Councilman DeKinder said he would recommend that the special committee continue to exist for the purpose of coordinating the activities in the voter education program. He said a preliminary budget included a couple of mailings, printing of brochures, and obtaining lists of registered voters. He said he felt \$1,500 was a minimal cost item to conduct such a campaign. Motion carried. Former Mayor V. M. Dostal noted that the first rescue car was brought into existence mostly by public subscription and suggested that might be possible for a second rescue car.

#1966

Councilman DeKinder moved for designation by the Council that the committee appointed to study public safety needs continue to function in the role of a coordinating group of all citizens and citizen groups interested in improving public safety capability in the City, with possible consideration of modification in structure to be submitted to the Council at a later date; seconded by Councilman Watts. Following discussion, motion carried. Councilman Eddy expressed the Council's appreciation to the special committee for their efforts up to this point.

#1991

MAYOR'S REPORT

#1996

Sidewalks on Lee Boulevard from Leawood Park to 103rd Street: Mayor Ballard stated he felt sidewalks at this location were going to be a real necessity with increased traffic to the park. He suggested that the Public Safety Commission study the situation.

#2016

Roadway from Mission Road to Sewer Treatment Plant: Mayor Ballard stated plans for the expansion of the treatment plant included plans for a narrow road from Mission Road through Saddle and Sirloin Club property to the sewer plant. He said the way the road was planned at the present time, it could not be used as a road to get to the park. He said Phil Kline had a rough set of plans which would allow the

April 21, 1975

road to be used for both the plant and the park. City Attorney Winn said a hearing before the County Commissioners would be requested to present the plans.

#2048

Renovation of City Hall: Mayor Ballard said he was trying to get renovation of the old City Hall building completed before his term ended.

#2052

Ordinances Relative to Organizational Changes: Mayor Ballard suggested that Mayor Elect Eddy immediately take over direction of the committee studying organizational changes.

#2056

Appointment to Plan Commission: Mayor Ballard proposed the appointment of Mr. Richard Ottenad to the Plan Commission to fill the unexpired term of Richard J. Conklin. On motion by Councilman Eddy, seconded by Councilman Watts, the appointment of Richard Ottenad to the Plan Commission was approved.

#### COMMITTEE AND COMMISSION REPORTS

#2080

Budget and Finance: Deferred to the next meeting.

#2082

Councilman DeKinder moved for a change in the agenda to consider the request for permission to keep a lion on the premises as the next item of business; seconded by Councilman Watts. Motion carried.

#2088

Request for Permission to Keep Lion on Premises - 9728 Overbrook: Councilman DeKinder stated Mrs. Sharon had appeared before the Public Safety Commission, and after considering the various aspects of the question, it was the recommendation of the Public Safety Commission that a variance not be granted to the ordinance and that Mr. and Mrs. Sharon be given a suitable amount of time, not to exceed sixty days, to dispose of the lion. The applicable ordinance was read and discussed, and the matter was discussed with Mrs. Sharon. She stated the lion was probably eight or nine months old and she planned to put it on a safari reserve when it was a year to a year and a half old. Councilman DeKinder moved that the Council issue an order directing the Jeffrey H. Sharons to dispose of the lion currently on the premises within the next sixty days from this date, in compliance with Ordinance 2-101; seconded by Councilman Alt. Motion carried, Councilman Watts abstained.

#2265

#2291

Ordinance No. 486 - Providing for the Improvement of 95th Street: Councilman Alt presented the ordinance and reviewed that the Council had voted to improve 95th Street in its present width, a committee was appointed to work with Overland Park to work out the details, and a previous resolution was approved calling for financing of the improvement through general obligation bonds. Councilman Alt stated Overland Park had moved ahead based on the inter-local agreement and received bids for the portion of the street to the Leawood City Limits. Councilman Alt

April 21, 1975

#2346

said the bid for 95th Street should be let along with the bid for the City's 1975 street improvement program. Councilman Alt moved that an emergency be declared to exist and that the ordinance providing for improvement of 95th Street be passed on first reading; seconded by Councilman Watts. There was discussion that the Council should go ahead with the ordinance and then pursue the question of lane markings. Councilman Eddy suggested Section 20-124, line 4, should read "also in the City of Overland Park." Motion to declare emergency carried. Councilman Alt then moved for adoption of the ordinance with the correction suggested by Councilman Eddy in Section 20-124. Ordinance No. 486 was adopted unanimously. Councilman Alt moved that the 1975 street maintenance program be moved up as the next item on the agenda; seconded by Councilman Watts. Motion carried.

#2456

#2461

Public Works:

#2477

1975 Street Maintenance Program: Councilman Alt referred to a list distributed of streets to be overlaid in the 1975 street improvement program. He called to the Council's attention that most streets would be overlaid with 1/2 inch overlay while 103rd Street from Lee to Wenonga would get a one inch overlay, the remainder of 103rd Street to Mission Road would not have anything done to it; and that Lee Boulevard would be overlaid with one inch from 103rd Street to I-435 (in expectation of added traffic). He suggested that the first two items listed should read: "85th Street from Mission Road to 86th Street"; and "86th Street from 85th Street to Overhill Road." Councilman Alt said there was \$36,000 budgeted in the motor fuel tax fund and some \$6,000 possibly available as part of the county street maintenance program. Councilman Alt moved that the Council authorize Shafer, Kline & Warren to prepare specifications and let bids for the streets listed in the document entitled "City of Leawood 1975 Street Improvement Program" for one inch and one-half inch overlay as designated, and that the bids for these streets be let at the same time as 95th Street, and that they be let on a unit basis with the right to reject any and all bids or any portion thereof; seconded by Councilman DeKinder. Motion carried.

#2539

#2560

Councilman DeKinder moved for a change in the agenda to consider the Resolution Endorsing Temporary Closing of Leawood Park as the next item of business; seconded by Councilman Eddy. Motion carried.

NEW BUSINESS

#2566

Resolution No. 350 - Endorsing Temporary Closing of Leawood Park: Councilman DeKinder explained that the resolution was in support of the Recreation Commission's action in closing Leawood Park in view of the vandalism, safety problem, potential increase in cost of construction by removal of grading stakes, cars getting stuck in graded fields, etc.

April 21, 1975

#2576

He read the proposed resolution. He said it was within the purview of the Recreation Commission to take that action without Council support, but the Public Safety Commission felt it was advisable that the Council adopt the resolution in support of that action. Councilman DeKinder moved that the resolution be adopted; seconded by Councilman Watts. Jean Wise added that the Recreation Commission had made an exception for use of the west field only by the Heart of America Soccer League to play previously scheduled games. There was discussion that the Council should have reports on the construction schedule. The Council discussed the advisability of the Commission's permitting a special group to use the field. Councilman DeKinder pointed out the ordinance provided that the Recreation Commission had the power to close the park and to open it to specific groups. Jean Wise stated the reason the exception was made was that it was only for the west field which was out of the construction area, it was a soccer field, and games were previously scheduled and approved by the Commission. Mrs. Wise said they were having some problems with traffic on Lee Boulevard and parking along the street. She said it was the Commission's intention to get in touch with the soccer league and say they would have to station somebody out there to supervise the parking. Resolution No. 350 was adopted, Councilman Eddy opposed. A copy is attached hereto as part of the record.

#2731

#2744

Councilman DeKinder stated he needed to be excused and requested that Discussion of Parking on 103rd, Discussion of Traffic Flow on 95th Street, and General Comments on Police Service be carried over to the next meeting.

Ordinance Relating to Revisions in Chapter I, Administration, Relative to Vacations, Sick Leave, and Overtime for City Employees (First Reading): Councilman DeKinder said the ordinance regarding revision of Chapter I was merely an administrative function. Chief Toman explained the ordinance adopted at the end of last year omitted any provisions for forty-hour-per-week personnel in the Fire Department, and the proposed ordinance merely extended to them the same provisions concerning sick leave, overtime pay, etc. covering other forty-hour-per-week personnel in the City.

Councilman DeKinder left the meeting at 10:15 p.m.

#2801

Bids on Station Wagon for Fire Department: Councilman Eddy presented bids on a station wagon, as follows:

Schlozman Ford, Overland Park	\$5,649.72
Schneider Ford, Kansas City, Missouri	\$5,706.27

He said the money was available in the special fire equipment fund to cover the low bid. Councilman Eddy moved that the low bid of Schlozman Ford in the amount of \$5,649.72 be approved; seconded by Councilman Alt. Chief Toman stated this vehicle was to replace a 1970 Ford wagon which would be sold. Motion carried.

April 21, 1975

#2827

Short and Long Term Street Priorities: Councilman Alt stated the City had been requested by MARC to update street priorities. He stated it was the recommendation of the Public Works Commission that short range and intermediate street improvement programs be as listed, short range (1976 through 1978) to include the intersection of Lee Boulevard and Somerset; and intermediate range (1979 through 1982) to include streets listed. Councilman Alt read the resolution. He said 95th Street was omitted since it would be taken care of this year, and the list had been revised so the streets in general followed the comprehensive plan. Councilman Alt moved for adoption of the resolution as read. Resolution No. 351 was adopted, Councilwoman Gersh abstained. A copy is attached hereto as part of the record.

#2926

#2949

#2976

MARC Federal Aid Urban Subcommittee Report: Councilman Eddy stated at the MARC subcommittee meeting on April 10th, he reported to the committee Leawood would like to have its urban boundary shown as being the north right-of-way line of 135th Street. Councilman Eddy moved that the Mayor be instructed to write Mid-America Regional Council expressing the desire of Leawood to have the Federal Aid Urban Boundary be the north right-of-way line of 135th Street on the southern edge of the City; seconded by Councilman Alt. Motion carried.

#2994

Status Forms - Public Works Department: On motion by Councilman Alt, seconded by Councilman Eddy, the resignation of Paul Orrick was accepted.

#3006

Councilman Alt presented the following status forms:

Leonard Breiner, promotion from Public Works Machine Operator to Street Foreman, at the rate of \$860 per month.

James T. Stutts, promotion from Public Works Laborer to Machine Operator, at \$4.10 per hour.

T. B. Wright, employment as Public Works Laborer, at the rate of \$3.91 per hour.

On motion by Councilman Alt, seconded by Councilman Henry, the three status forms were approved.

#3066

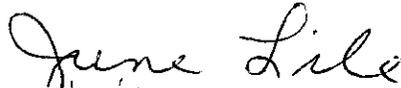
Resignation from Board of Zoning Appeals: Mayor Ballard presented the letter of resignation of William C. Parks from the Board of Zoning Appeals for the reason that he would like to give the incoming mayor an opportunity to appoint someone to fill the position. On motion by Councilman Alt, duly seconded, the resignation was accepted.

April 21, 1975

#3105

At 10:40 p.m., on motion by Councilman Alt, seconded by Councilman Chase, the meeting adjourned to Monday, May 5, 1975, 7:30 p.m.

  
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Mayor



\_\_\_\_\_  
Council Reporter



  
\_\_\_\_\_  
City Clerk

May 5, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, May 5, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Donald S. Ballard presiding. Roll call was answered by Councilmen Alt, Eddy, Chase, Watts, Present, Gersh.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, John Granstedt, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman Watts, the minutes of the meeting of April 21, 1975, were approved as submitted.

Visitors: Arch Patterson and Boy Scouts from Troop 83, Mrs. Andrew Lyons and Kristine, Mrs. W. C. Eddy, Helen Eddy, Mark Eddy, Richard Eddy, Lee Alt, Marcia Ballard, Barbara Hodes, Christine Crippin, Mr. and Mrs. C. C. Crippin, Dr. and Mrs. Galen M. Tice, Mr. and Mrs. V. M. Dostal, Joe D. Curtis, Robert B. Frey, W. B. Madden, Jeanette Harriman, Ronald S. Reuter, Jean Wise, Myra Torbert, Alice Smith, Frances Farrar. Member of the Press: Dan Morris.

#3192

Appropriation Ordinances: Nos. 341A and 329S in the amounts of \$436,920.45 (including \$375,000.00 in investments) and \$707,852.76 (including \$700,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Watts.

#### REPORTS

#3200

Treasurer: No report.

#3202

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Eddy.

#3206

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Alt, seconded by Councilwoman Gersh.

#3221

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Chase.

#3227

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Watts.

May 5, 1975

COMMITTEE AND COMMISSION REPORTS

#3232

Budget and Finance: Councilman Watts stated the budgeting process for 1976 was about to begin. He said income for this year was tending to be a little more than anticipated; however, expenditures also tended to be running a little more than forecast. He said within the next week budgeting forms would be distributed to department heads. He said he did not think the City could wait until after the election on June 3 to get initial budget figures from the Fire and Police Departments, so two budget projections were needed from these departments, one based on the proposition passing and one if not. The report was approved on motion by Councilman Eddy, seconded by Councilman Chase.

#3293

Ordinance No. 487 Relating to Certain Revisions in Chapter I, Administration, Relative to Vacations, Sick Leave, and Overtime for City Employees, and Repeal of Sections (Second Reading): Councilman Eddy moved that the ordinance be adopted. By roll call vote, Ordinance No. 487 was adopted unanimously.

#3311

Recreation Commission: Jean Wise stated a written report had been submitted to the Council on the progress of construction. She stated traffic would be allowed back in the park when the road was completed, estimated to be about June 28, and that her unofficial opinion was the pool probably would open in August. On motion by Councilman Watts, seconded by Councilman Alt, the report was approved.

OLD BUSINESS

#3358

Letter of Resignation from the Plan Commission - Councilman Alt: Mayor Ballard expressed appreciation on behalf of the Council and the citizens for Councilman Alt's outstanding job of serving the City on the Plan Commission. The Mayor read Mr. Alt's letter of resignation which stated he needed to devote more time to the Public Works and Parks Commissions. On motion by Councilwoman Gersh, seconded by Councilman Watts, Councilman Alt's resignation from the Plan Commission was accepted with regret.

#3417

Oath of Office Administered to Mayor-Elect Eddy: City Clerk Jinny Oberlander administered the oath of office as Mayor to William M. Eddy.

#3425

Presentation of Gavel to Mayor Eddy: Mr. Ballard then presented the gavel to Mayor Eddy and offered his congratulations.

Tape No. 36 Mayor Eddy took the chair.

Side 1

#1

Presentation of Gavel to Retiring Mayor Ballard: Mayor Eddy then presented a gavel to Mr. Ballard. Mr. Ballard expressed his willingness to continue to work with city officials. \*See page 1913 for addendum to minutes. *J.O.*  
Mayor Eddy thanked Councilmen Gersh and Present for their service to the City and they left the meeting.

May 5, 1975

#8

Administration of Oaths of Office to Newly Elected City Officials: City Clerk Jinny Oberlander administered the Oath of Office to the following: Kent E. Crippin, Councilman, Ward 1; Andrew D. Lyons, Councilman, Ward 2; Eugene E. Alt, Councilman, Ward 3; and Phillip Hodes, Councilman, Ward 4.

Roll call of the new Council was answered by Councilmen Chase, Watts, Lyons, Hodes, Alt, Crippin.

NEW BUSINESS

#36

Election of President of the Council: Councilman Chase nominated Councilman Eugene E. Alt as President of the Council; seconded by Councilman Watts. There were no other nominations, and Councilman Alt was elected unanimously.

#39

Resolution No. 352 - Designation of Official City Newspaper: Upon motion by Councilman Watts, seconded by Councilman Lyons, Resolution No. 352, designating The Johnson County Sun as the official city newspaper for all documents requiring legal publication, was adopted. A copy is attached hereto as part of the record.

#44

Designation of Depositories for City Funds: On motion by Councilman Hodes, seconded by Councilman Alt, Southgate State Bank & Trust Company was designated to continue as depository for the General Operating Fund; Kansas National Bank & Trust Company was designated to continue as depository for the Special Funds; and Johnson County National Bank & Trust Company was designated to continue as depository for Leawood Sewer System Funds.

#50

Appointment of City Officials: City officials were appointed for one year, as follows (the appointments being approved on motion by Councilman Alt, seconded by Councilman Watts):

City Architect	John Granstedt
Chief Building Official	John Granstedt
City Attorney	Larry Winn III
City Attorney, Assistant	Ronald S. Reuter
City Clerk	Jinny Oberlander
City Treasurer	James H. Pendleton
Fire Chief	Jourdan Toman
Police Chief-Marshal	Richard W. Blume

Councilman DeKinder entered the meeting at 8:10 p.m. following appointment of city officials.

#58

Oaths of Office Administered to City Officials: Mayor Eddy administered the Oath of Office to Jinny Oberlander, City Clerk. The City Clerk then administered the Oath of Office to the following: John Granstedt, City Architect and Chief Building Official; Larry Winn III, City Attorney; Ronald S. Reuter, Assistant City Attorney; Jourdan Toman, Fire Chief; and Richard W. Blume, Police Chief-Marshal.

May 5, 1975

#79

Authorization of Signatures for Warrant Checks for City Obligations - All Funds: On motion by Councilman Hodes, seconded by Councilman Lyons, William M. Eddy, Mayor; James H. Pendleton, Treasurer; Eugene E. Alt, President of the Council; and Jinny Oberlander, City Clerk, were authorized to sign warrant checks of the City in accordance with Sections 1-705 and 1-707 of the Revised Ordinances.

#82

Appointments to Committees, Commissions and Boards: The following appointments were individually approved:

BOARD OF ZONING APPEALS:

Charles Witthaus	1978
William Parks	1978

BUDGET AND FINANCE:

James H. Pendleton	1977
Arthur Dolliver	1978

INTERGOVERNMENTAL COOPERATION AND COMMUNITY AFFAIRS:

Phillip Hodes	1978
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LEGISLATIVE COMMITTEE:

D. A. N. Chase	1977
Paul Burke, Jr.	1977
Kent Crippin	1978

NEWSLETTER COMMITTEE:

Andrew Lyons	1977
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ORDINANCE COMMITTEE:

Gene Alt, Chairman	1978
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PARKS COMMISSION:

Gene Alt, Parks Commissioner and Ex-Officio Chairman	1977
Edward Summerville	1977
Pearl Scott	1977
James Barrick	1977

PLAN COMMISSION:

James Dierks, Jr.	1976
Herbert Block	1978
Gerald Foster	1978
James Balderson	1978
Kent Crippin	1976

*Should be 1976  
see may or Eddy  
@ 6/2 @ council  
mtg. to  
J.D.*

May 5, 1975

PUBLIC SAFETY:

Phillip Hodes 1978

PUBLIC WORKS:

James Supica 1977  
Spencer Henry 1976  
Kent Crippin 1976

RECREATION COMMISSION:

Jean Wise 1979

Miscellaneous Appointments:

INSURANCE COMMITTEE:

D. A. N. Chase 1976  
Andrew Lyons 1977

CIVIL DEFENSE DIRECTOR:

E. L. Akerly 1977

JOHNSON COUNTY SOLID WASTE MANAGEMENT COMMITTEE - Leawood  
Representative:

Phillip Hodes 1976

JOHNSON COUNTY HUMAN RELATIONS COMMISSION - Leawood  
Representatives:

Gerald Rushfelt 1977  
Donna Thalblum 1976

CONSULTING ENGINEERS:

Shafer, Kline & Warren

#124

Appointment of Committee Chairmen: The following committee  
chairmen were appointed:

Budget and Finance: John Watts  
Intergovernmental Cooperation  
and Community Affairs: Phillip Hodes  
Legislative: D. A. N. Chase  
Newsletter: Spencer Henry  
Parks: Gene Alt  
Public Safety: Sam DeKinder  
Public Works: Gene Alt

May 5, 1975

#129

Resolution No. 353 - Creating Special Committee to Deal with Renovation of Leawood Sewer System: City Attorney Winn read the proposed resolution, changing the word "method" in the second line of paragraph C to "methods." Mayor Eddy appointed Councilman Chase as chairman of the Special Sewer Renovation Committee, with Donald S. Ballard, <sup>ex-officio</sup> Larry Winn III, <sup>members</sup> and Max Bagby as members. On motion by Councilman Crippin, seconded by Councilman Watts, the appointments were approved. The general powers and duties of the special committee were discussed. Councilman Crippin moved for adoption of Resolution No. 353, adding the words "but not limited to" following the word "including" in the third line of paragraph C, and adding the word "recommending" following the word "including" in the second line of paragraph D; seconded by Councilman DeKinder. Resolution No. 353 was unanimously adopted. A copy is attached hereto as part of the record.

#180

#192

Air Conditioning for City Hall: Deferred.

MAYOR'S REPORT

#193

Mayor Eddy stated the two weekly papers in the City had both agreed to give the City some publicity concerning items coming up on the agenda of the Council and the Plan Commission provided the City could get the information to them by the end of the week. He asked that councilmen get items for the agenda to the City Hall by 2:00 p.m. on Wednesday prior to a meeting.

#207

Mayor Eddy asked that the Parks Commission have a recommendation back to the Council by July 21 on the status of the existing parks system.

#212

Mayor Eddy asked that the <sup>Special Administrator</sup> Ordinance Committee meet in the near future and bring back a recommendation concerning the ordinance relative to the city administrator.

#220

Ordinance Establishing Zoning Classification of Planned Business Zoning for a Tract of Land Within the City Limits (First Reading): Councilman Alt read the Plan Commission resolution recommending to the Council that property at 1903 West 135th Street owned by Dr. and Mrs. Tice be zoned Planned Business Zoning B-1, and recommending that if such zoning be granted, proponent seek the necessary variances from the Board of Zoning Appeals. W. B. Madden stated he was purchasing the property from Dr. and Mrs. Tice. He showed photographs of the property. He said his associates were in the interior decorating business and the reason they wanted this particular piece of property was that it was a home with shrubs, trees, flowers, etc. He said they did not intend ever to put up big signs and do all the things most retailers do; that the only thing they intended to alter would be the parking and perhaps erect a flagpole because that was their means of identification. Parking would be on the west side and rear side of the existing home. A plot plan of the property was displayed showing

May 5, 1975

anticipated parking. Councilman Alt stated in general the plan conformed to the comprehensive use plan. City Attorney Winn stated the first request considered was a special use permit taking into consideration that this was an existing structure. He said when asked for other alternatives, he determined that conceivably it could be zoned light industrial. Councilman Alt stated the area right across from the property was zoned planned business, and Kansas City, Missouri, to the east was industrial park. He said the Plan Commission felt light industrial had so many options that they did not desire to grant it, and since planned business district was a more strict type of usage it would better fit. Based on that, the Plan Commission made its recommendations. He said there were three items that did not meet the planned business district requirements: (1) acreage of the tract (requirement is 5 acres and they have  $1\frac{1}{2}$  acres), (2) number of uses within the district (restricted to ten uses on five acres), and (3) non-enumerated use. Councilman Alt said if the Council approved planned business zoning, applicant would have to go before the Board of Zoning Appeals. He said the applicant had agreed to covenant to enter into a storm drainage benefit district if and when one was ever constituted. There was discussion concerning the fact that notice of hearing was not re-published when the request was changed from light industrial to planned business.

City Attorney Winn said the original concept was for a three-year special use permit that would specially deal with the existing residential structure that would be used for a business, to be renewed as long as certain conditions existed. He said the applicant had some hesitation with that because of the capital investment in the property. Mr. Winn said he preferred the special use permit approach because he felt the planned business district was contorted, taking a farm house under the shopping center ordinance by granting three rather radical variances. Councilman Alt reported every member of the Plan Commission felt the proposed use would be very good and appropriate, and the best the Plan Commission could come up with was what was being presented. He said the Plan Commission wanted 65 feet of right-of-way for the street. There was discussion that the Board of Zoning Appeals had advertised a hearing on the variances but if zoning were not granted, there would be nothing to appeal. The Council discussed a special use permit. City Attorney Winn said it could be tailor-made to cover the house, use, parking, etc., and if those conditions continued to be met, the Council would have no proper reason not to renew at the end of three years. It was discussed that if the zoning classification planned business were granted, that zoning would continue, the house could be torn down and any permitted use in that zoning could be established. City Attorney Winn said he doubted that the house could meet BOCA code requirements for commercial structures.

The matter was discussed. Councilman Crippin said he thought the City would be in a better position with a

May 5, 1975

#410

special use permit instead of zoning the property. It was then discussed that a special use permit could be for any length of time. Mr. Madden stated as a residence the property did not have much appeal because of the projection of the shopping center, the heavy industrial area, the service stations, and the four-lane highways. He said they wanted to buy  $1\frac{1}{4}$  acres with an option on another one-fourth acre. Councilman Lyons cautioned the Council about piecemeal zoning. There was discussion that for zoning the Council should be looking at a larger area. Mrs. Tice stated the remainder of the 80-acre tract would not be sold during her lifetime because of tax problems. Councilman Alt pointed out the City did not have a zoning classification that would particularly fit this situation.

#480

Councilman Alt presented for first reading the ordinance providing for zoning of the property at 1903 West 135th as planned business district, adding a covenant that a 65 foot right-of-way be granted. Following further discussion, Councilman Chase suggested that a special use permit be granted for an indefinite period so long as the provisions continue to be met. Mr. Madden said he was not interested in a three-year special use permit, if it were for an unlimited time, he might be interested. Councilman Chase moved that the matter be reconsidered by the Plan Commission and at the next Council meeting, on second reading of the ordinance, an alternative in the nature of a use permit of long term or unlimited duration be presented, including how it would be worded and defined; seconded by Councilman Watts. Following further discussion, motion carried, Councilmen Alt and DeKinder opposed.

#537

#648

#746

Proclamation - Fire Service Recognition Day: On motion by Councilman Lyons, seconded by Councilman Hodes, Mayor Eddy was authorized to proclaim Saturday, May 10, 1975, as FIRE SERVICE RECOGNITION DAY.

#762

Public Safety Report - General Comments re Police Service: Councilman DeKinder presented to the Council letters received from citizens complimenting the activity of the Police Department, from being courteous at the scene of an accident to doing burglary prevention inspections. He commended the Police Department and Chief Blume for their work.

#770

Meeting Regarding Proposed Unified Computer Grant for Johnson County: Mayor Eddy referred the notice of meeting to Councilman DeKinder.

#773

Report of Special Committee on Public Safety: Councilman DeKinder said the committee was proceeding with the get out to vote campaign. Jean Wise said people had been contacted to make telephone calls after the arrival of mailed literature.

#781

Meeting of City Officials In Leavenworth: A letter of invitation had been distributed to councilmen. On motion

May 5, 1975

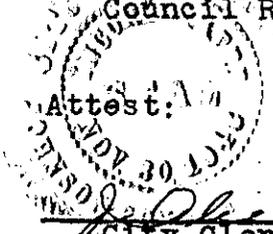
by Councilman Alt, seconded by Councilman DeKinder, City Clerk Jinny Oberlander was authorized to attend the meeting, her expenses to be paid by the City.

At 10:00 p.m., on motion by Councilman Chase, seconded by Councilman Watts, the meeting adjourned to Monday, May 19, 1975, 7:30 p.m.

#791

*William J. Eddy*  
Mayor

*Jane Lile*  
Council Reporter



*Jinny Oberlander*  
City Clerk

\* Mayor Eddy thanked Mayor and Mrs. Ballard and their family for the five years Mayor Ballard has donated to the City.

*J.E.*

May 19, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, May 19, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen DeKinder, Crippin, Chase, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: Mayor Eddy requested that the minutes be corrected as follows: By adding on page 1906, "Mayor Eddy thanked Mayor and Mrs. Ballard and their family for the five years that Mayor Ballard had donated to the City"; by adding the words "Special Administrator" before the words "Ordinance Committee" in the first line of the fifth paragraph on page 1910; and in the first paragraph on page 1910, that Max Bagby be shown as an ex officio member of the Special Sewer Renovation Committee. On motion by Councilman Hodes, seconded by Councilman DeKinder, the minutes of the meeting of May 5, 1975, were approved as amended.

#812

Visitors: James S. Harrington, G. W. Murphy, R. J. Crow, Martin P. Goldstein, James I. Scott, James L. Eisenbrandt, W. I. Williams, W. B. Madden, William O. Isenhour, Jr., Frances Wallas, Margie Stout, Dr. and Mrs. Tice. Member of the Press: Bob Fiser.

#### COMMITTEE AND COMMISSION REPORTS

#825

Budget and Finance: No report.

#### Plan Commission:

#834

Recommendation for Special Use Permit - 1903 West 135th Street: Councilman Crippin reported the Plan Commission had adopted a resolution recommending to the Council that a special use permit be issued to Mr. W. B. Madden of Gene McFarland, Ltd., and a special use permit had been prepared. Councilman Crippin moved, in accordance with the recommendation of the Plan Commission, that the special use permit be issued for use of the property as described in the application, which was for an interior decorating shop as well as a facility to show household furniture; seconded by Councilman Chase. Motion carried. William O. Isenhour, Jr., attorney for Mr. Madden, noted that one of the conditions of the special use permit was that there be no signs without the permission of the Council. He said Mr. Madden did have in mind putting up a sign practically identical to the one which identifies the City Hall, which would have only the address of the property on it. He asked for Council approval of such a sign. City

May 19, 1975

Attorney Winn stated any sign was permitted which was less than one hundred square inches containing the name and/or address, and if the proposed sign was in that category, special permission was not needed.

#860

Official City Map: Councilman Crippin reported the Plan Commission, at the request of former Mayor Ballard and Councilman Alt, had discussed an official city map. He said at the present time the City only had a map north of I-435 and the beginnings of a map of the area south of I-435. He said Mayor Eddy had requested that he research the possibility of getting the map completed. Councilman Crippin reported Phil Kline was in the process of investigating the matter to give an indication as to whether or not his firm would complete the map for the City. There was discussion that the City's contract with Lawrence-Leiter contained an option for the basis of a city map, estimated to cost between \$500 to \$750, which was never exercised. Councilman Crippin said he would have a specific proposal to present at the next meeting.

#879

Ordinance re Limited Office Zoning - Medical Building at 80th and State Line Road (First Reading): Councilman Crippin stated Preferred Investments, Inc. had applied for Limited Office District B-4 zoning and the application had been distributed. Councilman Crippin moved, in accordance with recommendation of the Plan Commission, that the Preferred Investments, Inc. application for rezoning to Limited Office B-4 District be approved for first reading. Councilman Lyons noted there had been discussion at a Plan Commission meeting on April 28 regarding whether or not a pharmacy in the proposed building constituted a retail establishment and was a permitted use, but the matter was not mentioned in a subsequent Plan Commission meeting. Councilman Crippin stated the question of the pharmacy in the building was the reason for the two votes in opposition to the rezoning. He said the question concerned the interpretation of uses which could occur in the B-4 Limited Office District. He said the majority of the Plan Commission interpreted the ordinance to permit a medical building to have a pharmacy primarily oriented towards tenants and their patients, but not to rule out public activity. Councilman Lyons suggested that the interpretation of the ordinance in question be referred to the City Attorney for opinion before second reading of the ordinance now under consideration. City Attorney Winn stated he had been concerned over the operation of a clinic. Martin P. Goldstein stated Preferred Investments, Inc. had submitted a letter to the Plan Commission specifically stating the building would not be used as a clinic, but as individual professional suites. Mayor Eddy stated the City did not have enough sewer connections for the building at the present time, but the City had written to the City of Kansas City, Missouri, to attempt to alleviate that situation. There was discussion as to whether or not Public Works Commission recommendations concerning construction of the drainage area, proper wings on the storm sewer inlet,

May 19, 1975

#1007

appropriate fill behind the wings and sanitary manhole, and that there be an agreement to enter into a storm drainage district, should be attached to the ordinance zoning the property. The Mayor and City Attorney agreed those were design features which would be part of the final development plan. George Murphy of Planned Developments, architects for the project, presented the rendering of the proposed building, the site plan, and area map. He stated the building was a two-story, basically "T" shaped building, proposed to have 65,771 square feet, with a circular drive and a living screen of pin oaks, and six foot high screen fencing all the way around the parking area. Chief Toman stated the plan met with Public Safety requirements. The two-way drives were discussed. Bob Sirchia said there was very little opposition from residents surrounding the property at the Plan Commission hearing.

Public Safety Commission:

#1069

Discussion of Traffic Flow - Ranch Mart Area: Councilman DeKinder stated the committee would meet with the Traffic Engineer of Overland Park on Wednesday, to explore some ways to eliminate much of the congestion around the Ranch Mart area. He said the problem encompassed a number of things, including the overlaying of 95th Street past Ranch Mart and the specific laning. He asked for an opinion from the City Attorney regarding signing on the Leawood portion of the property adjacent to 95th Street, such as no left turns out of or into Ranch Mart entrances and exits, and regarding possible closing of one or more of those entrances or exits. City Attorney Winn will look into the matter.

#1096

Discussion of Parking on 103rd Street Between State Line and Lee Boulevard: Councilman DeKinder stated there had been a couple of accidents on 103rd Street because of cars parked on 103rd between State Line and Lee Boulevard, blocking a lane of the street. He said under the Police Chief's authority to erect temporary traffic signs, both sides of 103rd Street would be posted no parking from 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. for ninety days. He added that Chief Blume had written to all residents of the area prior to posting of the signs stating the intent and reasons therefor.

#1118

Request for Permission to Solicit Funds - Cystic Fibrosis Foundation: Upon motion by Councilman DeKinder, seconded by Councilman Lyons, the request of the Cystic Fibrosis Foundation for permission to solicit funds was approved. Mayor Eddy pointed out that the twenty percent to cover the costs of solicitation was one of the highest that had come before the Council in a number of years.

#1142

Report of Special Committee on Public Safety: Councilman DeKinder encouraged councilmen to make sure their neighbors were aware of the literature concerning the election. He said an extensive telephone campaign was getting under way and there would be two mailings. Mayor Eddy commended the committee for the initial mailing.

May 19, 1975

Public Works:

#1152

95th Street Progress Report: Bob Sirchia reported that according to Shafer, Kline & Warren advertisement for bids would be ready for 95th Street and the street improvement program the early part of the week, and the patch work was being done; he said signs had been ordered and received. City Attorney Winn noted that apparently there was a federal edict out on the size of speed signs which was different than Kansas law. Chief Blume said his department was in the process of determining if any Leawood signs were in derogation of the Johnson County District Court order.

#1177

Status Form - Parks Department: The status form was presented by Mayor Eddy and, on motion by Councilman DeKinder, seconded by Councilman Crippin, the following employment was approved:

Dana K. Becker, summer laborer, Parks Department,  
at the rate of \$3.00 per hour.

#1187

Recreation Commission: Mayor Eddy stated there had been a picket at the Recreation Complex picketing T. J. Construction Company. He said the National Labor Relations Board had ruled that it was a legal informational picket. Mayor Eddy said the picket was keeping the contractor who had the contract with the union from working. He said he had instructed the City Attorney to look through the specification book to the appropriate section regarding compliance with the contract and inform the contractor that was not working.

MAYOR'S REPORT

#1207

Authorization of Expenditure for Office Furniture: Mayor Eddy reported Mr. Sirchia had been looking into the idea of some office furniture for the old building, and hoped to have bids for heating and air conditioning for the old building by the next meeting. Mayor Eddy said the estimate for office furniture for the mayor's office was \$1,600 to \$1,700. On motion by Councilman DeKinder, seconded by Councilman Hodes, the Council authorized the expenditure of an amount not to exceed \$1,700 for furniture for the mayor's office. There was discussion that it was anticipated that the Mayor, the City Administrator, the Assistant City Administrator, and one girl would be in the old building, as well as the City Clerk and her assistant.

At the request of Mayor Eddy and on motion by Councilman Lyons, the Council went into executive session at 8:50 p.m. to discuss a lawsuit between the City and a citizen of the City.

The Council returned to regular session at 9:26 p.m. All of the same councilmen were present.

May 19, 1975

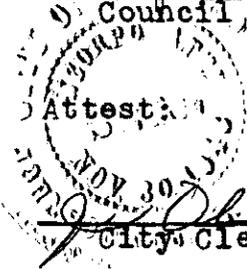
At 9:28 p.m., on motion by Councilman DeKinder, seconded by Councilman Chase, the meeting adjourned to Monday, June 2, 1975, 7:30 p.m.

#1267

  
\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Council Reporter



Attest:

  
\_\_\_\_\_  
City Clerk

June 2, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, June 2, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Henry, Alt, Crippin, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Treasurer Pendleton, Will Gray, John Granstedt, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman Crippin, the minutes of the meeting of May 19, 1975, were approved as submitted.

#### REPORTS

#1278 Treasurer: Mr. Pendleton stated the only report he had was the appropriation ordinances and that he would set a date for a meeting on the investment plans. On motion by Councilman Alt, seconded by Councilman Henry, the treasurer's report was approved.

#1284 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Alt.

#1286 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Henry.

#1288 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Lyons.

#1290 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Crippin.

#1295 Visitors: Martin P. Goldstein, Larry Goldstein, George Murphy, James I. Scott. Member of the Press: Bob Fiser.

#### COMMITTEE AND COMMISSION REPORTS

#1298 Budget and Finance: Councilman Watts handed a budgeting timetable to councilmen and department heads. He said the budgeting process was being delayed by the special election on public safety needs and the fact that the State had redone its budgeting process and had not sent certain helpful information. Councilman Watts emphasized the importance of the June 18th Budget and Finance meeting

June 2, 1975

with the mayor, councilmen and department heads. He said it would be important to have a quorum at the July 21st Council meeting when the budget would be presented to the Council, and at the August 18th Council meeting when it would be finally approved. He said the public hearing on the budget would be August 12. Councilman Watts said he had received from each department its proposed 1976 budget, as well as estimate of carryover. On motion by Councilman Henry, seconded by Councilman Lyons, the report was approved.

#1337

Newsletter Committee: Councilman Henry reported the committee was planning to send out the next newsletter the last week of June, and hoped to have a draft to submit to the Council on June 16. He said the committee would make an attempt to get it out on a regular basis, probably quarterly (to be determined by the budget). He asked that information for the newsletter be sent to Frances Farrar who would serve as newsletter coordinator. Councilman Henry said the committee planned to include in the next newsletter information concerning 95th Street, the Johnson County Emergency Medical Service and how it would relate to Leawood's rescue squad, the emergency phone number, and throwing trash in lakes, creeks, etc. He said it was proposed to combine the newsletters with those of the Recreation Commission, thereby taking advantage of funds in both budgets. Jean Wise suggested using a column format, a better grade of paper, and the labeling service of Neff Printing Company. Mayor Eddy requested that Councilman Henry, Jean Wise, and the committee make a recommendation, to be distributed in the next Council folders, on the way the newsletter should be done, how much it would cost, and how many times it could be published with funds available. Councilman Hodes suggested engaging a Cub Scout pack to deliver the newsletters house to house. The public safety hazard of having the newsletters stuck in doors and the possibility that the boys might not do a thorough job were discussed. On motion by Councilman Alt, seconded by Councilman Crippin, the report was approved.

Ordinance Committee:

#1454

Ordinance No. 488 re Zoning of Property at 80th and State Line (Second Reading): Councilman Crippin reviewed that the City Attorney had been asked to make an interpretation of the ordinance in regard to the legality of a pharmacy in the building. City Attorney Winn stated he had concluded that a reasonable interpretation of the ordinance was that a pharmacy of the nature contemplated would be a permitted use. Councilman Crippin then moved that the ordinance be approved for second reading. Mayor Eddy stated the City had received permission from the City of Kansas City, Missouri, to transfer the necessary sewer connections for the proposed building. Following discussion, Ordinance No. 488 was adopted unanimously.

#1465

Public Safety:

#1521

Resolution Pertaining to Bids for \$500,000 General Obligation Bonds for Fire Station No. 2 and Improvements to Existing Fire Station: City Attorney Winn explained the resolution approving notice of sale, proposal form, and official statement. He said these were all of the documents necessary to lead to the sale of general obligation bonds to build a new fire station and to improve the existing fire station. He said depending on the outcome of the election on June 3rd, the resolution might not be placed into effect without further Council action. He said if the question did pass, the City would want to move ahead to take advantage of a currently favorable bond market. He explained that the first interest payment would be made in 1977, so the levy would not appear on 1976 taxes. He noted that the assessed value of the City for bond purposes had increased \$2,000,000 since the recreation bonds were offered. Councilman Alt moved for adoption of the resolution subject to a favorable vote on removal of the tax lid; seconded by Councilman Watts. The resolution was adopted by an all "ayes" vote.

#1578

#1588

Recreation Commission: A progress report on construction of the recreation complex had been distributed. Jean Wise stated the Recreation Commission had been asked by the Public Works Commission to get a bid from T. J. Construction Company on the removal of a tremendous pile of junk at the south end of the west soccer field. She said they first received a bid of approximately \$500 to level it off and cover it with dirt which would leave a big mound. It was felt this would not be entirely desirable, so the Commission got another bid on hauling the junk to the borrow pit from which fill was taken for the tennis courts, and burying it. The bid was \$2,900 to move 3500 cubic yards of junk. Mayor Eddy stated the junk was an accumulation of waste from other areas. Councilman Alt reported Phil Kline recommended that a concrete foot bridge included in the pile be salvaged, moved to the property line and left intact. The bid and desirability of moving the junk were discussed. Councilman Hodes moved that the Council authorize a change order to T. J. Construction Company in the amount of \$2,900 to remove the junk, less the foot bridge, to the borrow pit site, level the area, put top soil over it, and move the foot bridge to an appropriate location designated by the Recreation Commission; seconded by Councilman Alt. Following discussion, motion carried. Mayor Eddy stated appropriate procedures had been taken to prevent further dumping.

#1728

#1788

Authorization of Sign for Medical Building at 80th and State Line: Martin P. Goldstein requested permission to install a temporary 4' x 8' leasing sign at the building site of the proposed medical building at 80th and State Line. City Attorney Winn said he believed the City had customarily allowed such signs during construction, if the signs continued beyond construction they must go before the Board

June 2, 1975

of Zoning Appeals. Councilman Crippin moved to authorize a sign during construction, estimated to be nine or ten months; seconded by Councilman Watts. Motion carried.

#1828

Thanks to Election Volunteers: Chief Toman, personally and on behalf of the Fire Department, thanked Mrs. Wise and all the callers for the effort they had put forth in the campaign to raise the tax lid for public safety needs.

#1833

Authorization for Resolution to Combine Recreation and Park Commissions: Councilman Alt moved to authorize the City Attorney to prepare the necessary resolution to publish the Council's intention to combine the Recreation and Park Commissions; seconded by Councilman Hodes. Councilman Alt explained that if the two commissions were combined, they would become an advisory body to the Council with its budget approved by the Council, whereas under the present setup the Recreation Commission was more autonomous and there was some overlap of work. Councilman Crippin stated the function of the Recreation Commission had been recreation, while Parks had been maintenance. City Attorney Winn stated the procedure would be to publish the intention to combine, allow protest time, then change the ordinance. The Council discussed the mill levy and the effect on the budget. Motion carried.

#1904

Public Works: Councilman Alt and Mayor Eddy reported for information of the Council that 140 feet of new sewer line had been installed, increasing the slope to aid flow. Councilman Alt reported a sample of an oily substance from the chain of lakes at 9606 Meadow Lane had been sent to the Johnson County Department of Health and Environment, and the report was that it was believed to be crankcase oil. Councilman Alt said Mr. Gray found that the oil had been dumped into the catch basin at 9524 Meadow Lane (which should in no way imply that anyone around there dumped the oil). Councilman Alt stated it was recommended that the public be notified of the seriousness of using streams of any kind for a dump and that catch basins were not connected to the sewer system. A related article will appear in the newsletter.

#### MAYOR'S REPORT

#1970

Appointment to Fill Vacancy on Ordinance Committee and Appointment of Judge Pro Tem: Mayor Eddy proposed the appointment of Michael Farley, 3312 West 87th Street, as a member of the Ordinance Committee, and Max Bagby as Municipal Judge Pro Tem. On motion by Councilman Crippin, seconded by Councilman Watts, the appointments were approved.

NEW BUSINESS

June 2, 1975

#1985

Heating and Air Conditioning - City Hall: John Granstedt explained that bids had first been taken on air conditioning for the old building utilizing the present furnace, then since the furnace was old, bids were obtained on replacing the furnace and installing a complete new air conditioning system. The bid would include a Carrier five-ton air conditioning unit, new ducts through the closet section into the attic and out into individual rooms, new return air ducts, and coil on top of a new injection type furnace. Mr. Granstedt explained the City had had problems with the Fedders unit and it would be left but would be used only as an emergency unit. He presented the bid of City Wide Heating & Cooling, Inc. in the amount of \$3,086.00, with a 20-year warranty. Councilman Watts pointed out that the Public Works Rent Account was just about depleted, consequently this would have to come out of the regular budget. Mr. Granstedt stated Fire Department employees had bid \$486 to scrape, prime, and repaint the old City Hall building, furnishing the paint. Councilman Watts moved that the Council accept the bid of City Wide Heating & Cooling, Inc. in the amount of \$3,086.00 for a new heating and air conditioning unit for the old City Hall building; seconded by Councilman Lyons. Motion carried.

#2083

#2095

Official City Map: Councilman Crippin reported Phil Kline had indicated Shafer, Kline & Warren would update the existing city map for an amount in the vicinity of \$600, based on their rates on file with the City. Councilman Crippin moved that the Council authorize the expenditure of \$700 for completion of the official city map by Shafer, Kline & Warren; seconded by Councilman Watts. Councilman Crippin explained that such a map would include plats, individual lots, and addresses. Councilman Henry expressed the need for a small city map. The matter was discussed. Councilman Crippin suggested that printing of a small map be investigated at the time the official city map was completed. Motion carried.

#2186

Appropriation Ordinances: Nos. 342A and 330S in the amounts of \$175,701.02 (including \$110,000.00 in investments) and \$585,752.26 (including \$580,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Watts. Councilman Hodes questioned the advisability of writing checks for small items and suggested using petty cash for expenditures less than \$10 or \$15. The matter was discussed. City Treasurer Pendleton will look into it and report.

#2324

At 9:26 p.m., Mayor Eddy declared the meeting adjourned to Monday, June 16, 1975, 7:30 p.m.

June Lile  
Council Reporter

William E. Eddy  
Mayor

Attest:  
J. Charles  
City Clerk

1923

June 16, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, June 16, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Henry, Alt, Crippin, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Bob Sirchia, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Henry, seconded by Councilman Alt, the minutes of the meeting of June 2, 1975, were approved as submitted.

Visitors: Jean Wise, Joyce Cartmill, Phil Kline, Curtis and Chris Ottinger, C. S. Ullom. Members of the Press: Bob Fiser, Dan Morris.

#### COMMITTEE AND COMMISSION REPORTS

#2332

Public Works - Bids on 95th Street and 1975 Street Improvement Program: Bids had been opened earlier in the afternoon. Mayor Eddy said he thought bids should be opened at a Council meeting. City Attorney Winn explained that it was felt opening bids earlier would afford opportunity to tabulate them.

#2347

Councilman Watts entered the meeting at 7:32 p.m., prior to Mr. Kline's presentation of the bids.

(There was a power failure and the balance of the meeting could not be recorded.)

Phil Kline presented six bids received on time, as follows:

Union Construction Co.	\$58,291.90
Reno Construction Co., Inc.	\$63,237.76
Suburban Asphalt, Inc.	\$63,540.75
McAnany Construction, Inc.	\$65,427.12
Holland Construction Co., Inc.	\$68,049.32
Southwest Paving Co.	\$77,255.55

Mr. Kline said the engineer's estimate was \$64,810.50. On the basis of the bids, Mr. Kline recommended that the Council award the contract to Union Construction Co. in the amount of their bid. Mr. Kline stated the 95th Street portion of the low bid was \$22,769.40, leaving \$35,522.50 as the bid for the 1975 street improvement program. There was discussion that there was \$26,144.00 in the budget for street contracts. Councilman Alt said there was about \$8,000 yet to come in from the county. Councilman Watts said he felt the City could handle \$35,522.50 for the street program. Mr. Kline

June 16, 1975

reviewed the unit prices of the low bid.

Councilman Chase entered the meeting at 7:42 p.m. during discussion of the bids.

There was discussion that Reno Construction Co. was doing the job on the section of 95th Street in Overland Park. The amount in the special highway fund was discussed. Councilman Watts said projected income was \$9,000 over the actual income because income from motor fuel tax was down. Councilman Alt moved that the Council accept the contract from Union Construction Co. in the amount of \$58,291.90, which broken down would include \$22,769.40 for 95th Street and the remainder of \$35,522.50 for the 1975 street overlay program as previously presented to the Council; seconded by Councilman Watts. There was discussion that bonds in the amount of \$46,000.00 were authorized for 95th Street. Councilman Alt explained that in addition to the construction costs included in the bid, there would be costs for legal fees for bonding, engineer's fees, time of City employees and vehicles, and asphalt used for preparing the surface, but the total would be substantially under \$46,000.00. City Attorney Winn explained \$46,000.00 was the maximum authorization, but bonds would be issued in the precise amount of expense. Mr. Kline stated the low bid included the lowest unit price on all units. Motion carried. Councilman Hodes moved to authorize the Mayor to enter into the contract after the statutory bonds were put up; seconded by Councilman Alt. Motion carried.

Because much of the information to be recommended for approval by the Recreation Commission must appear ultimately in the newsletter, Councilman Henry moved that the agenda be revised to consider the Recreation Commission report at this time, to be followed by the newsletter report; seconded by Councilman Watts. Motion carried.

Recreation Commission: Jean Wise stated the proposed tennis court policies and fees were included in the copy of the newsletter. She asked for questions or suggestions. The fees were discussed. Mrs. Wise said the Recreation Commission had to generate revenue to maintain the complex and a reserve to resurface the courts. Fees of other cities were discussed. Mrs. Wise said the big question was how many people would buy memberships. She said for the caliber of the courts, the Commission felt this would be something people would feel was a bargain. She said it was estimated it would cost \$8,000 to operate the courts, plus revenue for maintenance. Mayor Eddy asked why there was no family fee proposed. Mrs. Wise said on the tennis courts every player takes up a space. She said with a yearly pass, no hourly fee would be charged. City Attorney Winn said he thought the rates were reasonable and he liked the inclusion of a rate for senior citizens. Mrs. Wise said it was projected that 1,000 persons would buy memberships. She said the Commission felt they would not break even on the pool for several years and hoped the tennis courts could hold

June 16, 1975

their own. She said the Commission had anticipated keeping swimming rates comparable to Overland Park, currently \$30.00 per family membership. Councilman Henry said he felt the City was committed to the swimming pool fees as outlined in the brochure distributed prior to the election on the recreation bonds. There was discussion that tennis memberships would be on a calendar year basis and that the balance of 1975 would be included at no extra charge in the 1976 memberships. The fact that residents were also paying a four mill levy for the recreation complex was considered. The suggestion was made of perhaps letting children play when no one else wanted to play. Councilman Alt suggested establishing a family fee, a maximum for a family, with individual fees to be paid up to that point. There was considerable discussion as to whether a resident without a yearly pass could purchase a daily pass for a nonresident guest. Mayor Eddy said he was against discrimination between yearly pass holders and residents without yearly passes on guest passes and lessons. Chief Toman said he felt it would be a problem to identify twelve year olds under the provision that children of Leawood residents under the age of twelve may play without a pass. That provision was discussed. Councilman Chase suggested having a youth day or youth time on a weekday. Referring to including the balance of 1975 in the 1976 fee, Curtis Ottinger commented that he didn't see how the City could give anything away in these times. It was agreed that the blank on the third page of the Recreation Commission article should be filled in with the words, "City of Leawood." The material was approved to "Tennis Fee Schedule."

Joyce Cartmill commented on policies of other courts on number of members a court could tolerate. Mayor Eddy suggested limiting "non-resident" to a certain number of miles radius away from the City. Councilman Crippin suggested providing for a temporary permit for non-resident guests. Mayor Eddy expressed concern about the disparity between resident non-pass-holders and their guests and yearly pass holders and their guests. Joyce Cartmill said they were trying to get away from the bumping system. Clark Ullom said he did not feel the City would have a problem with guests unless bumping was permitted. There was considerable discussion as to whether a non-pass-holding resident should be the same as pass holders on guests. Councilman Crippin suggested open courts at different periods during the day, giving pass holders prime time privilege. At the suggestion of Councilman Chase, the Council agreed to add "rules to be promulgated" after "\$1.50 per non-resident guest." Councilman Crippin requested that the Recreation Commission consider a small amount of "freebee" time. It was agreed a pass holder guest could be from anywhere. It was agreed that a \$1.50 guest fee was high enough. Councilman Alt moved to amend the yearly fees shown to a maximum of \$60.00 per family; seconded by Councilman Henry. Motion carried. Councilman Alt moved that all residents of Leawood have the privilege of bringing guests to the tennis courts; seconded by Councilman Henry. Motion carried, three councilmen abstaining, two

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voting no, two voting aye, and the Mayor breaking the tie in favor of the motion. Councilman Chase moved that the last three lines of the third page of the Recreation Commission article be deleted; seconded by Councilman Alt. Motion carried. Councilman Watts moved that the Council approve the draft of the Recreation Commission except where previously amended by motion; seconded by Councilman Chase. Policies were discussed further. It was agreed that in the second provision under "Policies" the word "weekdays" should be changed to "weekends." Councilman Hodes moved to amend the motion by deleting the sentence, "Should the chalkboard not be available, players will govern themselves." Seconded by Councilman Watts. Motion carried. Whereupon, Councilman Watts' motion, as amended, carried. Councilman Alt thanked the Recreation Commission members for the work they had done on promulgating the policies and fees.

Newsletter: Councilman Henry presented for Council approval a draft of a newsletter to be sent out the last week of June. He explained the Committee proposed to combine and consolidate the City newsletter and the Recreation Commission newsletter, and that it be published quarterly beginning with the summer issue. He said the estimated maximum cost was \$600 per issue. Councilman Henry presented a sample of the format, to be a four panel self mailer on a better grade of paper, canary color with brown printing, using lettering available to the Recreation Commission. He said the content would be as submitted except for information from the Mayor. Mayor Eddy said he would include something with regard to the one-half cent sales tax proposal and the alternative to go before the Board of Tax Appeals on public safety needs. Following discussion, Councilman Watts moved for approval of the newsletter; seconded by Councilman Chase.

The Council agreed to insert "The Johnson County Sun" following "official city newspaper" on page two. Mayor Eddy said he would include in his article that homes association presidents receive copies of both the Council and Plan Commission agendas. Under "Official City Map", Councilman Hodes suggested that "City" in the second line be changed to "City's", and that "is" be changed to "was" in the remainder of the paragraph. In the article regarding American Revolution Bicentennial, the Council recommended that the Committee show the sales tax separately. There was discussion that mounting hardware was not included with the flags but it had been suggested that hardware be available. Frances Farrar reviewed changes and additions to the list of flags recommended by Mr. Stueck, committee chairman. The Council agreed to include what the Bicentennial Committee suggested regarding the flags.

Mayor Eddy suggested on the first page of the newsletter draft that the words "The City officials and employees" be substituted for the words "The members of your City Fire Department," and in the paragraph on building permit information, that "Any contractor participating in a project must have a City occupation license" be added in some manner. Motion to approve the

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newsletter carried. Councilman Watts stated it was assumed that the Council intended to permit amendments suggested.

Ordinance Accepting Deed from Planned Communities Dedicating Land for Public Right-of-Way (First Reading): City Attorney Winn explained Saul Ellis was deeding right-of-way required by the City in connection with his development at 111th and Roe. Councilman Alt further explained the location of the property, and that the width of the street right-of-way would be 110 feet. Councilman Crippin suggested that in the legal description the name of the street be indicated. Mayor Eddy further suggested that a sketch be submitted.

Public Safety:

Resolution No. 354 Authorizing Traffic Control Installation - 85th Terrace and State Line: Councilman Watts read the proposed resolution, stated it was to time the light with other lights along State Line, and moved adoption of Resolution No. 354 authorizing Kansas City Power & Light Company to commence installation at 85th Terrace and State Line according to the specifications attached to their work order No. 5 under Ordinance 423; seconded by Councilman Hodes. Resolution No. 354 was adopted unanimously. A copy is attached hereto as part of the record.

Discussion of Pending Second Traffic Squad Grant: A letter from Chief Blume dated June 12, 1975, outlining the grant and the financing thereof had been distributed. Chief Blume requested permission to proceed with implementing the grant to provide two additional police officers and one additional clerk, and recruiting the necessary personnel upon receipt of official notification from the State of Kansas that the funds were available. Councilman Hodes moved that the Council authorize the Chief of Police to hire necessary personnel in line with this grant; seconded by Councilman Henry. Motion carried.

Status Forms - Fire Department: Councilman Hodes presented the status form, and on motion by Councilman Lyons, duly seconded, the following reclassification and salary increase was approved:

Jack C. Scott, from Firefighter Probationary at \$735 per month, to Firefighter First Class at the rate of \$765 per month.

On motion by Councilman Lyons, seconded by Councilman Hodes, the following reclassification and salary increase was approved:

Edward M. Cosgrove, from Firefighter Probationary at \$720 per month, to Firefighter First Class at \$750 per month.

Discussion of Proposed Street Markings on 95th Street Past Ranch Mart Area: Councilman Watts presented a drawing showing

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The original proposal with a turn lane down the center and an alternate drawn up with a separate lane for left turns at each major intersection. He said the Public Safety Commission approved the second alternative. He explained there would be no left turn into the entrance by the donut shop and no left turn into the filling station from 95th Street. Councilman Hodes moved for approval of traffic markings shown in Plan B on the drawing displayed; seconded by Councilman Watts. Motion carried. Mr. Sirchia was requested to write a letter for signature by the Mayor to transmit approved traffic markings to Overland Park.

Budget and Finance: Councilman Watts announced that the meeting scheduled for Wednesday, June 18, had been changed to Thursday, June 19. He said he had reviewed the forecasts, and calculated carryover would be only about \$20,000. He said he had not included revenues that could come from the one-half cent sales tax if it passed. ~~He encouraged councilmen to attend the meeting on June 19.~~

#### MAYOR'S REPORT

American Red Cross Disaster Agreement: Postponed.

Appointment to Bicentennial Committee: No appointment.

Permits and Fees: Councilmen were asked to report people operating in the City to determine if they have an occupation license. Chief Blume asked that citizens call the police directly about people peddling, especially driveway sealing.

#### NEW BUSINESS

Resolution No. 355 to Make Application to the State Board of Tax Appeals Requesting Authority to Suspend Tax Levy Limitation: The proposed resolution, as an alternative to the county sales tax, to authorize application to the Board of Tax Appeals to suspend the tax levy limitation in an amount not to exceed 3.5 mills for a period not to exceed three years, was discussed. There was discussion that it would provide \$100,000 for minimum staffing of the second fire station and \$65,000 for four policemen. City Attorney Winn said it would be an appeal for the bare minimum on an emergency basis to fill the fire station and provide needed police coverage. Councilman Watts said the thinking was that if passed, the sales tax would cover the emergency needs of the City. On motion by Councilman Watts, seconded by Councilman Alt, Resolution No. 355 was adopted unanimously. A copy is attached hereto as part of the record.

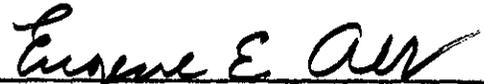
Resolution No. 356 Endorsing Sales Tax: Since the county was bringing the sales tax question before the electors and it would bring in \$169,000 of revenue to the City, Councilman Alt moved that the Council adopt the resolution endorsing the one-half of one per cent county sales tax to be presented to the voters July 15, 1975; seconded by Councilman Chase.

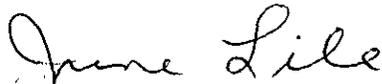
June 16, 1975

Wording of the resolution was discussed. Councilman Chase moved that the resolution be amended by deletion of the third and fourth "Whereas" clauses; seconded by Councilman Lyons. Motion to amend carried, Councilman Watts opposed. There was discussion that this was a tax for the City which would expand with the economy and it was one way to more broadly base the applicability to people. Resolution No. 356 as amended carried. A copy is attached hereto as part of the record.

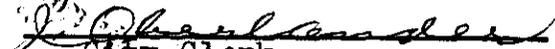
Resolution No. 357 of Intent to Combine the Park and Recreation Commissions: City Attorney Winn said combining the park and recreation commissions involved an extra one-half mill levy, so the people were allowed protest time. He said the purpose of combining the commissions was not to levy the extra portion of a mill but to bring more control of expenditures to the Council. There was discussion that the Recreation Commission would remain autonomous and would approve all programs. City Attorney Winn said an outline of duties and responsibilities would have to be worked out. Councilman Crippin moved adoption of Resolution No. 357; seconded by Councilman Alt. Resolution No. 357 was unanimously adopted. A copy is attached hereto as part of the record.

At 10:29 p.m., on motion by Councilman Alt, seconded by Councilman Lyons, the meeting adjourned to Monday, July 7, 1975, 7:30 p.m.

  
\_\_\_\_\_  
President of the Council

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

July 7, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, July 7, 1975, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council Eugene E. Alt presiding in the absence of the Mayor. Roll call was answered by Councilmen Henry, Alt, DeKinder, Crippin, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, City Treasurer Pendleton, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Henry, seconded by Councilman Watts, the minutes of the meeting of June 16, 1975, were approved as submitted.

Visitors: Mrs. Robert J. Plesky, Carolyn M. Pursel, Sally Voyatzis, Tube Kamerman, Frances Wallas, Mr. and Mrs. C. E. Webber, Mrs. Hazel Esler, Mr. and Mrs. C. E. Griffin, Stanford and Hilda Giles, Fran Caravelli, Jan Watts, Mr. and Mrs. Tom Atherton, R. S. Oltremar, Bruce Davidson, George Raupp, Charles I. Budd.

#2422

Presentation of Proclamation to U. S. Army Representative: Councilman Alt read the proposed proclamation. Upon motion by Councilman Watts, seconded by Councilman Hodes, the period June 14, 1975, through December 31, 1976, was declared THE AMERICAN REVOLUTION AND UNITED STATES ARMY BICENTENNIAL PERIOD. President of the Council Alt then presented to Sergeant Stanford Giles the proclamation on behalf of the Mayor and all the citizens of Leawood.

#### REPORTS

#2465

Treasurer: Mr. Pendleton reported the Budget and Finance Committee was working on next year's budget. He said two investments came due and were reinvested in ninety-day Treasury bills. He said it was planned that bank representatives attend a Budget and Finance Committee meeting this summer.

#2482

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Henry.

#2487

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Henry. Chief Toman reported two roofs were damaged by bottle rockets (damage limited to \$500 each) and two false alarms, one for fire and one for rescue car, were turned in by irate neighbors to draw attention to shooting of fireworks.

July 7, 1975

#2517

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Watts, seconded by Councilman DeKinder.

#2528

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Lyons. Councilman Lyons asked the timetable on overlaying of 95th Street. Councilman Alt said within the next few weeks it was expected that the Leawood portion would be completed. Mr. Gray stated his department had completed all its preparation work on 95th Street. City Attorney Winn stated the contracts had been signed and approved. Councilman Hodes expressed concern about the drop in some places from the top of the overlay to the shoulder. Mr. Gray said after the overlay, his department would go over the Leawood portion and fill in the shoulders where needed. Councilman Hodes suggested that there be communication with Overland Park to suggest that something be done on their section to bring the shoulder up to finish grade.

#### COMMITTEE AND COMMISSION REPORTS

#2567

Budget and Finance: Councilman Watts distributed revisions to original budget worksheets distributed earlier. He said with budget tips from the League of Kansas Municipalities he was a little less conservative, so projected revenues were up \$17,500 and carryover was up almost \$14,000 over what he had projected earlier, so that rather than a deficit, there was an excess of \$14,687 if the projections were correct. He said the budget included no capital expenditure item and no expansion of police and fire protection with the exception of the traffic squad grant. He reported the Budget and Finance Committee decided to move the \$9,400 Workmen's Compensation item out of the General Operating Fund and make a special levy for it. He said the levy for Social Security and Retirement Fund could be reduced to compensate for the slightly increased levy for Workmen's Compensation. The shift would add \$9,400 to the General Operating budget. Councilman Watts said it was proposed that the \$9,400 plus the \$14,600 excess plus \$35,000 built into the budget for compensation for City employees, or a total of \$59,000, be made available to department heads in proportion to compensation paid to employees in their departments, to use wherever they see fit, rather than providing a flat increase for City employees. He said alternate budgets would be prepared, one as outlined above, one with county sales tax revenue of \$169,000 (to be used if it passed on July 15), and one levying  $3\frac{1}{2}$  additional mills for additional fire and police protection (amounting to \$154,000) if authorized by the Board of Tax Appeals (which would not be requested if the one-half cent county sales tax is approved). He emphasized the importance of attendance at the July 21st Council meeting when the budget would be approved. Councilman Watts said all department heads and city employees had been very cooperative and helpful in preparing the budgets. Councilman Alt encouraged the public to attend the public hearing on the budget to be held on August 12.

July 7, 1975

#2750

Gas Service Company Franchise Ordinance (First Reading): Councilman Alt and City Attorney Winn explained that the ordinance was to extend the franchise of the Gas Service Company for another twenty years, and Mr. Winn said it was a fairly perfunctory matter to grant the franchise.

#2770

Ordinance No. 489 Accepting Deed from Planned Communities (Second Reading): Councilman Crippin explained that the ordinance dedicated property of Planned Communities Corporation for public right-of-way along Roe Boulevard and 11th Street. Councilman Crippin moved that the ordinance providing for acceptance of deed from Planned Communities dedicating certain parcels of land for public use as public right-of-way be approved. Ordinance No. 489 was adopted unanimously.

#2794

Parks: Councilman Alt reported duties of the homes associations had been reviewed relating to upkeep of islands, care of trees in rights-of-way, etc., and an article would be prepared for the newsletter. He said the Commission was taking a look at the small park areas in conjunction with the Recreation Commission to determine what disposition should be made. The role of the homes associations was discussed.

#2881

Public Safety - Petition Relative to Dog Control: Councilman DeKinder stated Mr. and Mrs. Atherton met with the Public Safety Commission and described a situation in which their young son was badly bitten by a large dog, and a number of people had brought to the attention of the Commission problems with the current dog control ordinance. He introduced Tom Atherton who said he was informally representing people in the room and others who had signed a petition to bring to the Council's attention the concern they had over the current ordinance dealing with dogs, specifically with running at large and the definition of a vicious dog. He said his son was attacked by a dog on the way home from school, the dog had intimidated other people, yet was returned to its owner. Mr. Atherton said the definition of running at large had many interpretations and was difficult for the police to enforce. He asked that the Council consider the penalties for owning a dog picked up running at large, he felt the fines were too small. He suggested strengthening of the definition of a vicious dog, and asked why a dog declared vicious had the right to be returned to its owner to attack again. Mr. Atherton presented the petition asking the Council to reconsider the ordinance dealing with the vicious dog definition and with a dog running at large. The Council discussed the dog control problem. Councilman DeKinder said the Council could write a much stiffer ordinance but it still would come down to the willingness of citizens to sign a complaint and take their neighbor to court. City Attorney Winn said another problem was what agencies were available to give dog control and where would the City get the money to pay for a first-class dog catching situation. Councilman DeKinder moved that the City Attorney

#3180

July 7, 1975

be directed to study the existing animal control ordinance, including those sections dealing with other types of animals, for the purpose of obtaining sample copies, drafts or suggestions on possible improvements for study by the Ordinance Committee and the Public Safety Commission to effect a strengthening of the present animal control ordinance of the City of Leawood; seconded by Councilman Lyons.

#3257

A gentleman in the audience asked how many dog licenses were issued by the City. The City Clerk indicated last year about 1,050 were issued. Another gentleman objected to having to sign a complaint to have action taken. Mr. Atherton asked consideration of how many dogs were unregistered and how many households had more than two pets. Councilman Henry asked that the committee consider the feasibility of taking a door-to-door dog census. Mrs. Atherton said when the committee was considering the ordinance, she felt the responsibility should be placed on the owners to keep their dogs at home and under control, not on neighbors to file complaints. Mrs. Plesky said she had lived across the street from a vicious dog for eight years, had been in court twice, and the dog still ran loose. Another gentleman said he thought the Council should consider what right property owners had to keep dogs off their property. Gil Webber said he thought the City was overpopulated with dogs and there had been a lion and a bear in the City. He said he would like to see something done with the dog law. He said he did not feel he should be responsible to make a written complaint. Mr. Atherton said he hoped a timetable would be placed on the project so it would not be prolonged. Councilman Lyons commented on the attitude of citizens the last time dog control was brought before the Council. Councilman Hodes assured those present that the Council was charged with the responsibility of reviewing the ordinance to seek a way of keeping dogs on their front lawn, a way of removing vicious dogs, a way of protecting the life and limb of residents. He pledged his support to try to revise the ordinance so it would be more realistic and more enforceable. Chief Blume stated on a misdemeanor violation, unless a law enforcement officer observed the animal violating the ordinance, there was literally nothing the police could do under the Constitution and law of the United States unless a citizen was willing to formally complain in writing.

#3512

#3552

There was a short recess to reverse the recording tape.

Side 2  
#0

Dog Control (continued): Councilman DeKinder's motion carried unanimously. City Attorney Winn stated he could carry out his portion by the first meeting in August. Mr. Alt thanked Mr. and Mrs. Atherton and the public for their input at this meeting.

#11

Public Safety - Notification of Approval of Traffic Enforcement and Services Grant: Councilman Alt noted that the Governor had notified the City that its traffic safety project had been approved. Councilman DeKinder explained that the grants dealt with an extension of the grant for this year for one

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month, and a new grant which would pay for two officers and a clerk.

#20

Status Forms - Police Department: Councilman DeKinder presented the status forms and stated they were to fill two of the three positions covered by the foregoing grant. On motion by Councilman DeKinder, seconded by Councilman Hodes, the following employment was approved:

Maurice P. McCarthy, as Patrolman, at the rate of \$800 per month.

On motion by Councilman DeKinder, seconded by Councilman Hodes, the following employment was approved:

Mary J. Keyes, as Police Court Clerk, at the rate of \$440 per month.

Chief Blume stated he was waiting for a report from a polygraph operator and psychologist before making a final recommendation on the third position authorized. Since it would cost the City seventy-five per cent of the cost of the position each day it remained unfilled, Chief Blume requested authority to temporarily employ an individual, subject to subsequent Council approval. Councilman DeKinder moved that Chief Blume be authorized to make a job offer to a qualified applicant subject to Council approval to facilitate use of the grant without loss to the City of Leawood; seconded by Councilman Hodes. Motion carried.

#38

Since two visitors came in late, Councilman Alt moved that the agenda be changed to let the two visitors speak; seconded by Councilman DeKinder. Motion carried.

#43

George Raupp, 3404 West 97th Place, said since ninety per cent of the people of Leawood lived north of I-435, why not build the fire station north of I-435 and contract with Kansas City for the south area? Councilman Alt explained that <sup>the</sup> site at 127th and Mission Road <sup>that</sup> had been purchased by the City <sup>was also the location</sup> as recommended by a special committee and Lawrence-Leiter Company. Councilman DeKinder explained the City had cooperated with other cities in a mutual aid pact. He said using the same population growth as occurred 1960-74 extended over the next ten years, it would be fiscal irresponsibility to build a fire station north of 107th Street. Mr. Raupp said he didn't think it was fiscally responsible to make that kind of expenditure for 250 homes. Councilman Alt added that the City had zoned and platted a considerable number of tracts in the southern part of the City for housing and commercial developments, and it would not be very long until the population there would be as great as the north. Charles I. Budd said he was just visiting but asked for clarification of population figures used in the discussion with Mr. Raupp.

#118

Public Works - Report on 95th Street: Councilman Alt said unless there were further questions, the questions already asked concerning 95th Street covered the report.

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#122

Recreation Commission - Request for Authorization for an Addendum to Contract for Removal of Debris: Jean Wise stated the Commission was requesting authorization for an addendum to the contract with T. J. Construction Company for a revised price of \$4,285. She explained the original price was \$2,900. There were two reasons for the increase: (1) an additional \$485 to cover what had been dumped since the June 2nd Council meeting, and (2) \$900 to cover the junk with eight to twelve inches of soil once it was put in the borrow pit. She said the latter was an error on her part in reporting at the June 2nd meeting, it was afterward pointed out that this was not part of the deal. The additional dumping was discussed. Councilman Alt stated he had had a "no dumping" sign posted, citing the ordinance, and the Mayor had sent letters to the utility companies, etc. advising that dumping would no longer be permitted. The bid for removal and covering of the debris was discussed. Councilman DeKinder moved that the Council rescind the original authorization to the Recreation Commission in the amount of \$2,900 for cleaning up of the debris at the new park site; seconded by Councilman Watts. Motion carried. Councilman DeKinder then moved that an addendum to the contract with T. J. Construction Company be prepared in the amount of \$4,285 for the purpose of cleaning up the debris at the park site and covering it with an appropriate amount of soil; seconded by Councilman Watts. Motion carried.

#208

#225

Recreation Commission - Approval of Landscaping Contract: Jean Wise requested authorization for the Mayor to sign the landscaping contract. She said four bids were taken on June 5th and the architect had recommended acceptance of the low bid of Holsinger Nursery. She explained the bulk of the work would not be done until between September 1 and November 1, and the guarantee was until leafing out occurred in the spring, as provided in the specifications. Other bids were: Suburban Lawn & Garden, \$17,595.00; Colonial Nursery, \$17,836.00; and Rosehill Nursery, \$20,544.00. Councilman Hodes moved that the Council approve the Holsinger Nursery contract in the amount of \$16,480.00 for the landscaping of Leawood Park; seconded by Councilman Henry. Motion carried.

#241

Councilman Hodes left the meeting at 9:44 p.m.

#### MAYOR'S REPORT

#265

American Red Cross Disaster Agreement: City Attorney Winn stated the agreement was the standard Red Cross agreement, really a unilateral statement of what they would do in case of a disaster, and the City was not obligated to do anything other than to render cooperation with that agency. He said the City would not lose control of its own police and fire situation. Following discussion, Councilman DeKinder moved for approval of the Red Cross disaster agreement; seconded by Councilman Lyons. Motion carried.

#290

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#295

Report on Council of Mayors Meeting: Councilman Alt reported he had attended the Council of Mayors meeting on July 2nd where the vote was unanimous to support the one-half cent county sales tax. Councilman Alt reported that at its next meeting the Council of Mayors would appoint MARC representatives. He said Judge Bill Haynes of the Juvenile Court reported fifteen per cent of all the seventeen year olds in Johnson County, and sixteen per cent of all sixteen year olds, appeared before his court last year. Judge Haynes stressed the need within the cities for a qualified juvenile officer.

#320

Announcement of Hearing Before Board of Tax Appeals: City Attorney Winn announced that the City's hearing before the Board of Tax Appeals was scheduled for July 22 at 10:00 a.m.

OLD BUSINESS

#334

Resolution No. 358 Pertaining to 111th Street: City Attorney Winn reported the project was now complete and the final costs certified. He reported the total project cost was \$103,035.61 of which Mr. Douthat would bear seventy-nine per cent. He reviewed the project costs. City Attorney Winn said the resolution before the Council was a resolution notifying the property owner, Mr. Douthat, that the matter of the assessment of his land would be taken up on July 21st at 7:30 p.m., and that the City Clerk be instructed to give written notice and to publish notice of that hearing. On motion by Councilman Lyons, seconded by Councilman Watts, Resolution No. 358 was unanimously adopted. A copy is attached hereto as part of the record.

#359

Appropriation Ordinances: Councilman Crippin referred to an item in the appropriation ordinance for payment to Shafer, Kline & Warren for services to the end of June in the amount of \$675. He said the official city map had been completed but there was an additional \$200 due Shafer, Kline & Warren. He recommended payment of the \$675 for the June billing with the understanding that there would be an additional billing of \$200. The map was displayed and discussed. Councilman Crippin said lot and block numbers were shown on the map which created some problems with a map that could be reduced and printed and still be readable. He estimated drafting and printing of a small map would cost \$2,500 to \$3,000.

Appropriation Ordinances Nos. 343A and 331S in the amounts of \$131,512.58 (including \$60,000.00 in investments) and \$738,150.74 (including \$730,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Watts.

#417

Discussion of Official City Map: City Attorney Winn stated a new ordinance would have to be prepared incorporating the new map by reference. Councilman Alt suggested that the Plan Commission consider printing of a pocket map of the City, and make recommendation to the Council.

July 7, 1975

NEW BUSINESS

#445

Appointment of Member of CATV Committee: Councilman Alt nominated Councilman Henry as a member of the Cable Television Committee; seconded by Councilman Watts. Motion carried.

#452

At 10:10 p.m., on motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Monday, July 21, 1975, 7:30 p.m.

Ernest E. Alt  
President of the Council

Jane Lile  
Council Reporter

Attest:

Herb Maddox  
City Clerk

July 21, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, July 21, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Alt, DeKinder, Crippin, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Hearing to Consider Proposed Assessments for Improvement of 111th Street: A certified cost summary of the project had been distributed, showing total cost of \$103,035.61. City Attorney Winn explained there was only one owner of the entire acreage, E. M. Douthat, and that Mr. Douthat had called to say he was not feeling well and would not appear at this hearing, and was not taking any issue whatsoever with the assessment. He said the City was assessing him \$35 per front foot abutting 111th Street, or \$89,906.60; the balance to be paid by the City. Mr. Winn said Mr. Douthat would have until August 4 to pay the entire amount or the assessment would be levied as a special tax against his property and the City would issue bonds to cover. City Attorney Winn recommended passage of the ordinance levying the assessment upon the property on an emergency basis so that bonds could be sold. He said the City was empowered to sell less than \$100,000 in bonds at private sale which would mean the City would not have to prepare a prospectus and do all the advertising necessary for a larger issue.

Councilman Chase entered the meeting at 7:35 p.m. while the City Attorney was explaining the assessment.

Councilman Alt moved that the Mayor be authorized to approve the certified cost summary of Project ST. 74-2 for improvement of 111th Street; seconded by Councilman Crippin. Motion carried.

#497

Ordinance No. 490 - Levying Assessments for the Purpose of Paying a Portion of the Cost of Improvement of 111th Street:

#523

Councilman Alt moved that an emergency be declared to pass the ordinance for the improvement of 111th Street; seconded by Councilman Watts. Motion carried. Councilman Alt moved that the ordinance levying assessments on lots, pieces and parcels of land in the City of Leawood, Johnson County, Kansas, for the purpose of paying a portion of the cost of the improvement of 111th Street be adopted. Ordinance No. 490 was unanimously adopted. Councilman Alt moved that the Council authorize the City Attorney to solicit bids for sale of bonds for the improvement of 111th Street in an amount not to exceed \$100,000; seconded by Councilman Lyons. Motion carried.

#538

Minutes: Councilman Hodes moved that the minutes of the meeting of July 7, 1975, be approved as submitted; seconded by Councilman Lyons. Councilman Alt moved that the minutes be amended on page 1935 by striking "that a site at 127th and Mission Road had been purchased by the City as recommended by a special committee and Lawrence-Leiter Company," and substituting therefor, "that the site at 127th and Mission Road that had been purchased by the City was also the location recommended by a special committee and Lawrence-Leiter Company"; seconded by Councilman Watts. Motion carried.

#557

Visitors: Mrs. John Watts, Phil Haydon, George R. Haydon, Jr., Joseph W. Fitzpatrick, Mrs. Bobby Neal, Mrs. Ronald E. Gier, Ron Gier, Randy Gier, Mr. and Mrs. Pearl Scott, Jean Wise, Fred Krebs, Jeanette Harriman. Members of the Press: Bob Fiser, John T. Davis.

#565

Bobby Neal, 2812 W. 91st Terrace, asked permission for riding of go-carts in the park area between the houses and the creek near her home. Mayor Eddy asked that the request be made in writing and submitted to the Public Safety Commission and, if necessary, the Recreation Commission. Ron Gier stated he had written a letter concerning permission for riding of go-carts in the same park area. He said he had been turned down, the reason given being that it was against the law and landowners near the area did not want people riding such vehicles. He emphasized that it was hard to find a place to ride go-carts during the week. Mayor Eddy said he had misinterpreted Ron Gier's letter to mean in a public area where a license would be required. The Mayor said he would like to see a policy set forth by the City Council concerning go-carts. Councilman DeKinder stated the matter would be considered at the Public Safety Commission meeting on August 13th.

#635

Comments with Reference to Expansion of Indian Creek Sewer Plant: Councilman Watts stated this matter was being brought up because there were some options involved in the expansion of the treatment plant and the citizens had the right to know what the options were. He said the options, as he saw them, were (1) to expand the Indian Creek sewer plant at a cost of at least \$18,000,000 to take care of sewer treatment for much of Johnson County, and (2) to tie into the Blue River interceptor in Kansas City, Missouri. He introduced Joseph Fitzpatrick who stated he was appearing as an interested citizen of Leawood. He said he was Regional Administrator for the Missouri Department of Natural Resources. He said he felt there was misinformation circulating about the necessity to expand the Indian Creek sewage treatment plant and the amount of the charge by Kansas City to citizens of Johnson County to take care of their sewage. Mayor Eddy agreed with Mr. Fitzpatrick that the City of Leawood had had excellent relations with the City of Kansas City, Missouri, concerning the matter of sewage treatment. Mr. Fitzpatrick pointed out, from the

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environmental impact statement concerning expansion of the treatment plant, that it appeared that the long range solution was to transport the sewage into one of the other basins and ultimately to a large water course; that the statement indicated that the expansion of the Indian Creek plant should take place on an interim basis. He pointed out changes had taken place, including that Federal funds for construction of sewage treatment facilities which were impounded had recently been released, and Missouri had now given a priority to construction of the interceptor sewer. So the interceptor sewer would be available in about the same time frame as the sewage treatment plant could be expanded. He said the environmental impact statement referred to odor problems and he said these problems would continue to occur unless preventative measures were taken, estimated to cost \$15,000,000. He said it would be a lot more economical to tie in with Missouri. He said he hated to see Leawood become the sewage capitol of Northeast Johnson County. He said he felt the position of the City of Leawood should be reaffirmed on a stronger basis, and recommended that the City take strong action to prevent expansion of the treatment plant, even to an injunction, because it would degrade property values. He indicated the conditions were that the overall situation be carefully studied and the most equitable and cost effective solution prevail as far as EPA was concerned, and if it did not, he was certain a lot of citizens were going to take this matter on up. In answer to question by Councilman Watts, Mr. Fitzpatrick stated Don Boyd had said the interceptor to the lift station at 87th Street would be constructed with capacity to take care of Johnson County; that the only link undecided upon would be about 5,000 feet of sewer to get it on over. Mr. Fitzpatrick stated Mr. Boyd indicated the charges would be identical to the service area in Johnson County as it was to its own citizens. Mr. Fitzpatrick said Missouri would allocate Federal and State funds for the construction of the Blue River interceptor to within 5,000 feet of the Indian Creek sewage treatment plant.

#800

There was discussion that none of the proposed plans mentioned closing of the Indian Creek sewage treatment plant; that there could possibly be open settlement basins which from an odor standpoint could be more serious than any problems there at this time. Mr. Fitzpatrick stated the Johnson County Commissioners and Overland Park had requested an environmental impact statement on the Blue River sewer project. He said the request, if it went through, would delay the project. City Attorney Winn stated that a proper expansion of the plant might be less of a nuisance to surrounding residents than use of the plant for wet weather overflow. Mr. Fitzpatrick said he would highly recommend that Leawood reaffirm its position insofar as studying a reasonable plan, and would like to see the Council go on record as having concern about the odor problems, and indicating that the final environmental impact statement was not valid at this time because conditions

July 21, 1975

had changed, the interceptor sewer would be available, and there was no reason for an interim expansion of this plant. Mayor Eddy referred to Resolution No. 1075 of Overland Park and said he was appalled at the action which could in effect delay solution of our City sewage problems.

#943

Councilman Watts said he understood Kansas City was willing to give Johnson County a permanently non-cancellable contract for handling the sewage at the same rate they charged their own citizens. Mayor Eddy indicated there was a committee studying Leawood's problem, and he would try to get more information by the next Council meeting. Councilman Alt stated he had talked with Mr. Boyd and ascertained that Kansas City was ready to go ahead within four months and they had to go ahead to build the Blue River pump station and interceptor whether or not there was participation by Johnson County. Councilman Alt said Mr. Svore, Regional Administrator of EPA, told him if permission were given to go ahead with expansion of the Indian Creek plant, it would not be termed an "interim" plant, but a permanent one. The Council agreed that it and citizens of Johnson County needed to get the whole story. Mr. Fitzpatrick offered to help in any way he could.

#### COMMITTEE AND COMMISSION REPORTS

#1021

Sewer: Councilman Chase reported it was official with respect to the interceptor on the Missouri side; that Leawood had a plan prepared by consulting engineers Shafer, Kline & Warren for a gravity system of interceptors delivering waste water to Kansas City at or near the state line. Councilman Chase read from a letter from Mr. Kline to Mr. Bailey of the State of Kansas that Mr. Boyd and Mr. Jackson of Kansas City found Leawood's engineers' recommendations acceptable and reaffirmed their willingness to provide the additional capacity as soon as the Blue River project was implemented. The Council discussed the need for a written timetable. Mayor Eddy said he would urge all Leawood residents to protest to the Environmental Protection Agency about Overland Park's Resolution No. 1075. Mayor Eddy requested that Bob Sirchia get a copy of the planning grant and a copy of Kansas City's timetable.

#1064

Agreement with Kansas City re Foxcroft Sewer Line: Mayor Eddy stated the City did have an agreement to get rid of the Foxcroft sewer line but there was one item concerning maintenance of the line to be straightened out and corrections made in the pump station, then Kansas City would take over maintenance. The agreement will be brought before the Council later.

Mayor Eddy introduced Fred Krebs, Leawood's Recreation Director.

July 21, 1975

#1071

Resolution No. 359 - Endorsing and Supporting Immediate Implementation of Plan for Construction to Provide Additional Capacity for Leawood and East Blue River Area of Kansas City: Mayor Eddy read the proposed resolution, changing the word "affluent" to "effluent" in the first paragraph. Following discussion, on motion by Councilman Watts, seconded by Councilman Alt, Resolution No. 359 was unanimously adopted. A copy is attached hereto as part of the record.

#1150

Budget and Finance: Copies of the proposed 1976 budget for the City had been distributed. Councilman Watts reviewed the timetable on the budget, to be approved by the Council at this meeting, published on August 1, public hearing on August 12; final approval on August 18, filed with County Clerk on August 27. He reviewed the budgeted expenditures, pointing out that expansion of the Police and Fire Departments was built into the budget, bringing the general fund to \$1,051,000. He reviewed estimated revenues. He pointed out county sales tax of \$172,159 was added. He cautioned that the motor fuel tax fund of \$90,000 was a very optimistic estimate. He said he had kept the items in the Parks and Recreation budget separate even though it was one item. He added a calculation of actual mill levies. The total mill levy, excluding bonded indebtedness and based on an assumed assessed valuation of \$44,000,000, would be 11.806 mills, compared to about 12.3 mills last year. He pointed out that the City received only \$519,000 from ad valorem taxes. Councilman Watts explained the capital improvement fund in the city administrator's budget of \$25,266. He said this generally had been the City's contingency fund but this year that fund was designated for use by department heads for increased compensation to city employees.

The Council discussed the budget. It was suggested that "capital improvements" be changed to "capital improvements and equipment." Councilman Alt pointed out that the parks budget included one additional full-time employee. Councilman Watts stated the total amount in the sewer fund was budgeted in case it was needed, including a new construction account of \$491,000 which would be spent soon to take care of the sewer improvement projects needed. Mayor Eddy said he thought it was time the sewer department came up with some of its own equipment. Councilman Watts pointed out that intangible tax income was expected to increase from \$150,000 this year to \$240,000 for 1976 because the cities' share of intangible tax was increased, plus some growth. He said the intangible tax increase and the county sales tax made the budget balance. He said his committee would be working hard with department heads to try to generate some carryover into the next year because they could foresee a financial crisis. Councilman Watts moved approval of the Leawood budget for 1976 as proposed with one change on page 12, where the line item for Federal Revenue Sharing would be changed to read "Capital Improvements and Equipment"; seconded by Councilman Lyons. Motion carried.

#1548

July 21, 1975

- #1558 Ordinance Granting Gas Service Company Franchise (Second Reading): The matter was discussed. City Attorney Winn stated state statute required three readings on such an ordinance. Second reading of the ordinance was approved.
- #1617 Ordinance re Fee for Sale of Cereal Malt Beverage: Mayor Eddy asked if the City Attorney had looked into a charter ordinance such as was passed in Western Kansas exempting the city from state statute to charge up to \$150 for cereal malt beverage licenses. Councilman Lyons said he had read the statute and he believed the action of the Western Kansas city was in error. The first reading was deferred to allow the City Attorney time to check the legality of such an ordinance.
- #1652 Ordinance re Unlawful Discharge of Firearms (First Reading): Councilman DeKinder stated the Public Safety Commission recommended that the ordinance be revised in response to a letter from the Saddle & Siroloin Club, to change the time for shooting from 10:00 to 3:00, to 10:00 to 5:00. First reading of the ordinance was approved.
- #1667 Parks: Councilman Alt reported the pile of junk had been moved. There was discussion that there still was a mound. Councilman Alt said it appeared that it had been built up as a dike for the playing field. He said it would be bladed down and seeded. He said the overlay on Lee Boulevard probably would not be taken beyond 105th Street because the heavy equipment had torn up the asphalt at the bridge. Referring to the minutes of the Recreation Commission, Mayor Eddy said he had a question as to why the Recreation Commission would decide that people from outside the City should be able to purchase passes. He said two or three people named were very well paid for the work they did. Jean Wise said the Recreation Commission felt all those people had been very instrumental in some phase of development of the park.
- #1713 Public Safety - Briefing re Feasibility of Acquiring Motorcycle for Police Department: Councilman DeKinder stated he wanted the Council to be aware the Public Safety Commission was studying the practicality and cost savings of possibly utilizing a motorcycle officer in traffic control. He said a presentation on the cost effectiveness would be deferred until the next meeting.
- #1721 Public Safety - Resolution No. 360 - Prohibiting Right Turn on Red at 83rd and State Line Road: Councilman DeKinder reported the Public Safety Commission recommended that a resolution be adopted prohibiting right turns on red from State Line Road southbound onto 83rd Street. Councilman DeKinder moved that the resolution be adopted as recommended by the Public Safety Commission; seconded by Councilman Watts. Following discussion, Resolution No. 360 was unanimously adopted. A copy is attached hereto as part of the record.

July 21, 1975

#1748

Status Forms - Police Department: Councilman DeKinder presented three status forms. He stated Mary J. Keyes had walked out without notice. On motion by Councilman DeKinder, seconded by Councilman Hodes, the following status forms were approved:

Jack Livella, employment as Patrolman, at the rate of \$800 per month.

Debra M. Sixta, employment as Police Court Clerk, at the rate of \$440 per month.

#1786

Newsletter: Councilman Lyons reported for Councilman Henry that the next newsletter target date was October 1; any news copy should be turned in by September 1 to Fran Farrar; and copy would be approved at the Council meeting scheduled for September 15.

#1797

Public Works: Councilman Alt reported the annual street program commenced today and 95th Street would be completed to tomorrow night if it did not rain. He said the sewer pump item had been taken care of. Councilman Hodes mentioned that a no left turn sign for westbound traffic should be installed by the donut shop at Ranch Mart. Chief Blume said he would have a resolution to that effect at the next Council meeting.

#### MAYOR'S REPORT

#1825

Mayor Eddy stated to his knowledge, the City of Leawood did not have any plans to buy the Leawood South Golf Course. Mayor Eddy asked that if councilmen had something they would like to have Bill Gray do, the request should go through Bob Sirchia or Fran Farrar.

#1838

Recreation Commission: Jean Wise had left the meeting. Mayor Eddy said he had had a complaint from a citizen objecting to the guest situation. He said he would like to see the Council take an active part in the approval of any final set of rules promulgated, especially as concerned who can and who cannot play tennis. Councilman Hodes said he felt the same fee should apply to all people. The matter was discussed. City Attorney Winn suggested that a special tennis committee be appointed from the Council to meet with the Recreation Commission. Mayor Eddy noted the Council had previously approved a "Special Committee to Work with the Recreation Commission to Present Financial Aspects of Operating the Recreation Complex," but no appointments had been made. Mayor Eddy proposed that Councilman DeKinder chair such a committee, with Councilmen Hodes and Lyons as members. The name of the committee was changed to "Special Committee to Work with the Recreation Commission to Present Financial, Operational and Regulatory Aspects of the Recreation Complex." Councilman DeKinder moved that the committee previously approved be staffed by Councilman DeKinder, as chairman, Councilman Hodes, and

#1950

July 21, 1975

Councilman Lyons, for the purpose of coordinating as stated in the previously approved formation of the committee, until the combined parks and recreation commission is functional; seconded by Councilman Watts. Motion carried unanimously. There was discussion that the minutes of the Recreation Commission meeting were submitted for information.

OLD BUSINESS

#2018

Resolution No. 361 - Pertaining to Opening of Bids for Sale of \$500,000 Fire Station Bonds: Mayor Eddy and City Attorney Winn explained the resolution, that it was changed slightly over one approved by the Council earlier contingent on the bond election. Councilman Watts moved for approval of the resolution; seconded by Councilman Hodes. The previous resolution was discussed. Councilman Hodes suggested that the zip code number be corrected in the resolution before the Council. Resolution No. 361 was unanimously adopted. A copy is attached hereto as part of the record.

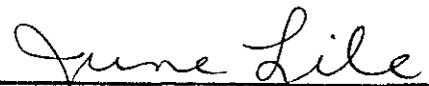
#2083

Designation of Architect for New Fire Station: Mayor Eddy asked that the Council approve an architect for the new fire station. Chief Toman stated the idea was in the cost estimate that John Granstedt would do the architectural work at approximately six per cent fee. Mayor Eddy said he was in favor of having a small building committee for the fire station. Councilman Crippin moved that John Granstedt be appointed the architect for designing the fire station; seconded by Councilman Watts. Following discussion, Councilman Watts withdrew his second. Councilman Lyons then seconded the motion. Motion carried.

#2146

At 10:55 p.m., on motion by Councilman DeKinder, seconded by Councilman Crippin, the meeting adjourned to Monday, August 4, 1975, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

August 4, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, August 4, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Alt, Crippin, Chase, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, Will Gray, Bob Sirchia, Phil Kline, the City Clerk, and the Council Reporter. City Attorney Winn arrived at 8:42 p.m.

Minutes: On motion by Councilman Alt, seconded by Councilman Lyons, the minutes of the meeting of July 21, 1975, were approved as submitted.

#### REPORTS

Treasurer: No report.

- #2154 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Hodes.
- #2174 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Hodes, seconded by Councilman Lyons.
- #2176 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Crippin.
- #2181 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Hodes.

#### COMMITTEE AND COMMISSION REPORTS

- #2204 Insurance Committee: Councilman Chase reported that recently the primary structures were reappraised and the values for which they are presently insured are well below the appraiser's estimate of their present worth. He reviewed the increases in policy limits recommended by the appraiser and said the total premium increase per year would be \$221.00. Councilman Chase moved that the City increase the amount of coverage; seconded by Councilman Lyons. There was discussion of the 100 per cent co-insurance clause. Councilman Chase said he would find out what the premium difference would be between an 80 per cent and a 100 per cent co-insurance clause. Motion carried.
- #2258 Ordinance No. 491 - Granting Franchise to Gas Service Company (Third Reading): On motion by Councilman Alt,

Ordinance No. 491 was unanimously adopted.

#2267

Ordinance No. 492 - Relating to Unlawful Discharge of Firearms (Second Reading): Councilman Hodes reviewed that the only change was in the hours firearms could be discharged at a skeet range, and moved for adoption of the ordinance. Ordinance No. 492 was unanimously adopted.

#2278

Parks: Councilman Alt reported an item regarding maintenance of islands, etc. was being prepared for the newsletter.

#2284

Public Works: Councilman Alt reported that the street resurfacing program had been completed.

#2311

Recreation Commission: The report was submitted. Jean Wise stated the Commission was requesting authorization to spend \$7,346.55 to build a tennis office (exclusive of brick already purchased and footings and slabs already constructed). She said the Commission anticipated having an excess of \$20,000 in its budget and felt a tennis building would be an asset to the complex. Architect Tom Nelson was present to answer questions. Mrs. Wise reviewed bids received, as follows:

T. J. Construction, Inc.	\$11,865.00
Haggard and Dodd Construction Co.	7,346.55
C. A. Koehler Contracting Co.	7,650.00

The bids were discussed. Councilman Hodes suggested consideration be given to including an air conditioning unit in the building. Councilman Hodes moved that Haggard and Dodd Construction Co. be awarded a contract in the amount of \$7,346.55 for the construction of a tennis building per the plans submitted by PBNA Architects; seconded by Councilman Alt. Motion carried. Mayor Eddy requested that all the papers be submitted to the City Attorney before the Mayor was asked to sign the contract. Mr. Nelson stated he had not asked for a performance bond on the job because of the size of the project, but he would talk to the City Attorney concerning it.

#2421

Report on Tennis Policies: Councilman Hodes stated the councilmen designated had met with the Recreation Commission to discuss tennis policies. He said the minutes of the Recreation Commission meeting of July 30 reflected the recommendations agreed upon. Following discussion concerning the fact that the matter was not on the agenda, Councilman Hodes moved that the agenda be modified to include discussion of recommended tennis policies; seconded by Councilman Alt. Motion defeated, Councilmen Lyons, Chase and Crippin voting nay. Councilman Lyons stated he voted against the motion because he felt it was an issue the citizens were interested in and they should have an opportunity to appear. Councilman Crippin requested that when the matter appeared on the agenda that changes made in the original policies be indicated. There was

August 4, 1975

discussion that the Recreation Commission had the authority to put tennis policies in force pending approval of the Council. There was discussion as to whether or not the tennis courts should be opened before work was completed on the children's playground. At the request of Mrs. Wise, it was agreed that the tennis policies be on the agenda of the first meeting in September. Mayor Eddy added that he had received a progress schedule which showed the pool should be completed at the end of October. He said the masonry contractor had been replaced.

#2585

Public Works - Request for Permission for Septic Tank (Hungerford): Councilman Alt requested that the matter be deferred to the next meeting since Mr. Hungerford was not present.

Public Works - Proposed Joint Plans for Somerset Drive: Deferred to the next meeting at the request of Councilman Alt.

#### MAYOR'S REPORT

#2611

Agreement with Kansas City, Missouri, re Foxcroft Pump Station: Mayor Eddy asked that the matter be deferred until the arrival of the City Attorney.

#2613

Suggested Open Space Ordinance: Information concerning a possible open space ordinance had been distributed. Discussion was deferred to the next meeting.

#2648

Appointment of Fire Station Building Committee: Mayor Eddy proposed the appointment of a committee composed of Councilman DeKinder, chairman; Councilman Hodes; and two other members, plus the Fire Chief as ex officio member, to make recommendations to the Council concerning the fire station. Councilman Alt moved that a committee be formed for general supervision of construction of the fire station with authority to recommend approval or changes to the plans to the Council, to request the Council to let bids, to recommend approval of payment estimates, recommend changes, and recommend approval of final completion of the contract; seconded by Councilman Lyons. Following discussion, motion carried.

#2717

Visitors: Elizabeth Ann O'Brien, J. E. Middleton. Member of the Press: Bob Fiser.

#2721

Request to Review Records: Mayor Eddy stated he was requested by a citizen of Leawood for permission to come into the City Hall, go through invoices and records of the Public Works Commission with no particular thing to look for, and to monitor the work of the Public Works Department. Mayor Eddy said he did not give his approval because of the work load it would put on city personnel. He said if the request were for specific information or for specific records, then he would give permission. The

August 4, 1975

Mayor said he told the individual that unless the Council wanted to authorize someone to do that, he did not intend to permit it.

#2797

Elizabeth Ann O'Brien asked if it were possible for an agenda of Council meetings to be made available other than to the newspapers. Mayor Eddy stated the Council agenda was made available to every homes association in the City and was available at the City Hall, but to make it available to every citizen would be impractical.

OLD BUSINESS

#2824

Preliminary Report from City Attorney re Dog Control: Mayor Eddy requested that the matter be deferred until arrival of the City Attorney.

#2834

Application for Retail Liquor License - Ranch Mart Liquors: Deferred until the arrival of the City Attorney.

#2850

Occupation License Report: The annual report of the City Clerk on occupation licenses had been distributed. Mayor Eddy noted that receipts for the license period July, 1974 to July, 1975 had increased 31.6 per cent over the previous year.

#2917

Appropriation Ordinances: Nos. 344A and 332S in the amounts of \$190,968.15 (including \$120,000.00 in investments) and \$633,969.89 (including \$580,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Hodes.

City Attorney Winn arrived at the meeting at 8:42 p.m.

#2976

Agreement with Kansas City, Missouri, re Foxcroft Pump Station: Mayor Eddy explained that the agreement was a second supplement to the City's agreement with Kansas City dated March 23, 1964, under which Kansas City agreed to accept maintenance and operation of the Foxcroft pump station. He said it switched 50 connections from the James Branch to Dyke's Branch due to start of construction in Kansas City on their East Blue River system, and put industrial users under a new set of standards. Councilman Alt reported that a fan had been installed, filters changed, and meter globe replaced at the pump station, total cost \$77.00. On motion by Councilman Alt, seconded by Councilman Lyons, the agreement was approved.

#3043

Application for Retail Liquor License - Ranch Mart Liquors: Since there was no notation in the file that the Police Department had checked the record of the applicant this year, Chief Blume left the meeting to make the check.

OLD BUSINESS

August 4, 1975

#3092

Preliminary Report from City Attorney re Dog Control: City Attorney Winn stated he had researched the matter of dog control and had written a letter to the Ordinance Committee, which had not yet been delivered, containing suggestions and outlining problems with the existing ordinance. He said he concluded that there were real enforceability problems both from the policing aspect and from the municipal court standpoint of the existing ordinance. There was discussion that the Public Safety Commission should have a copy of the letter for their next meeting.

#3144

Cost Summary - 95th Street: Councilman Alt reviewed the figures in the certified cost summary of the 95th Street project. There was some question as to what the figure of \$13,950.34 represented. City Attorney Winn suggested the document be amended to show amount due Union Construction Company as \$18,697.50, and add \$5,801.58 for Leawood labor and materials, \$8,148.76 for contribution to Overland Park under the inter-local agreement, all totaling \$32,647.84. Adding estimated striping, engineering services, legal services, bond attorney's opinion, bond printing and contingency, would total \$40,000.00. There was discussion that the contingency of \$782.16 should be sufficient to cover police department labor costs for handling traffic during construction. Phil Kline and Councilman Alt checked the figures in detail.

#3410

Opening of Bid for Striping 95th Street: Phil Kline stated his engineer's estimate of the cost of striping would be \$4,500.00. Councilman Alt stated the bid had been let to two contractors, but only one bid was received, as follows:

Twin Pavement Striping Corporation	\$3,845.50
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Mayor Eddy stated there was a method available which was cheaper than purchasing a striping machine, and could be done with a simple applicator by City crews, giving a stripe lasting five to seven years. Councilman Alt suggested that \$4,500.00 be left in the certified cost summary and that the Public Works Commission make a recommendation back to the Council at the next meeting as to whether or not to accept the bid. Consideration of the bid was delayed until the next meeting. Councilman Hodes questioned spending \$4,500 for a seven-year striping when the surface was not estimated to last that long.

#3519

There was a short recess to change the recording tape.

Tape No. 37  
Side 1  
#0

Chief Blume requested if there was to be an inordinate delay on the striping of 95th Street, that consideration be given to temporarily striping the intersections at Lee and State Line for traffic safety purposes.

Cost Summary - 95th Street (continued): Phil Kline confirmed that the cost summary figures totaled \$40,000.00 and that he would certify those costs.

August 4, 1975

#8

Review of Bids for Bonds and Resolution No. 362 Accepting Bid for Bonds to Pay for Improvement of 95th Street: City Attorney Winn reviewed that the bonds for 95th Street were a \$40,000 issue with five-year term. There were two bids, as follows:

United Missouri Bank,  $6\frac{1}{4}$  per cent interest, plus  
\$25.00 premium  
Stern Brothers & Co.,  $5\frac{1}{2}$  per cent interest.

#13

He recommended acceptance of the low bid. Councilman Alt moved for approval of the resolution accepting the bid of Stern Brothers & Co. for purchase of \$40,000 general obligation bonds of the City of Leawood issued for the purpose of paying for the improvement of 95th Street at the rate of  $5\frac{1}{2}$  per cent; seconded by Councilman Hodes. Resolution No. 362 was unanimously adopted. A copy is attached hereto as part of the record.

#24

Ordinance No. 493 Authorizing the Issuance of General Obligation Bonds in the Sum of \$40,000 for the Purpose of Paying for the Improvement of 95th Street: City Attorney Winn recommended that the ordinance be adopted on an emergency basis so that bond work could be completed by September 15. Councilman Alt moved that an emergency be declared for the purpose of considering the ordinance; seconded by Councilman Lyons. Motion carried. Councilman Alt moved for adoption of the ordinance. Ordinance No. 493 was unanimously adopted.

#36

Review of Bids and Resolution No. 363 Accepting Bid for Bonds for Improvement of 111th Street: City Attorney Winn reported the sole property owner in the benefit district had elected to pay \$3,035.61 of his assessment in cash, so there remained \$100,000 for which ten-year bonds would be issued by the City for the 111th Street project. He said the City was able to solicit private bids on this project. Bids were received, as follows:

George K. Baum & Company, 5.625 per cent  
Mr. E. M. Douthat, 5.600 per cent.

City Attorney Winn stated he was very pleased with the rate. Mayor Eddy read the proposed resolution. Councilman Alt moved for approval of the resolution accepting the bid of E. M. Douthat for the bonds; seconded by Councilman Chase. Resolution No. 363 was unanimously adopted. A copy is attached hereto as part of the record.

#67

Ordinance No. 494 Authorizing Issuance of General Obligation Bonds in the Sum of \$100,000 for the Improvement of 111th Street: Councilman Alt moved for declaration of an emergency for passage of the ordinance for issuance of bonds on 111th Street; seconded by Councilman Chase. Motion carried. On motion by Councilman Alt, Ordinance No. 494, authorizing

August 4, 1975

issuance of the bonds for improvement of 111th Street, was unanimously adopted.

#84

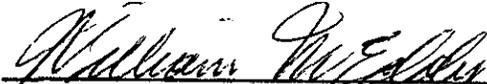
Application for Retail Liquor License - Ranch Mart Liquors (continued): Chief Blume reported that he had checked and there was no information that would preclude the license on either the owner or operator of Ranch Mart Liquors. On motion by Councilman Chase, seconded by Councilman Hodes, the application for retail liquor license of Ranch Mart Liquors was approved contingent on their being granted a state license.

Mayor Eddy stated the next meeting of the Council needed to be on August 15, 1975, at 11:00 a.m. to open bids on \$500,000 general obligation bonds for the new fire station. He also reminded the Council of the budget hearing on August 12 at 7:30 p.m., and that the budget was to be approved at the Council meeting on August 18.

At 9:40 p.m., on motion by Councilman Chase, seconded by Councilman Alt, the meeting adjourned to Friday, August 15, 1975, 11:00 a.m.

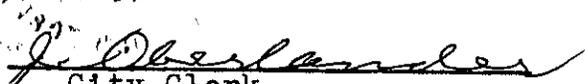
At the suggestion of Councilman Hodes, to cut copying costs, it was agreed that councilmen should retain copies needed for the next meeting.

#128

  
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Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

August 12, 1975

Minutes of a Budget Hearing of the Governing Body of the City of Leawood, Kansas.

A hearing in connection with the proposed 1976 City budget was held at 7:30 p.m. on Tuesday, August 12, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Councilman John M. Watts presiding.

Mayor William M. Eddy and Councilmen Alt, Crippin and DeKinder were present. Others in attendance were Police Chief Blume, Fire Chief Toman, the City Clerk, and the Council Reporter.

Visitors: George Raupp, LeeRoy J. Wilson, R. K. Weeks.  
Member of the Press: Dan Morris.

Budget and Finance Committee Chairman Watts opened the hearing and reviewed the three steps in preparation of the budget, including (1) projecting revenues and calculating the budgets for the general operating and motor fuel tax funds; (2) calculating the self-contained budgets (sewer, recreation complex, CAPERS, Social Security, Workmen's Compensation, Federal Revenue Sharing; and (3) calculating levy for bonded indebtedness. He explained that \$490,000 in the sewer fund was budgeted in case construction was begun on needed sewer improvements. Councilman Watts pointed out that for the first time Leawood had bonded indebtedness (for the recreation complex and overlay of streets) for which the levy would be 2.617 mills.

Councilman Watts reviewed the outline of the 1976 budget as published. He said the estimated mill levy for 1976, based on \$44,000,000 assessed valuation, would be 14.423 mills. He reviewed the proposed revenues reflecting an increase of almost \$100,000 in intangible tax revenue due to a new distribution formula, and receipts of \$172,000 from county sales tax. Councilman Watts explained that the parks and recreation budget was larger than the Council anticipated would be spent because the City did not know what the revenues would be. He stated the entire Federal Revenue Sharing account was a contingency fund, budgeted as a capital expenditure item, but the Council did not plan to spend any of it.

Councilman Watts explained the significant changes in this budget over last year were in expansion of the fire department, expansion of the police department, and the larger budget of the recreation complex.

Mr. R. K. Weeks asked how much the fire station was going to cost. Mr. George Raupp asked if the Council could go ahead and authorize the building of the second fire station when the people were against building it. Chief Toman

explained that the 6½ mill election was not to build a fire station, it was for operation expansion of both the police and fire departments, upgrading of salaries, etc. Mr. Raupp said he thought the people should be consulted more before the Council spent the money for the seventeen year bond issue for 7½ per cent of the people. Mr. Raupp proposed that the second fire station be built at 103rd Street, and suggested an agreement with Kansas City to run the fires in the southern part of the City. Chief Toman said Kansas City would not run it as a primary district if Leawood could not reciprocate. Fire protection was discussed. Councilman Watts said the only way to get further development in the City, and particularly commercial development to bring additional tax revenues, was to provide the protection needed out in that part of the City.

Mr. L. J. Wilson said he was very interested in what the arrangements were and wanted to hear what was actually going on. Mayor Eddy commented that Leawood had done a good job over the years in holding the budget down, especially considering that it included fire and rescue service. Mr. Wilson asked how much of the bonded indebtedness was actually voted by Leawood residents. Councilman Watts answered \$925,000 for the recreation complex.

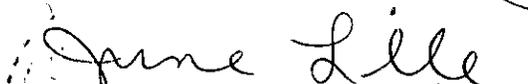
Mayor Eddy stated the building of the second fire station had been studied and discussed for several years. Development of the southern part of the City was discussed.

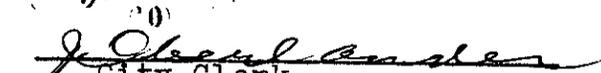
Mayor Eddy and Councilmen Alt and Watts thanked the residents for coming to the budget hearing. Councilman DeKinder commended Councilman Watts for the outstanding job he had done on the budget. Mayor Eddy joined the commendation.

Councilman Watts declared the budget hearing adjourned at 8:41 p.m.

#579

  
\_\_\_\_\_  
Councilman John M. Watts

  
\_\_\_\_\_  
Council Reporter

Attest:  
  
\_\_\_\_\_  
City Clerk

August 15, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 11:00 a.m. on Friday, August 15, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Henry, Alt, Watts, Lyons.

Mayor Eddy declared that the time for submission of bids for the \$500,000 issue of general obligation bonds for constructing a second fire station was closed. However, since there was not a quorum, opening of the bids was delayed until the arrival of another councilman.

The second roll call was answered by Councilmen Henry, Alt, DeKinder, Watts, Lyons.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, the City Clerk, and the Council Reporter. Three bidder representatives were also present.

#595

Opening of Bids - \$500,000 General Obligation Bonds for the Purpose of Constructing a Second Fire Station: Bids were opened, as follows:

United Missouri Bank of Kansas City, N.A., average annual net interest rate, 5.6898 per cent;

George K. Baum & Company, average annual net interest rate, 5.91724 per cent;

Stern Brothers & Company, average annual net interest rate, 5.89684 per cent.

The following bid was submitted on a form other than that furnished by the City:

A. F. Stepp Investments, Inc., average annual net interest rate, 5.705 per cent.

City Attorney Winn stated it appeared that the lowest average net interest cost to the City was 5.6898 per cent, submitted by United Missouri Bank of Kansas City, N.A.

#655

Resolution No. 364 - Accepting Bid of United Missouri Bank of Kansas City, N.A., for the Purchase of \$500,000 of General Obligation Bonds Issued for the Purpose of Constructing a Second Fire Station and Making Improvements to the Existing Fire Station: Mayor Eddy read the proposed resolution. Subject to verification of accuracy of the bid, Councilman Watts moved adoption of the resolution; seconded by Councilman DeKinder. Resolution No. 364 was adopted unanimously by roll call vote. A copy is attached hereto as part of the record.

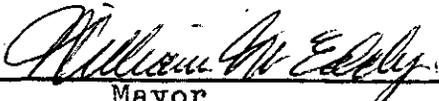
August 15, 1975

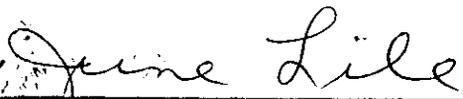
#672

City Attorney Winn stated the City would confirm the rate with United Missouri Bank and would then return the deposit checks to the other bidders by mail.

#681

At 11:20 a.m., on motion by Councilman Alt, seconded by Councilman Henry, the meeting adjourned to Monday, August 18, 1975, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

August 18, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, August 18, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Henry, Alt, Crippin, Chase, Watts, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, John Granstedt, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman Watts, the minutes of the meeting of August 4, 1975, were approved as submitted.

Visitors: Louise MacKenzie, Jeanette Harriman, Elizabeth O'Brien, Mr. and Mrs. Murray Steeble, J. E. Middleton, R. M. Kirns, Bill Isenhour, W. B. Madden, E. C. Oldfield, James Pirner.

Councilman DeKinder arrived at 7:33 p.m.

#696

#### COMMITTEE AND COMMISSION REPORTS

Budget and Finance: Councilman Watts stated copies of the official budget form had been distributed. He stated bonded indebtedness added approximately 2.6 mills to the budget. He said the budget presented was exactly as presented a month ago with \$140,000 added as monies needed to service the bonded indebtedness. He said he felt the budget would be very, very tight during fiscal 1976. He thanked councilmen, department heads and city employees for their help in putting the budget together. Councilman Watts moved that the Council approve the budget in the amount of \$2,467,726.00 as submitted on the official budget form, and that the Mayor and the City Clerk be authorized to sign this budget and submit it to the proper authorities of the State and the County; seconded by Councilman DeKinder. Motion carried. The mayor and councilmen signed the budget.

#721

Newsletter: Councilman Henry reported the deadline for submitting copy for the next newsletter was September 1.

#727

Ordinance Relating to Dog Control: Deferred.

Ordinance Providing for Filing of Official City Map (First Reading): Councilman Crippin stated the new map was currently on file in Bob Sirchia's office. He moved that the ordinance providing for filing of official city map and repeal of section be approved for first reading.

#736

Parks: Councilman Alt referred to minutes of the Parks Commission meeting held August 7 containing the recommendation

August 18, 1975

of the Parks Commission that the City proceed to obtain title to five tracts (where ownership was questionable) since these areas have and now are serving as green spaces for the surrounding communities and have potential recreational use. The tracts were: Brook Beatty Park, one-half acre behind Manor Road, a corner the size of the Police and Court Building, two acres with access off 91st Street, two acres behind 93rd Street. Councilman Alt moved that the City proceed to obtain title to the five tracts of land presently being maintained by the City where ownership was questionable since these areas have and are now serving as open green spaces for the surrounding community and have potential recreational use. City Attorney Winn stated he felt "obtaining title" might imply condemnation and in some of those instances all that would be necessary would be an ordinance accepting the property. He said he thought the Council should assemble a report on each one of the tracts stating the status of the title and citing what would need to be done to perfect the title, then consider each tract. Mayor Eddy questioned whether the City should take title to all the tracts. Following discussion, Councilman Henry seconded the motion. Motion carried, Councilman Crippin voting nay. At the request of Councilman Crippin, Mayor Eddy asked that before the City obtained title City Attorney Winn bring back a report to the Council with regard to ownership on each parcel and that at that time the Council have opportunity to study each individual park and give its authorization as to whether it would like to go ahead and obtain title to the park. Mayor Eddy asked that the Parks Commission have a specific recommendation on use of each tract. He requested that councilmen inspect the tracts.

#858

#886

Article for Fall Newsletter: Councilman Alt read a proposed article for the next newsletter regarding homes association responsibilities.

#893

Public Safety:

Resolution No. 365 Prohibiting a Left Turn for Westbound Traffic from 95th Street into the East Entrance of the Ranchmart South Shopping Center: Councilman DeKinder stated the resolution was required so that the no left turn could be enforced as part of the improvement in traffic flow with the new laning and striping on 95th Street. He said the City had written to Overland Park requesting no left turn on their side into the Standard station for eastbound traffic. City Attorney Winn clarified that the resolution authorized the posting of a no left turn sign but the standard traffic ordinance would cover a violation. Councilman DeKinder moved that the resolution be adopted, changing the word "east" in the first line of the whereas clause to "easternmost"; following discussion, Councilman Chase seconded the motion. Resolution No. 365 was unanimously adopted. A copy is attached hereto as part of the record.

#935

Resolution No. 366 Prohibiting Parking on the East Side of Lee Boulevard from 103rd Street South to the Leawood Park and Also Prohibiting Parking on Both Sides of the Lee Boulevard and I-435 Overpass into the Leawood Park:

Councilman DeKinder stated the resolution was necessary to eliminate some of the congestion anticipated as the playing fields were used. He moved for adoption of the resolution; seconded by Councilman Alt. Resolution No. 366 was unanimously adopted. A copy is attached hereto as part of the record. Councilman Alt requested that the Public Safety Commission write to residents along Lee Boulevard in the area affected informing them of the resolution. In addition, Mayor Eddy suggested that the information also be included in the next newsletter.

#962

Councilman Alt moved that the agenda be changed to consider all the Public Safety items on the addenda to the agenda at this time; seconded by Councilman Watts. Motion carried.

#965

Analysis of Cost-Benefit Ratio for Motorcycle Acquisition:

Councilman DeKinder explained that this was a recommendation of the Public Safety Commission to implement a test program at a cost significantly below that necessary to do the same type of work using an automobile for traffic control. He said currently the City's heaviest areas of traffic were very difficult to police with patrol cars, and under the current budget situation the City would have officers without vehicles. The recommendation of the Public Safety Commission was that use of a motorcycle be implemented for a six month period at a total cost of \$140.00 per month. Councilman DeKinder said the Commission was seeking authorization from the Council to pay \$140.00 to Officer Thompson out of the existing Police Department budget. Liability insurance was discussed. Chief Blume said it would involve the same procedure as followed on investigative and command personnel, the employee would purchase his own insurance, provide certificate of insurability, and the City's umbrella policy would apply past the maximum of the individual insurance. City Attorney Winn recommended that the City get written confirmation from its carrier that the motorcycle patrolman was covered. Subject to verification and confirmation of satisfactory insurance coverage, Councilman DeKinder moved that the Police Department be authorized to pay to Officer Thompson \$140.00 per month for a period of six months starting September 1, 1975, ending February 28, 1976; seconded by Councilman Watts. The matter was discussed. Chief Blume stated motorcycles were about one-fifth the cost of a car if everything were amortized across the board. Councilman DeKinder stated the motorcycle would be in addition to present vehicles, and it might delay the Department having to add a fifth car. He said the \$140.00 included total maintenance. Mayor Eddy said the City needed to have a written agreement on file as to what was covered and what was not. J. E. Middleton asked if Officer Thompson now owned the machine, what model it was, if competitive bids had been received, or if offers had been solicited from motorcycle dealers. Councilman DeKinder replied, and Chief Blume added that the officer already owned over \$400 in

#1016

#1061

emergency equipment and over \$300 worth of special uniform items and safety equipment. Mr. Middleton said it might well be the low bid but he thought the City should get some competitive bids. In answer to inquiry by Mr. Middleton, Chief Blume stated the motorcycle would be operational eight to nine months a year due to weather conditions. Mr. Middleton asked about the noise level. Chief Blume said this machine was as quiet as an automobile. Councilman DeKinder said this was, in the Commission's opinion, the lowest cost test it could run on this particular program. Motion carried.

#1094

Discussion of Diverta-Call Device: Councilman DeKinder requested that most of the discussion be deferred until the next meeting. He said the Commission was considering a low cost device so that after hours calls were automatically switched to the sheriff's office. Secondly, he said the Commission proposed to provide a hot line extension outside the front door so that anyone coming to the Police Department to make an emergency call at night would be connected directly to the Johnson County Sheriff's office. The reason for deferring the matter was to obtain another bid.

#1107

Status Form - Fire Department: Councilman DeKinder presented the status form, and on motion by Councilman Watts, seconded by Councilman Hodes, the following employment was approved:

Terry Lee Hill, Firefighter Probationary, at the rate of \$720 per month.

#1114

Request for Permission to Solicit Funds for Muscular Dystrophy - Leawood Fire Department: On motion by Councilman DeKinder, seconded by Councilman Hodes, the request of the Leawood Fire Department for permission to solicit funds for Muscular Dystrophy was unanimously approved.

#1118

Discussion and Recommendation re Fire Department Participation in County-wide Fire Service Survey: Councilman DeKinder reported the Fire Department had been requested to participate in a county-wide survey regarding fire service. Based on current staffing, current information levels, and the fact that the City was proceeding with the building of a second fire station, it was the recommendation of the Public Safety Commission that the Fire Department not participate in the survey at the present time, and Councilman DeKinder so moved; seconded by Councilman Watts. Councilman DeKinder said this was a fairly extensive survey requiring collection of a significant amount of data by Chief Toman, and it would have been much more appropriate to participate if the survey had been done three or four years ago. Motion carried.

#1144

Ordinance No. 495 - Authorizing the Issuance of \$500,000 of General Obligation Bonds (Fire Station): City Attorney Winn reviewed that bids were opened on August 15, with the bid of United Missouri Bank of Kansas City being accepted. He explained that this was the ordinance actually authorizing the issuance of those bonds. Councilman Alt moved that an emergency be declared for adoption of the ordinance; seconded

#1177

by Councilman DeKinder. Motion carried. Councilman DeKinder moved for adoption of the ordinance authorizing the issuance of general obligation bonds in the sum of \$500,000 for the purpose of constructing a second fire station and making improvements in the existing fire station. Councilman DeKinder and City Attorney Winn commented that the interest rate was considerably lower than that being paid by other cities. Murray Steeble stated he was concerned about the new fire station and the taxation that would ensue from it. He asked how much he would be paying on his house per year. Councilman Watts and Alt agreed it would be about 1.3 mills. Mr. Steeble questioned the need for a fire station at this time. He said he was sure there were certain commercial interests interested in getting a fire station there to expand Leawood South. He asked about the economics of the situation for the City. Mayor Eddy stated the matter had been studied for some time. Chief Toman stated as far back as 1967 there was a need for a fire station in the southern part of the City. He stated the fire station was not located or planned to benefit or increase commercial development of the City, but rather planned for the residential situation. He said all residents of the City would benefit by construction of the second fire station. Mr. Steeble said as a taxpayer he was against any new tax. He asked councilmen to do everything they could not to increase tax. Councilman Watts said he thought the whole council was sensitive to not indiscriminately vote any more bonds. Councilman Hodes pointed out that the recreation complex was by voter approval, not by Council action. Ordinance No. 495 was adopted unanimously.

#1323

Minutes of Budget Hearing: On motion by Councilman Hodes, seconded by Councilman Alt, the minutes of the budget hearing held on August 12, 1975, were approved as submitted.

Minutes of Meeting of August 15, 1975: On motion by Councilman Alt, seconded by Councilman DeKinder, the minutes of the meeting of August 15, 1975, were approved as submitted.

#1328

Public Works Commission - Sewer Service Charges: Councilman Alt said by ordinance the Public Works Commission was to review annually the sewer service charges. On recommendation by the Public Works Commission, Councilman Alt moved that the sewer service charge of \$55.00 established for the year 1975 be continued for the year 1976; seconded by Councilman Henry. Councilman Alt said he planned to have the ordinance revised to have the service charges reviewed about June 1st, in time for budgeting. Motion carried.

#1346

Proposed Joint Plans for Somerset: Councilman Alt stated for some time Prairie Village had approached Leawood for the improvement of Somerset, and wanted to get Federal aid for the improvement. He said the improvement proposed would be in four phases: (1) from Mission Road to 2900 feet east of Mission Road (four lane); (2) Somerset and Lee intersection; (3) Somerset, four-lane, from the intersection of Lee and Somerset east to State Line; and (4) between

August 18, 1975

the intersection and the point 2900 feet east of Mission, two lanes with parking lanes on each side. Total project cost estimated at \$1,564,000, Leawood portion around \$327,000 (reduced by Federal participation). In order to have the project further considered by MARC, the two cities were directed by MARC to come up with an inter-local agreement. Councilman Alt said as far as the special subcommittee was concerned, it would not be interested at all in any improvement of Somerset other than the intersection of Somerset and Lee. This intersection had been certified as a short term road improvement to MARC. Councilman Alt moved that the Council authorize the City Attorney to work in conjunction with the Prairie Village City Attorney to draw up an agreement for presentation to both city councils, such an agreement to be restricted to defining the scope and the cost of the project and not committing either city to the project; seconded by Councilman DeKinder. The motion was discussed. Mayor Eddy reviewed background on the matter and said Leawood representatives had agreed to the first phase provided the intersection of Somerset and Lee would be the second phase. Councilman Alt outlined participation of the two cities in the phases. Councilman Watts clarified that nothing was built into the 1976 budget as far as this project was concerned. Mayor Eddy explained this was a way to get the intersection of Somerset and Lee into the Federal Aid Urban funding. Councilman Hodes questioned any improvements other than proper signing and lane marking at Somerset and Lee Boulevard, and he said he would like to study the plans. Mayor Eddy emphasized that approval of this plan would in no way commit either city to the expenditure of any money. City Attorney Winn said he thought all that was really needed was a joint resolution by the two cities. Motion carried, Councilman Hodes opposed.

#1514

Request for Septic Tank - Hungerford: Deferred to the next meeting since Mr. Hungerford was not present. City Attorney Winn stated he was not sure the Council had authority to grant variances or exceptions for septic tanks unless this was an unusual situation.

#### MAYOR'S REPORT

Pending Litigation: Mayor Eddy requested that consideration of this matter be deferred until later on the agenda.

#1534

Application for Occupation License: Bill Isenhour, representing Bernard Madden, stated one aspect of Mr. Madden's interior decorating business was sale of carpet. He said Mr. Madden wanted to let Mr. Fry establish himself in this aspect of the business and applied for an occupation license for Mr. Fry. Mr. Isenhour said it was all part of the one business. City Attorney Winn said his original impression was that Mr. Madden was going to sub-lease a portion of his business, create a second business inside the premises, which he felt was not proper under the special permit granted Mr. Madden. He said he now felt the sale of carpet was quite reasonably a part of the interior decorating

August 18, 1975

business, and that it was not a sub-lease or agent type of situation. He said he would be hesitant to charge a separate occupation tax because granting a second occupation license might be creating a second business there. Mayor Eddy summarized by saying if they did not need an occupation license, then the City did not recognize there was a second business, so no action needed to be taken by the Council. City Attorney Winn said Mr. Madden should pay his occupation license on the basis of the total square footage. Mr. Isenhour said it was not a separate corporation although that had been the original intention.

#1604

Suggested Open Space Ordinance: Mayor Eddy said this item was on the agenda to make sure councilmen had been given background information on such an ordinance.

#1610

Designation of Voting Delegates and Alternates to League of Kansas Municipalities Convention: Mayor Eddy said the League would meet at Glenwood Manor on September 21, 22, and 23. He proposed the designation of Councilmen DeKinder and Alt as voting delegates, with Councilmen Hodes and Henry as alternates. On motion by Councilman Watts, seconded by Councilman Alt, the designations were approved.

#1618

Additional Appointments to Fire Station Building Committee: Mayor Eddy proposed the appointment of Ed Haas and William Texter to the Fire Station Building Committee. On motion by Councilman Alt, seconded by Councilman DeKinder, the appointments were approved.

#1623

City Apportionment Committee: Mayor Eddy stated the Council was required to study the apportionment of the City at any time one of the wards became out of balance by more than twenty per cent. He said there was a need to at least study the reapportionment. He asked the Council to approve the following committee to study the present apportionment of the City, and, if required to comply with the existing statute, make recommendations to the Governing Body as to proposed new ward boundaries: Former Councilman Homer Evans, chairman; Mrs. Gibson Hart; Mrs. Larry Handley; Mr. L. W. Brosome, and Larry Winn as ex officio member. On motion by Councilman DeKinder, seconded by Councilman Watts, the committee was approved.

#### NEW BUSINESS

#1644

Saddle & Sirloin Club Request re American Royal Promotion: John Granstedt explained that the Saddle & Sirloin Club had a billboard which they apparently mounted on a hay wagon and pulled over next to I-435 each year advertising the American Royal. City Attorney Winn said it probably was a non-conforming use. Councilman DeKinder moved that the Council grant permission to the Saddle & Sirloin Club to employ a billboard to promote the American Royal Show on the property at I-435 and Mission Road for the period September 15 to November 15, subject to reconsideration

August 18, 1975

by the Council should complaints arise concerning the billboard; seconded by Councilman Watts. Motion carried. Mayor Eddy asked the Ordinance Committee to check the ordinance on occupation licenses for private clubs.

#1699

TeleCable Presentation: Councilman Henry referred to a brochure distributed to councilmen. He introduced Jim Pirner, manager of TeleCable of Overland Park, and E. C. Oldfield, vice president for corporate development of TeleCable Corporation of Norfolk. Mr. Oldfield said they were appearing before the Council to ask the Council's consideration of a rate increase and to consider amending the ordinance so that the company would no longer be restricted to five different dates in a year in which a rate increase could become effective. A draft of a suggested ordinance was presented. In answer to inquiry by the City Attorney, Mr. Oldfield stated they were not required to go to any regulatory agency for approval of rate increases. Mr. Oldfield said a rate increase from \$5.25 to \$6.95 per month was necessary to restore TeleCable of Overland Park to a financial position which would (1) permit them to maintain high standards of maintenance and responsive service; (2) permit them to continually enhance the product; (3) permit a revenue base that would attract capital for future expansion of the company; and (4) permit a revenue base that would return a reasonable profit to TeleCable of Overland Park. He said all of these objectives were in serious jeopardy unless they could obtain the requested rate increase. He said they had been caught in an extraordinary rise in the cost of doing business while holding the price at which they sold their product constant. He said the net result of this had been to generate a cumulative net loss of 2.4 million dollars through December, 1974. He said this was an industry-wide phenomenon. He said the increase from \$5.25 to \$6.95 was a thirty-two per cent increase, but it was a "catch up" rate, not a "put ahead" rate. He stated the marketplace would be the final test of the fairness of the rate. The Council discussed the matter with Messrs. Oldfield and Pirner. Councilman Hodes noted that TeleCable employee salary and fringe benefits had gone up from 26 to 58 per cent. He pointed out that a lot of this would fall within a period when the Federal Government had requested maximum increases of 5½ per cent. He said he hoped the Council would go on record to request that TeleCable of Overland Park comply with Federal guidelines with respect to salary and wage benefits. The TeleCable pro forma profit and loss statement was discussed. Mr. Oldfield stated that if the Council wanted audited operating statements, he would provide them from 1970 through 1974. Mayor Eddy requested that the financial statements be sent in a sealed envelope addressed to the Mayor. He said he would ask councilmen to keep the information confidential. Following further discussion, Mayor Eddy thanked Messrs. Oldfield and Pirner for appearing. Mr. Oldfield requested if councilmen had any reservations or questions after the financial data was received, that they be given an opportunity for a formal or informal session

#2070

August 18, 1975

again with the Council. Mayor Eddy said when the financial statements were received, he would give them to Councilman Henry and ask that he notify the Council that they were in hand.

#2191

Report re Bid for Striping 95th Street: Councilman Alt stated the Public Works Commission was investigating the possibility of doing the marking of the street with city crews, and hopefully would have a conclusion on this by the next Council meeting.

#2209

Mayor Eddy requested an executive session to consider pending litigation.

The Council went into executive session at 10:28 p.m.

The Council returned to regular session at 10:50 p.m. The same councilmen were present.

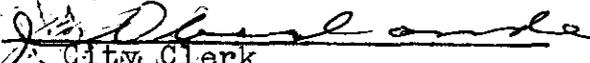
#2216

On motion by Councilman DeKinder, seconded by Councilman Alt, the meeting adjourned to Tuesday, September 2, 1975, 7:30 p.m.

  
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Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

September 2, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Tuesday, September 2, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Henry, DeKinder, Crippin, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, the City Clerk, and the Council Reporter. Treasurer Pendleton arrived at 8:20 p.m.

Minutes: On motion by Councilman Henry, seconded by Councilman Watts, the minutes of the meeting of August 18, 1975, were approved as submitted, Councilman Lyons abstaining because he had not been present.

#### REPORTS

Treasurer: No report.

#2234 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Watts.

#2238 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Henry, seconded by Councilman DeKinder.

#2245 Police Department: Chief Blume's report was submitted and approved on motion by Councilman DeKinder, seconded by Councilman Henry.

#2247 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Hodes.

#2252 Report on Solicitation of Funds for Muscular Dystrophy: Chief Toman reported \$3,153.00 was collected by the Fire Department in approximately seven and one-half hours at 95th and Lee Boulevard, collecting only from cars on the red light. Firemen added to that to make an even \$3,200.00 which was turned over to the Muscular Dystrophy Association.

#### COMMITTEE AND COMMISSION REPORTS

#2267 Ordinance No. 496 - Providing for Filing of Official City Map (Second Reading): On motion by Councilman Crippin, Ordinance No. 496, providing for filing of the new official city map, was unanimously adopted.

Public Works: No report.

#2284

Leewood American Revolution Bicentennial Committee: Otto Stueck, chairman of the committee, introduced members of the committee present: Mickey Gersh, Newton Skirvin, Pearl Scott. He said a flagpole plaza project had the unanimous approval of the committee, and the date for the dedication of the flagpole plaza was June 13, 1976. He said the objective of the committee was to pay for the project without any tax funds. One of the ways they planned to finance it was through the sale of flags. He said they were receiving personal donations. Mickey Gersh said considerations for a bicentennial project had been something permanent in nature, that citizens could be proud of, which required a minimum of maintenance. She presented a drawing of the flagpole plaza by Tom Nelson, architect for the recreation complex. It consisted of a 50 foot lighted aluminum flagpole, concrete area with benches, wall with plaque, and shrubbery. She said the estimated cost was \$4,000. She reviewed donations received from clubs, and said any money collected in excess of the cost would go to the City for maintenance. Mayor Eddy presented a personal donation. Jinny Oberlander had made a donation and Chief Toman pledged \$25.00 toward the project. Members of the Bicentennial Committee discussed with the Council the various flags they were selling, and displayed the Bennington flag.

#2332

#2459

Visitors: Mr. and Mrs. Pearl A. Scott, Otto Stueck, Ruth Jones, Joan R. McFadden, Newton Skirvin, Mickey Gersh, R. W. Monk, Former Councilman W. R. Judd, Jean Wise, Joyce Cartmill, Fran and Charles Wallas. Member of the Press: Tom Drape.

#2468

Recreation Commission - Request for Approval of Tennis Policies: Jean Wise stated the Recreation Commission was requesting approval of the tennis policies agreed to by the special committee of three councilmen and the Recreation Commission. Councilman Watts moved approval of the recommendation on tennis fees and policies as distributed to the Council in Mrs. Wise's letter of August 27, 1975; seconded by Councilman Hodes. Councilman Lyons assured the Council and the audience that the rules and policies were carefully thought out and urged their approval. The policies were discussed. Jean Wise said the committee felt people who paid on an annual basis should have privileges in regard to guest passes not available to people paying on a daily basis because they were the ones who were going to make it possible to maintain the facility. She said the out-of-town guest pass was provided at the request of many residents who did not play tennis but wanted to have a way for visiting relatives or friends to play. Councilman DeKinder said it seemed a reasonable policy to encourage participation in the public courts, to require residents to buy a yearly pass if they wanted the privilege of taking non-resident guests on the courts.

#2484

#2541

Mr. R. W. Monk pointed out that the recreation complex cost the taxpayers \$925,000 and objected strongly to the "insult"

September 2, 1975

of the \$1.50 guest fee. Jean Wise said one group felt as residents and taxpayers and passholders they should have unlimited guest privileges without paying for them, the other group felt equally as strong that as residents, taxpayers and passholders they should have the right to play on courts that were not cluttered with non-residents and felt the guest policies should be restrictive. She said the committee was trying to take the middle road. She said the fee was somewhat to curtail the number of guests. Councilman DeKinder explained on daily passes, the resident should be there playing with his guest; but there was no reason for a non-tennis-playing resident with a house guest to have to accompany that person; hence the provision for the \$7.00 weekly guest permit. There was discussion that the weekly guest permits could be purchased at City Hall, or at the complex during weekends. Ruth Jones asked if residents were aware at the time they voted for the recreation complex that there would be a fee for the swimming pool and a separate fee to use the tennis courts. Jean Wise said in the literature published the pool fees were stated but nothing was said about tennis fees. She said the justification for the fees was purely economic; that revenue was from a one-mill levy plus user fees, so they felt since it was a limited use facility it would be reasonable to ask the people using it to bear the cost. Mrs. Wise said after five o'clock in the evening and on weekends from 9:00 to 5:00, adults would be given preference, so there was a difference in fee for juniors. Joan McFadden said she would not drop her Leawood Country Club membership and pay \$60.00 for recreation complex tennis memberships for her family. She said she thought there would be a lot of people who would be very upset when they paid the fee to play on a public court and yet not be able to get on. Another lady said that would be a personal decision; she felt it was practical to go to the recreation complex for \$60.00. Jean Wise said they planned to have a series of get acquainted events, had applied for membership in the Junior Tennis League, and planned to have an active competitive swim program. Mayor Eddy suggested the Recreation Commission consider a maximum family limit. Councilman Hodes pointed out the people who were going to use the park could pay a fee or the general taxpayers could pay it all. He said he would prefer the guest fee. The motion to approve the tennis fees and policies was passed unanimously.

#2652

#2767

#2847

#2889

Recreation Commission Report: Jean Wise continued her report by stating the only thing left to be done at the tennis courts was the aiming of the lights as far as the actual courts were concerned; however, the problem of the possibility of children playing on the playground mound before it was finished plus the hazard of the empty swimming pool, and the rutted condition of the road needed to be resolved. Mayor Eddy stated there was a time extension request from Midwestern Construction Co. sent to him and he sent it to the engineers on the project to analyze and present to the Council.

#2970

Ordinance Relating to Acceptance of Easement for Utility Purposes in the Mark Lane Subdivision from Thomas and Anna Jay (First Reading): City Attorney Winn explained the developer was deeding the City a ten foot wide utility right-of-way which the City would like to have. Mayor Eddy read the proposed ordinance.

#3013

Appointments to Building Code Committee: Mayor Eddy proposed the appointment of the following committee to bring the code in line with current acceptable practices, the committee to report to the Governing Body prior to the second meeting in January any changes the committee felt were necessary: George Ranallo, Charles Duval, Donald Dressler, with John Granstedt, ex officio member, as chairman. On motion by Councilman Henry, seconded by Councilman DeKinder, the appointments were approved.

OLD BUSINESS

#3030

Report re TeleCable: Councilman Henry asked that discussion be deferred to the next meeting at which time the committee should be in a position to give a complete report and recommendation. He said it was possible at that meeting Messrs. Oldfield and Pirner would appear again. He asked if councilmen had questions that they channel them to him. Councilman DeKinder asked that the City Treasurer check on the CPA firm who prepared the financial statement presented to the Council.

#3062

Ordinance No. 497 - Relating to Supplemental Agreement to Sewerage Service Cooperation Agreement with Kansas City: Mayor Eddy explained that the Council had previously authorized a supplemental agreement with Kansas City, Missouri, relative to operation of the Foxcroft pump station, but it had since been found that this needed to be done by ordinance. He asked that the ordinance presented be approved on an emergency basis. Councilman Watts moved that the Council consider the ordinance relating to the supplemental agreement to the sewage cooperation agreement with Kansas City, Missouri, under an emergency; seconded by Councilman DeKinder. Motion carried. Councilman Watts then moved for approval of the ordinance relating to the supplemental agreement to the sewerage service cooperation agreement with the City of Kansas City, Missouri, dated March 23, 1964. Ordinance No. 497 was adopted unanimously.

NEW BUSINESS

#3103

Application for Retail Liquor Occupation License - Martin's Liquor Store: City Attorney Winn reported his research indicated that cities would not be able to charter themselves out of the state statute regulating liquor license fees, to charge a higher fee. The applicant, Daniel R. Martin, had been checked by the Police Department. Store location to be 2519 Somerset Drive. On motion by Councilman Hodes, seconded by Councilman Watts, the application was approved.

#3139

Proclamation - Southgate Open Week: City Attorney Winn read a proclamation signed by Mayor Eddy, proclaiming the week of September 8 to September 14, 1975, as SOUTHGATE OPEN WEEK.

#3157

Appropriation Ordinances: Nos. 345A and 333S in the amounts of \$479,800.87 (including \$350,000.00 in investments) and \$56,534.23 (including \$50,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Watts. Councilman Hodes asked if the City Treasurer had looked into the situation of writing checks for small dollar amounts. Treasurer Pendleton said he had talked with the Financial Clerk who felt disbursements would best be documented by writing checks. He said he had received a call from the Mayor asking that he look into computerizing procedures, and said he would report later.

#3211

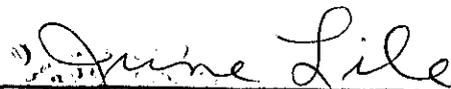
Police Car Acquisition: Police Chief Blume stated the City of Wichita had discontinued a federally funded program and the Kansas Highway Safety Coordinating Committee had retrieved five automobiles with mileage range 15,000 to 37,000 miles. He said they had decided to give those cars to cities currently employing traffic officers who had compiled a satisfactory efficiency rating. Chief Blume applied for one of the vehicles and was notified that one had been awarded to Leawood. He said the car was totally equipped with new radio and emergency equipment. The car would obviate the problem of officers without a vehicle. The only constraints on the gift of the car were that it be utilized in traffic enforcement for 112 hours per week and some administrative record keeping guidelines. Councilman Watts moved that the Council approve the Mayor's action in signing a contract between the Kansas Highway Safety Coordinating Office and the City of Leawood for the acceptance of one car under the conditions stated by the Police Chief; seconded by Councilman Henry. Motion carried.

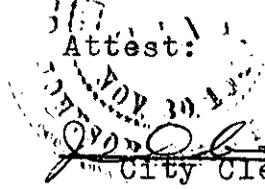
#3252

At 8:53 p.m., on motion by Councilman Watts, seconded by Councilman Henry, the meeting adjourned to Monday, September 15, 1975, 7:30 p.m.

#3261

  
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Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:  
  
  
\_\_\_\_\_  
City Clerk

September 15, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, September 15, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Chase, Watts, Lyons.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Bob Sirchia, Will Gray, Frances Farrar, the City Clerk, and the Council Reporter. Treasurer Pendleton arrived at 8:45 p.m.

Minutes: On motion by Councilman Lyons, seconded by Councilman Henry, the minutes of the meeting of September 2, 1975, were approved as submitted.

Visitors: Mr. and Mrs. J. C. Gyorog, Mrs. A. E. Swanson, Mr. and Mrs. J. F. Doerter, Mr. and Mrs. Kenneth J. Akin, Marianne Bilyeu, Mr. and Mrs. Bob Graeff, H. J. Edwards, Jr., Mr. and Mrs. James V. Robinson, Jack Cooper, Joseph P. Donnelly, John E. Dean, Ruth Westring, W. A. Granquist, Tom and Carolyn Atherton, Norman Hoffman, Mr. and Mrs. E. F. Parisi, Jeanne and Cy Williams, Anthony Avillo, Evelyn B. Bolin, Mr. and Mrs. Milton W. Kelly, Margaret Granquist, Mr. and Mrs. John F. Moyon, Adolph Klugman, Mr. and Mrs. H. L. Roberts, Mrs. James E. Mallow, Mr. and Mrs. William Trabue, Jeanette Harriman, Mr. and Mrs. Edward Mehrer, Mrs. Thomas L. Edgar, Jr., Mr. and Mrs. Frank Julian, Mrs. Iven Gleason, Mrs. William E. Reno, Jr., Mrs. G. V. Thouvenelle, Marianne Lyman, Mr. and Mrs. W. F. Stone, Mrs. R. H. Easterday, Leonore Vandegrift, Deane Frerker, Virgil O. Schneider, Jr., Louise Wilson, John W. Wilson, Thomas S. Reid, Mr. and Mrs. Paul Selzer, Mr. and Mrs. K. Dale Ireland, Mr. and Mrs. Howard VanCleave, Lois Schneider, Lloyd Canfield, Paul Converse, Mr. and Mrs. James J. Meehan, Mr. and Mrs. Frank V. Newell, Mrs. Jessie Tighe, Mr. and Mrs. William F. James, Mr. and Mrs. Kenneth T. Hull, John K. Mills, Catherine Mills, Richard J. Bono, Ellen C. Mears, Mr. and Mrs. F. C. Wallace, George D. Moser, William E. Mears, Mr. and Mrs. S.D. Robey, Mr. and Mrs. Richard C. Fuchs, J. E. Middleton, Mr. and Mrs. Harold Floerke, Mr. and Mrs. Robert Seitter, Gertrude Myers, Robert D. Martin, Darrell L. Jansa, Mr. and Mrs. Jack Stephens, Jeffrey Langner, Elizabeth Ann O'Brien, Gene Kroh, Bob Scroggins, Jean Wise, Jim Pirner, E. C. Oldfield, Mr. and Mrs. Clyde Williams, Mr. and Mrs. Steve Hinsley, Mr. and Mrs. Guy Eidson, John Granstedt.

#### MAYOR'S REPORT

Appointment of Alternate City Engineer: Mayor Eddy proposed and Councilman Watts moved the appointment of the firm of

Bogina Consulting Engineers of Lenexa to act as City Engineers in case of conflict of interest of Shafer, Kline & Warren; seconded by Councilman Alt. Motion carried.

Councilman Crippin arrived at 7:32 p.m.

#18

Councilman DeKinder moved for a change in the agenda to consider items under New Business relating to zoning of Tract G and Tract H, Leawood South, as the next items of business; seconded by Councilman Lyons. Motion carried.

#21

Resolution of Recommendation from Plan Commission re Zoning Tract G, Leawood South: Councilman Crippin presented the recommendation of the Plan Commission and moved that the ordinance establishing zoning classification of Limited Office District for a tract of land commonly referred to as Tract G, Second Plat, Leawood South, a subdivision in the City of Leawood, Johnson County, Kansas, Southwest corner of 128th and State Line Road, be zoned to Limited Office District B-4, subclassification 2. There was discussion that the first reading of an ordinance did not require a vote.

#65

Gene Kroh presented development plans. Mr. Kroh stated this was a re-do of the original proposal presented a little over a year ago. He said he represented Central Estates, Inc., owner of the remainder of Leawood South. He said hopefully they had changed some of the things that seemed to be most objectionable to the people appearing in July, 1974. He said Central Estates, Inc. bought the property in early 1967 from the Bruce family, and started with an overall plan for a golf course development. He said in 1967 they got zoning for the clubhouse, golf course area, filed the first plats, and proceeded with development of the area. In 1969, they came back to the Plan Commission and City Council for R-3, multi-family zoning for part of the area and started building townhouses in 1971. He indicated zoning on the Missouri side, and planned business zoning for the airport property. He stated they had applied for zoning under Limited Office District, administrative type offices, for Tract G, and were asking for Planned Business development (shopping center) on Tract H. He said these two tracts were shown on the land use map adopted by the City of Leawood earlier this year as planned business. He said they were not asking for zoning for vacant Tract B on the north side of 128th Street. He presented a topographical map of the area, and a landscape plan showing the proposed office building and shopping center. He said the plan was similar to the Red Bridge Shops. John Granstedt stated following submission of the original sketch to the Plan Commission, the Plan Commission requested that the office area and the shopping center be combined in the same residential design. He presented elevations of the east, north, and west sides of the shopping center. He indicated on the landscape plan the service area, saying it was concealed. He indicated entrances, most of which

#124

he said were requests by the Plan Commission. He said the Plan Commission requested, and they had committed to berm the dirt to screen the office building. He said the building was 29 feet high. Another request by the Plan Commission was to drop a section of the parking lot approximately three feet and put in a stone retaining wall, all parking lot areas to be screened with six foot screening. Mr. Granstedt said part of the landscaping was planned in 1967 and 1968 by Hare and Hare, and actually existed at the present time. He said the roofs would be of wood shingles. He showed north and south elevations of the office building and indicated the entrances. He presented the basic plans for the shopping center. Mr. Granstedt described a pylon sign and two mall signs and said there would be no signs on the outside other than the name of the office building and the name of the market. He said in almost all areas they were over the minimum requirements. He said in 1967 the scheme presented to the Council was for an office building and service center. He said they had tried to follow through on the basic plans as nearly as possible.

#207

Gene Kroh emphasized they were trying to follow through and implement the original plan they started with. He said they had taken out the filling station presented a year ago, had done a lot of hard study and spent a lot of time in the past year. He said he thought the plan presented was the highest and best use for the land, and added it would broaden the tax base of the City of Leawood. Mr. Kroh and Mr. Granstedt discussed the plans with the Council. Mr. Granstedt pointed out that the plan was for a service center of 90,000 square feet which was not expandable. Mr. Granstedt said the high point of the berm would be approximately four to five feet in height. He said the approximate rental area of the office building would be 34,944 square feet, total area outside, 43,680 square feet. Mr. Kroh said the building would compare in size to the IBM Building at 92nd and Ward Parkway. Councilman Watts asked if this conflicted with the huge shopping center on the State Line airport property. Mr. Granstedt said this was not the same type center. City Attorney Winn stated that other than the obsolescence question that was basically an economic question rather than a zoning question. Mr. Kroh said it finally evolved to a point where competition in the free market place would decide. Councilman Henry asked how many public hearings had been held on the new plan. Councilman Crippin said it came before the Plan Commission for public hearing in June, was referred to subcommittee for review, came back with some recommendations at the July meeting, it was referred back to subcommittee, came back before the Plan Commission in August, and at that time recommendations were made, discussed thoroughly, and resolution adopted. Councilman Henry asked if the plans were shown as they are right now at the public hearing. Councilman Crippin said these plans could not be the same ones that were shown in June because the Plan Commission made recommendations for changes which Mr. Granstedt and Mr. Kroh complied with. Councilman Henry stated then this

was the first time any of the general public would have had an opportunity to view the particular plans. Councilman Crippin said Mrs. Harriman was present at the meetings.

#490

City Attorney Winn, for the record, asked Councilman Crippin if the plan had met the approval of the zoning subcommittee, the technical standards committee. Councilman Crippin answered yes. Mr. Winn stated the Council was really considering preliminary approval which was basically land use compatibility. He stated the Council had three alternatives: (1) Discuss it as first reading, (2) send it back to the Plan Commission with recommendation that they give it further consideration, or (3) continue the matter with a specific reason for the continuance.

#515

The Council then heard members of the audience. Jean Graeff said residents of Leawood South did not wish to have a service center. She said Johnson County was saturated with shopping centers, and asked the Council to defeat a plan for a shopping center. Edward Mehrer said he felt he paid a premium price for his property and did not want to look out over a shopping center or heavy traffic on State Line. He said he felt Mr. Kroh should have included the shopping center in his sales brochures. Jeanette Harriman stated the land use plan did not zone property, but was only supposed to be used as a guideline for zoning. She asked if Mr. Kroh had any plans for Tract I. Mr. Kroh said they had no plans at this point, he would say it was compatible with R-3 development. She pointed out there were residences built in the commercially zoned property on the Missouri side and residents there did not want commercial development either. She asked what plans Mr. Kroh had for the tract to the north. Mr. Kroh said no plans at the present time. She asked the Council if this meant office buildings could be built north of Tract G. City Attorney Winn explained that the same procedure would have to be followed on the tracts north as had been required on the present tracts. He said hopefully that project would be considered on its merit just as this one would. Mrs. Harriman said the residents were concerned about creeping commercialism. She said they did not object to the airport shopping center but they did object to the grocery store in their entrance.

Councilman Crippin stated the comprehensive plan illustrated Tracts B, G, and H as commercial. He said when the comprehensive plan was being prepared, the previous plan prepared for the City of Leawood, as well as any plans that were approved by previous councils and previous plan commissions, were used. He said a plan from the City Clerk's file, filed in 1967, illustrated the shopping center located in the area specified by Mr. Kroh and Mr. Granstedt, and that offices would be located in that same area. He said the area north of 128th Street also indicated offices. In the drafting of the comprehensive plan, he said it was considered that due to previous planning and the acceptance of those plans in that the area from the standpoint of land use planning and what

actually had been constructed had not changed, that those areas should continue to be approved to be utilized in that manner. He said it was the intent of the comprehensive plan to stop all commercialism at that point based upon what had been previously approved. Councilman Crippin agreed that the comprehensive plan was only a guideline. Mrs. Harriman asked if all 400 homes in Leawood South objected to those plans, would that have any bearing on the vote of the Council. Mr. Crippin said that would be the prerogative of the Council to deny the request for rezoning. Pat Donnelly said Missouri residents were very concerned about this property as related to their property. He said it had been explained that the center would be screened from the Kansas side, what about the Missouri side? Mr. Granstedt stated Leawood ordinance provisions for screening did not change where property abutted Missouri. He said they had provided trees and screening on all the parking area, and retaining walls and grade level would hide portions of it. Mr. Donnelly expressed concern about the traffic flow from the Missouri side into the office building. He said traffic would flow from Blue Ridge into Carnoustie and into the office building. He said there were 75 to 100 children on that street and adding any more traffic would create a terrible situation. James Parisi said he personally did not want to see a shopping center there, it had nothing to do with the design; he wanted to live on the golf course but did not want to shop on it. Jay Granquist stated the commercial zoning on the Missouri side was done by the township and when it was annexed there was no choice but to leave it commercial. He said three homes were under construction along State Line and they were doing everything in their power to restrict any spot zoning there.

#575

#628

#636

#650

#675

Jack Cooper asked about the width of State Line. Mr. Granstedt said he was talking about right-of-way dedicated in 1967 on the Kansas side allowing for 110 to 120 feet in width. Councilman Alt said it was set up so it could ultimately be four lanes. Bill Stone said he lived at the entrance to Leawood South and he certainly hated to see the office building or the shopping center go up, he said he thought the people could get to the airport shopping center, and if merchants moved into both of them and the larger center won out, this center would resort to getting cheap tenants. He said people had spent a lot of money on their homes, and he did not think they should tear it down. He asked what percentage of the 400 homeowners would have to appear to object before they got it across that they did not need it and did not want it. City Attorney Winn advised the audience of the fact that there were protest procedures available under Kansas law.

#692

Dick Fuchs stated the design of the center did not matter, the people out there just did not want it. He asked what petition they must sign to have this finally and completely resolved. City Attorney Winn stated the Council was not here to take a political poll on this development or any

other development in the City, it was to consider the compatibility of the land use. He added that residents could force the issue to pass the Council by a three-fourths vote. He suggested that if they were going to look at the protest provisions they do it post haste. City Attorney Winn stated he had handed the section of the ordinance to Mrs. Harriman. Frank Newell pointed out that for a number of years from Blue Ridge south to 150 Highway had been zoned commercial on both sides of the street. He said they did not object to the airport shopping center, basically what he thought everyone was objecting to was this center in a residential area. He said he had never seen a shopping center so well screened and questioned how anyone would be able to find it. Mr. Granstedt pointed out the security advantages of this type center and said he had visited centers like it in some of the most exclusive areas of California. Mr. Granstedt said he did not think impulse buying was a big factor in operating any center. Paul Selzer said he thought there were other considerations for land usage other than building something on it. He said beauty should be considered. He said he would like to request an economic study and referred to the need for more police protection if such a center were built, while the City was short on policemen now.

#758

#775

Councilman Henry moved since this was the first time that many of the councilmen had seen this plan and he thought the Council really needed plenty of time carefully to consider the wishes of the citizens as well as the desirability of zoning this property, that the first reading of the recommendation from the Plan Commission regarding the rezoning of Tract G and Tract H, Leawood South, be continued to the next regular Council meeting of October 6th; seconded by Councilman Alt. Motion carried, Councilmen Chase and Watts voting nay. City Attorney Winn stated the City was required to notify all the Kansas people within 200 feet of the proposal of the continuance. Councilman Henry thanked all the visitors for taking an interest in the community and attending the meeting.

#813

There was a five-minute recess at 9:30 p.m. to allow visitors to leave if they wished.

The Council returned to regular session at 9:35 p.m. Roll call was answered by Councilmen Henry, Alt, DeKinder, Crippin, Lyons.

#### OLD BUSINESS

#817

Ordinance No. 498 - Accepting Utility Easement in Mark Lane Subdivision from Thomas and Anna Jay (Second Reading):  
Councilman Alt moved that the ordinance relating to acceptance of utility easement from Thomas and Anna Jay be approved by the Council. Ordinance No. 498 was adopted.

Councilmen Chase and Watts returned to the meeting at 9:37 p.m., following the vote on the above ordinance.

#827

Ordinance Relative to Fee for Sale of Cereal Malt Beverages and Repeal of Section (First Reading): Mayor Eddy said he thought there was some question that the City could still have a charter ordinance if the Council wanted to set the fee differently, but by this ordinance the fee was being set back within the limits of state statute. Councilman Lyons commented he would have to disagree on chartering out of this particular requirement, he thought the law was very specific and he didn't think the City could do that.

#843

TeleCable Report: Councilman Henry stated he, as a committee of one, with the help of other councilmen, had carefully reviewed the request of TeleCable of Overland Park for increase in their rate. He said the City Treasurer had reviewed their papers and submissions and found everything to be in order. He said it was obvious they were operating at a loss. He said he felt it would be appropriate to grant the increase requested, and moved for approval of the rate increase requested by TeleCable of Overland Park in their letter of July 21, 1975, addressed to Mayor Eddy, the rate increase as found in the back of the brochure attached to that letter; seconded by Councilman Chase. The matter was discussed. City Treasurer Pendleton said the operating expense increase had been largely due to the labor increase. Councilman Henry pointed out that Mr. Pirner and Mr. Oldfield were in attendance to answer questions. Councilman DeKinder stated for the record that in the period of time when there began to be a sizeable profit Messrs. Pirner and Oldfield should understand that the Council might be a little harder to deal with on a rate increase. Motion carried. Mayor Eddy asked the Ordinance Committee to prepare the necessary ordinance for submission at the next meeting.

#926

Discussion of Proposed Dog Control Ordinance: Councilman DeKinder said the proposed ordinance was a matter of improving and making more enforceable the current animal control ordinance. Mayor Eddy pointed out that ordinances had not usually been considered unless they had been put out in the council folders. City Attorney Winn clarified that there had been two ordinances, one drafted by Chief Blume and distributed on time, and another drafted by the Ordinance Committee and distributed at the table. City Attorney Winn said there were four main changes in the ordinance drafted by the Ordinance Committee: (1) a much stricter definition of running at large, basically a leash law; (2) a much more stringent definition of vicious dog and provisions therefor; (3) higher fees on second and third violations of running at large with or without a tag; and (4) a much more comprehensive provision for animal bite cases. Councilman Lyons said the Ordinance Committee took the basic ideas from Chief Blume's version, enlarged upon them, and tried to put them in a legislatively sound form that could be understood and enforced. He reviewed the changes. Mayor Eddy suggested

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that the first reading be deferred to the next meeting. Councilmen were asked to give their input to the Ordinance Committee prior to the next meeting. Tom Atherton stated that while they did not want the Council to enact an ordinance quickly, school was in session and they were concerned that this might go on into the school year. Councilman Lyons stated if the Council did enact either of the ordinances presented, provision for enforcement would have to be considered.

NEW BUSINESS

#1053

Discussion Concerning Construction at 2605 Somerset: Steve Hinsley asked what had been done about the house, and why some of the Leawood ordinances had been overlooked for a rather lengthy period of time. Mayor Eddy explained that he had met with the builder and representatives of the Veterans Administration, and had written a letter reporting on that meeting. Mayor Eddy handed a copy of that letter to Mr. Hinsley to read while the Council proceeded with other business.

#1069

Ordinance from Homes Associations: Edward Winthrop stated he was vice president of the Leawood Homes Association and was appearing on behalf of the ordinance submitted with the support of all the homes associations in the City. He said the executive committees of the homes associations felt this ordinance should be passed to give Leawood a chance to maintain the high standards of liveability it had enjoyed. He said presently there was very little teeth in the ordinances to enforce high standards and to insure complete elimination of any type of blight upon any area of the City. He said the ordinance was taken closely from state law and was almost identical to the ordinance in Prairie Village. He said such an ordinance should take care of many complaints that had been directed at the City, such as grass clippings piled along the property line, or building materials scattered about for extended periods. Mayor Eddy requested that all councilmen be furnished a copy and that first reading of the ordinance be on the agenda of the next meeting. John Bondank, vice president of Leawood South Homes Association, said that homes association completely endorsed the ordinance and recommended its passage. Councilman Alt commented he hoped something could be done to prevent dumping of trash into streams.

#1148

Discussion Concerning Construction at 2605 Somerset: Steve Hinsley discussed the Mayor's letter concerning the matter. Mayor Eddy said he was watching the situation. Mr. Hinsley said they had been asking questions for a long time and had not really gotten any answers. He said there was still debris, and the situation had gone on for six months. Mayor Eddy assured Mr. Hinsley the work would be monitored by the Chief Building Official and Building Inspector. Mayor Eddy said he had written a letter on August 11 concerning the appearance of the front of the premises and a follow-up concerning the front of the place and completion of construction by the

#1265

time the building permit expired. Mr. Hinsley referred to the schedule set out in Mayor Eddy's letter for final finish and clean up, and asked that he be notified of any extension of time. He said flies and gnats from apples fermenting had been a health hazard. He urged that ordinances be passed which have teeth in them. Mr. Hinsley said he personally believed a lot of this had been overlooked because the man was black and because of possible problems with the VA. Guy Eidson stated the way the house had been placed on the property and the way it was built so high out of the ground caused water to run in the basement of his house which was not there before. He asked the Council to do something about the construction. He said he had complained several times about the thing. He said he had been told unofficially that councilmen had been told to keep their hands off it and keep their mouths shut about it. Mayor Eddy said that was not known to the Mayor and he would question that any councilman would say that the previous mayor had said anything about it either. Councilman Alt said he was one councilman who had never been told to keep his hands off of that. Mr. Eidson said he would like someone to look at his property. He asked if he would have to spend additional sums to re-terrace his property to keep water from going into his basement just because the City allowed that house to be built so high out of the ground. Mayor Eddy requested that Fran Farrar have Mr. Granstedt and Mr. Brady take a look at the property on the corner again. Mayor Eddy explained the matter had been handled administratively by Mr. Chase, Mr. Ballard and himself. Fran Farrar stated her office did have a complaint from Mr. Eidson that they were getting water in their house during very heavy rain, but none regarding rubbish or weeds or anything on the construction site. Mr. Eidson said he wanted to make it known to the Council that the house in question was not a single family dwelling at the present time.

#1335

#1390

Request for Permission to Solicit Funds - New Haven Seventh Day Adventist Church: Councilman DeKinder stated the Public Safety Commission had not had opportunity to make a recommendation. Mayor Eddy commented the Council had been restricting solicitations to daylight hours. Councilman Alt moved that the request be approved with the hours changed to 1:30 p.m. to 5:30 p.m.; seconded by Councilman DeKinder. Motion carried.

#1405

Appointment to Recreation Commission: Jean Wise reported Newman Guthrie had resigned from the Recreation Commission and the four remaining members appointed former mayor Donald S. Ballard to fill the vacancy. Councilman DeKinder moved for approval of the appointment of Donald S. Ballard to the Leawood Recreation Commission; seconded by Councilman Alt. Motion carried.

#1428

Report re Opening of Municipal Tennis Courts - Recreation Commission: Jean Wise reported the tennis courts were almost completed and the Recreation Commission felt the courts

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should be opened as soon as possible, hopefully on Saturday, September 27, or October 4. Because construction was still going on at the pool and the playground, she said a statement was included in the newsletter that the opening of the park would be restricted to the courts and requesting that people not bring children who were not tennis players. She said the West soccer field would also be accessible to soccer players and football players. Mrs. Wise said there were several things to be done and they would try to get everything taken care of. Councilman Alt said Public Works would have the road in driveable condition.

Mayor Eddy reported he had instructed the Recreation Commission and their engineer concerning any time extensions that any future payment estimates to the builder of the swimming pool and the entire contract would not be approved unless they showed the liquidated damages.

#1471

Approval of Copy for Newsletter: Councilman Henry presented the copy of the newsletter, pointing out there were blanks to be filled in. He called attention to the section, "Around the Council Table." The charge to be made for the large city map was discussed. The Mayor suggested and the Council concurred, that the amount of \$10.00 be inserted in the newsletter as the price of the map. Councilman Henry asked councilmen to listen for comments from citizens concerning the newsletter. Councilman Alt moved that the newsletter be approved; seconded by Councilman Lyons. Motion carried. It was agreed that a questionnaire concerning the county charter commission be included.

#1567

Proposed Open Space Ordinance: Mayor Eddy said if the Council was in agreement in concept with an open space ordinance, it should recommend to the Plan Commission that it hold a public hearing and submit an ordinance to the Council. A suggested ordinance had been distributed. The ordinance was discussed briefly. Councilman Crippin moved that it be referred to the Plan Commission; seconded by Councilman Henry. Motion carried.

Following the vote, Councilmen Chase and Watts left the meeting at 11:12 p.m.

#1607

Ordinance Establishing Charges for Sewer Service (First Reading): Councilman Alt said the only change being made was to review the sewer fee in June instead of August. The ordinance was approved for first reading.

#1610

Ordinance Approving Dedication of Easement for Sewer Purposes (First Reading): Mayor Eddy stated the City was completely rid of the Foxcroft pump station and sewer line. The ordinance was approved for first reading.

#1614

Status Forms - Police Department: On motion by Councilman DeKinder, seconded by Councilman Alt, the following employment

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was approved:

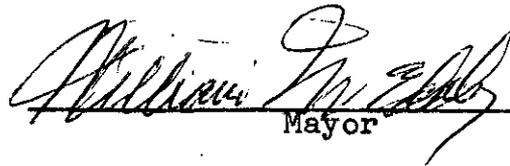
Cynthia Jane Dunn, Police Clerk, at the rate of \$2.50 per hour.

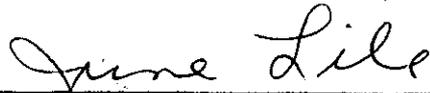
On motion by Councilman DeKinder, seconded by Councilman Lyons, the following employment was approved:

Sandra R. Ginson, Crossing Guard, Brookwood School, at the rate of \$3.00 per hour.

At 11:14 p.m., the meeting was adjourned to Monday, October 6, 1975, 7:30 p.m.

#1622

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

October 6, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, October 6, 1975, in the Police and Court Building, 9617B Lee Boulevard, with President of the Council Eugene E. Alt presiding in the absence of the Mayor. Roll call was answered by Councilmen Henry, Alt, DeKinder, Crippin, Chase, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman DeKinder, seconded by Councilman Lyons, the minutes of the meeting of September 15, 1975, were approved as submitted.

#1640

Presentation of Certificate of Appreciation and Key to City: President of the Council Alt presented to Former Mayor Donald S. Ballard a certificate of appreciation and key to the City in recognition of his service to the City of Leawood.

Visitors: Henry Martz, Mr. and Mrs. Paul Selzer, John D. Davies, J. C. Gyorog, Arlene W. Swanson, Lucy Miller, Pauline Hahler, Frances Gleason, Anne Edgar, Iven Gleason, H. Webb, Leonore Vandegrift, Rita Creson, Mr. and Mrs. W. F. Stone, Mrs. J. E. Mallow, Joseph Rizk, R. M. Malney, Pat Staniforth, Adolph Klugman, Mr. and Mrs. M. W. Kelly, Mr. and Mrs. Carl Westring, John E. Dean, C. C. Bratton, Loren Drews, Caren C. Trabue, John L. Carey, Mr. and Mrs. L. F. Alley, Mr. and Mrs. Dale Schulte, Mr. and Mrs. Harry Walter, Dr. and Mrs. Jack L. Greene, Joseph P. Donnelly, Mr. and Mrs. Harry Alexander, Mr. and Mrs. Richard J. Graeff, Jack O. Cooper, III, Mr. and Mrs. Bill Willming, Ed Fisher, Joe Borko, Mr. and Mrs. W. A. Granquist, John R. W. MacIntire, E. Alexander, Mr. and Mrs. Jim Newman, Mr. and Mrs. James McGraw, Mrs. F. D. Sargent, Mr. and Mrs. R. C. Vaal, Mr. and Mrs. E. J. Oke, Mr. and Mrs. Bob Jordan, Gertrude Myers, Mrs. H. Goldfinger, Sam Bernstein, Polly Boley, E. F. Parisi, Ellen C. Mears, Mrs. Ken Heady, Therese Y. Webb, Joe Myers, Jeanette Harriman, C. E. Stephens, L. B. Stephens, Mary Ervin, Mr. and Mrs. H. A. Teigen, T. E. Thompson, Thomas S. Reid, Lee Frerker, Klaus Steinnagel, Charlie G. Wildman, J. J. Bruce, D. R. Lackamp, G. H. Myers, J. E. Chalfant.

#1677

Public Safety - Request from Camp Fire Girls for Permission to Paint Fire Hydrants: Councilman DeKinder moved that this matter be taken from the agenda and considered by the Public Safety Committee at its meeting Wednesday night. He said, however, he would like the Council to hear the presentation. Margaret H. Sargent presented pictures of fire hydrants which had been painted by the Camp Fire Girls. She said

October 6, 1975

Leawood seemed to be about the only city in Wyandotte and Johnson County not participating in the project. She said the Sunflower Council of Camp Fire Girls was the only organization which had been given permission to carry out the program and they worked very closely with the water district, following safety precautions, using recommended paint, and designs approved by the fire chief of the city involved. She displayed a picture of a fire plug painted red, white and blue which she said was what the water district hoped to go to within the next three to five years. She said leaders would attend training sessions on cleaning and painting the hydrants. Mrs. Sargent showed pictures of designs approved by the water district and the Sunflower Council. She said the Council's aim was to train the girls to take an active interest in their community. Councilman DeKinder invited Mrs. Sargent and other Camp Fire leaders to attend the Public Safety Commission meeting at 7:30 p.m. on Wednesday, October 8, 1975.

#1760

Councilman Henry moved that the agenda be revised so as to take up the ordinances relating to the rezoning of Tract G and Tract H, Leawood South; seconded by Councilman DeKinder. Motion carried.

#1770

Ordinance Establishing Zoning Classification of Limited Office District, Tract G, Leawood South (First Reading):

Councilman Alt announced that this was not a public hearing; that the first reading of the ordinance was continued from the meeting of September 15, 1975, at which time the public had full opportunity to discuss the matter. L. D. McDonald, Jr., stated he had been retained as attorney by some of the homeowners in Leawood South to speak at this meeting. He submitted, although he said he was aware they were out of time for purposes of the statute, protest petitions signed by 280 residents, letting their elected officials know that they were opposed to the passage of any ordinance which would allow a shopping center zoning change at the entrance to their homes. He said he was objecting formally on behalf of the persons he was representing to any further consideration by this Council in the form of a first reading or any other consideration, for the reason that the Council did not have jurisdiction at this time. He said the basis for the jurisdictional objection was the case of Carson vs. McDowell, 203 Ks. 40, pp. 42 and 43. Mr. McDonald said the first publication of this ordinance change was published on May 7, 1975, and the public hearing was May 27, exactly 20 days later. He said the statute clearly provided that notice be published once in the official city newspaper and at least twenty days shall elapse between the date of such publication and the date set for hearing. Since only nineteen days had elapsed between the two terminal days, Mr. McDonald requested that the Council not pass the ordinance since the Kansas Supreme Court had held that if it did the ordinance would be null and void. City Attorney Winn suggested to the Council that since Mr. McDonald had raised a jurisdictional question, he thought the matter should be taken under advise-

ment by the Council until he as City Attorney could either concur or disagree with Mr. McDonald's opinion. He said he would research the matter and advise the Council whether to continue its deliberations or whether the matter should be returned to the Plan Commission for additional hearing. Mr. Kroh stated he acted in good faith, there was no reason for them to try to make any effort to cut the publication date short. He added this was the second time the matter had come before the Council and the Plan Commission.

#1890

Councilman DeKinder moved for continuance of the first reading of ordinances establishing zoning classification of Limited Office District, Tract G, and Planned Business District, Tract H, Leawood South, to the next meeting of the Leawood Council; seconded by Councilman Crippin. President of the Council Alt requested that the City Clerk notify Mr. McDonald of any further action by this body or contemplated by the Plan Commission on this matter. Mr. McDonald stated he would see that the group was notified if he received notice. Motion carried.

#1964

There was a short recess at 8:09 p.m.

The Council returned to session at 8:12 p.m. The same councilmen were present.

Councilman DeKinder moved that the agenda be changed to consider the ordinance relative to animal control as the next item on the agenda; seconded by Councilman Watts. Motion carried.

#1970

Ordinance No. 499 - Relative to Animal Control (First Reading):

Councilman DeKinder stated with the exception of a couple of questions he would like to present for council consideration, the Public Safety Commission was recommending approval of this ordinance. He said the intent was to come up with an ordinance that was more enforceable, clear in language, and achieved a balance between absolute control of all animals and the freedom people had enjoyed because of large yards. Councilman DeKinder said there should be discussion, so that the Police Department had direction as to how to direct the animal control officer and the other officers, as to the intent of the Council concerning whether every dog who wandered off its owner's property would be fair game for the animal control officer. He said he did not think that was the intent of the Council. Councilman Watts agreed that it was not the intention of the Council to clean up all the dogs off the curbs, but to write an ordinance that was definitive enough so that if any dog became a nuisance or was vicious and a citizen was willing to complain, the humane officer would go out and pick up the dog. Councilman Crippin agreed but said how can the City have a law that was enforced half the time? Councilman Hodes urged a meeting with the animal control officer and the chief of police to convey the Council's feeling that dogs should not be picked up at random if they were not causing any problem. Councilman Lyons suggested selective enforcement; that the dog catcher must use common sense. Chief Blume warned against putting

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#2125

the burden on the dog catcher to make subjective decisions. He said it should be made clear that if the law passed and an animal was off the property of its owner, it would be in violation. The Council discussed the problem of enforcement. Councilman Hodes moved that an emergency be declared for adoption of the ordinance pertaining to animals and fowl; seconded by Councilman Watts. Councilman DeKinder said the reason for the emergency was hopefully to avoid incident since school had begun. Following discussion, motion carried, Councilman Lyons opposed.

#2218

Councilman DeKinder moved for approval of the ordinance relating to animal control, as rewritten. Councilman Lyons moved to amend Section 2-210 by adding "or humane officer" following "law enforcement officer" each time it appeared in that paragraph; seconded by Councilman Hodes. Following discussion concerning whether the humane officer should be empowered to destroy any animal, amendment carried, with one "nay" vote. Provisions for confinement were discussed. It was agreed the ordinance needed to be retyped to add a repeal of section provision, correct typographical errors, and City Attorney Winn suggested defining vicious animal in a separate section or making two paragraphs of Section 2-210. Councilman Chase suggested he would be willing to permit Councilman Lyons and the City Attorney to work out the exact language of the revision of form. Councilman Alt suggested proper section numbers be inserted, that the words "cost of" be added before "the board bill" in Section 2-217 (b), and that a saving section be added.

#2295

#2503

Councilman DeKinder withdrew his first motion, and moved for approval of the ordinance labeled Chapter II, Animals and Fowl, Article 2, Dogs and Other Animals, with the inclusion of the saving section, conformity to all other ordinances of the City of Leawood as to form, correction of typographical errors, and other form changes which were previously discussed. The Council discussed with a lady in the audience Section 2-216, providing "any private person may, upon signed complaint, bring charges against any owner of a dog, or other animal, for the violation of any of the provisions of this ordinance." Councilman Alt suggested notice of the new animal control ordinance be in the next newsletter. Mrs. Atherton thanked the Council for its thorough investigation and the time spent on the ordinance. Ordinance No. 499 was adopted unanimously.

#2589

Councilman Hodes moved to revise the agenda to take up the report of the Plan Commission at this time; seconded by Councilman Lyons. Motion carried.

Plan Commission:

#2598

Resolution No. 367 - Approving Third Plat - Verona Gardens:  
Councilman Crippin moved that the third plat of Verona Gardens be approved by resolution. He stated the Plan Commission had reviewed the plat and an explanation of the plat had been distributed. Motion seconded by Councilman Watts. Joe Barko,

engineer with J. C. Nichols Company, said this was the remaining land in Verona Gardens. He displayed the plat. He stated it was a westerly extension of High Drive to Mr. Garland's east line, with whom they had been working on both plats and engineering. He said the plat was all single family in the same tradition as the existing Verona Gardens. Councilman Alt pointed out that curbs on 119th Street were asphalt curbs. Mr. Barko said this was done particularly on arterial streets where widening was anticipated. The plat was discussed with the Council. Mr. Barko said a typical lot would be 110 by 120 feet. Resolution No. 367 carried unanimously. A copy is attached hereto as part of the record.

#2726

Resolution No. 368 - Approving First Plat - Oxford Hills:  
Mr. Garland and Loren Drews were present on behalf of the plat. Mr. Drews said the area in question was just west of the area in the Verona Gardens plat just considered. The plat was displayed and explained. Mr. Drews said the area was not affected by the proposed Tomahawk Reservoir. He said most of the lots were 125 feet. He said it was located in Tomahawk Sewer District No. 4. The plat was discussed with the Council. Councilman Crippin moved for approval of the Oxford Hills First Plat as recommended by the Plan Commission; seconded by Councilman Watts. Councilman Crippin said the technical committee of the Plan Commission had reviewed the plat; however, there were no storm drainage or street plans submitted with the plat and that would be the subject of his second motion. Councilman Crippin explained that the way the ordinance was written, a plat could be filed and should be approved without plans for streets or storm drainage. The matter was discussed. Resolution No. 368 was adopted unanimously. A copy is attached hereto as part of the record. Councilman Crippin moved that the Mayor be directed to notify the Chief Building Official in writing that no building permits shall be issued on the Oxford Hills Plat until the appropriate plans for sewers, roads and storm drainage are approved for the subdivision as a whole; seconded by Councilman Hodes. There was discussion that proposed subdivision regulations had been prepared which provided that on final platting this type of information be included. Motion carried.

#2779

#2837

#2876

Resolution No. 369 - Final Development Plan - Commodity News - 89th and State Line: Councilman Crippin stated this was a presentation of the final development plan for the third phase of the Kroh Brothers tract in the vicinity of 89th and State Line. He said the property would be very difficult to see from State Line. Joe Davis, attorney for Kroh Brothers, stated Commodity News was a wire service which reported the commodities market to subscribers such as newspapers and others interested in the market. He said they intended to consolidate their operations in the Limited Office District across from Ward Parkway Shopping Center. He said they did not deal with consumers, so to speak, and wanted a natural setting. He said the area in

October 6, 1975

question was the old rock quarry adjacent to the Leawood Country Club. Mr. Davis said they would employ 60 to 70 people. He said hours would generally be the same as commodities markets were open. He said Midwest Weather would also be housed in the building. He said former councilman, Dr. Evans, had reported to the Plan Commission that all of the neighbors in the area voiced approval and support of the plan. He showed the plans and indicated existing screening. He said there would be additional evergreen screening and the tenant was interested in maintaining the natural landscaping. The building would be 32,000 square feet. Mr. Carey and Mr. Alexander, architects, were present. Mr. Davis said the building had been relocated west of the originally intended location shown on the preliminary plan. One of the architects said he had talked with Phil Kline concerning the direction of the sanitary sewer line and had checked with Bob Sirchia concerning availability of sewer connections. Councilman Crippin moved that the final development plan for the third phase of the Limited Office District located at approximately 89th and State Line Road be approved by resolution; seconded by Councilman Lyons. Resolution No. 369 was adopted unanimously. A copy is attached hereto as part of the record.

#3175

Councilmen DeKinder and Chase left the meeting at 10:00 p.m.

#3310

Councilman Hodes moved that the agenda be revised to consider the report of the Recreation Commission at this time; duly seconded. Motion carried.

#3329

Recreation Commission: Proposed swimming pool regulations had been distributed. Jean Wise stated the regulations were fairly routine. The regulations had been reviewed by the Council liason committee. They were discussed. Councilman Hodes moved that the Council approve the swimming pool regulations as submitted; seconded by Councilman Crippin. There was discussion that before entering the pool, persons would have to pass through a shower. Motion carried.

#3392

#3446

At 10:09 p.m. there was a short recess to change the recording tape.

Tape No. 38

Side 1

#0

#### REPORTS

Treasurer: No report.

#4

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Hodes, seconded by Councilman Watts.

#19

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Henry. Councilman Lyons commended Chief Toman for the job he was doing, pointing to the fire loss of \$1,300. Councilman Alt pointed out that the number of rescue calls had increased.

- #27 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Henry. Councilman Alt commented he was pleased with the percentage of cases cleared. Chief Blume said public-relation-wise the motorcycle policeman was working out very, very well, and that the department was having a great deal of success with the crime prevention program.
- #46 Public Works: Mr. Gray's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Lyons.
- COMMITTEE AND COMMISSION REPORTS
- #52 Budget and Finance: Councilman Watts reported the City was having some problems with the county over the amount which could be levied for parks and what could be levied for recreation; the combined agencies would probably be somewhat less than planned. City Attorney Winn will research the question.
- #64 Ordinance No. 500 - Relative to Fee for Sale of Cereal Malt Beverage (Second Reading): Councilman Lyons stated this ordinance was to correct the current ordinance which was found to be contrary to state law. Upon motion by Councilman Lyons, Ordinance No. 500 was adopted unanimously.
- #70 Ordinance No. 501 - Establishing Charges for Sewer Service and Rules and Regulations (Second Reading): Councilman Alt explained this ordinance was to change the date that the Public Works Commission should make recommendation to the Governing Body concerning the amount of the sewer fee. Upon motion by Councilman Lyons, Ordinance No. 501 was unanimously adopted.
- #75 Ordinance Relative to Rate Increase to Subscribers of TeleCable (First Reading): Councilman Henry explained this was the first reading of the ordinance providing for a rate increase from \$5.25 to \$6.95 to subscribers of TeleCable of Overland Park. There was discussion concerning a provision that, "This franchisee shall for a period of two years from the date upon which it commences construction of its CATV system, install without charge to any of its residential subscribers, said person's first TV outlet." Councilman Henry said they were extending this courtesy when they ran a new line. Councilman Hodes said he didn't believe it was applicable because they had been in the City longer than two years. Councilman Lyons suggested the first reading be continued and Councilman Henry get in touch with TeleCable concerning what they proposed to do. A motion to continue the first reading was withdrawn and the ordinance was approved for first reading.
- #135 Ordinance Providing for Acceptance of Deed from Planned Communities and Capitol Funds, Inc. for Public Right-of-Way, and Repeal of Ordinance (First Reading): City Clerk Jinny Oberlander explained that the first deed given to the City was from the wrong company, and that this ordinance was to

correct the error. Approved for first reading.

#151

Ordinance Providing for Acceptance of Deed from Huntington Land Co. for Public Right-of-Way (First Reading): Councilman Alt said this was the same situation as the previous ordinance. Approved for first reading.

#155

Parks: Councilman Alt reported re-seeded grass was growing, signs were up, and the department was doing some additional grading that was not in the contract.

#159

Ordinance No. 502 - Approving Dedication of Easement for Sewer Purposes (Second Reading): City Attorney Winn explained this ordinance was to give Kansas City, Missouri, an easement to maintain the sewer line from Foxcroft and the pump station. Councilman Lyons moved for adoption of the ordinance dedicating easement for sewer purposes. Ordinance No. 502 was adopted unanimously.

Public Safety: Councilman Watts reported the Public Safety Commission had recommended approval of two similar solicitation requests by Cub Scout Packs to sell plastic bags door-to-door.

#178

Request for Permission to Sell Plastic Bags - Cub Pack 3971: Councilman Watts moved approval of the permit for Brookwood School Cub Scout Pack 3971 to solicit October 7 through October 30, on weekdays between 3:30 p.m. and 6:00 p.m., and on weekends between 11:00 a.m. and 6:00 p.m.; seconded by Councilman Hodes. Motion carried.

#199

Request for Permission to Sell Plastic Bags - Cub Scout Pack 3385: Councilman Watts moved approval of the request of Cub Scout Pack 3385 of Marsha Bagby School to solicit between October 7 and November 7, after school between 3:30 p.m. and 6:00 p.m., and on weekends between 11:00 a.m. and 6:00 p.m.; seconded by Councilman Hodes. Motion carried. The City Clerk was requested to instruct them to wear their uniforms.

#207

Public Works - Status Forms: Councilman Alt reported the park foreman had resigned and a new foreman had been hired. Upon motion by Councilman Alt, seconded by Councilman Lyons, the following employment was approved:

William E. Stagner, Park Foreman, at the rate of \$700.00 per month.

Upon motion by Councilman Alt, seconded by Councilman Crippin, the resignation of Kelly Graves as Park Foreman, effective September 16, 1975, was accepted.

#226

Public Works - Striping of 95th Street: Deferred.

October 6, 1975

MAYOR'S REPORT

Status Forms: On motion by Councilman Alt, seconded by Councilman Lyons, the following increase in salary was approved:

Frances Farrar, Assistant City Administrator, from \$660 to \$710 per month, effective October 1, 1975.

On motion by Councilman Alt, seconded by Councilman Hodes, the following employment was approved:

Andrew L. Warren, tennis attendant, \$2.10 per hour, effective September 27, 1975.

Frances Ann Montaleone, tennis attendant, \$2.40 per hour.

#260

Appropriation Ordinances: Nos. 346A and 334S in the amounts of \$217,562.82 (including \$150,000.00 in investments) and \$351,325.22 (including \$300,000.00 in investments), providing for payment of certain claims against the City and the Leewood Sewer System respectively, were submitted. Councilman Watts moved that the appropriation ordinances be approved with the condition that Warrant No. 10351 to Ansa-Call Corp. for a Divert-A-Call telephone, in the amount of \$695.00 be held until the Chief of Police approved that the equipment was working properly. Motion carried unanimously on roll call vote.

#305

Resolution No. 370 - Authorizing Application for Federal Grant for Sewer Renovation: City Attorney Winn read the proposed resolution authorizing application for Federal assistance for sewer renovation under the Environmental Protection Agency program. On motion by Councilman Watts, seconded by Councilman Lyons, Resolution No. 370 was unanimously adopted.

#312

Construction at 2605 Somerset: City Attorney Winn said the matter was temporarily under control.

#336

At 11:03 p.m., on motion by Councilman Lyons, seconded by Councilman Henry, the meeting adjourned to Monday, October 20, 1975, 7:30 p.m.

*Eugene E. Allen*  
\_\_\_\_\_  
President of the Council

*Jane Lile*  
\_\_\_\_\_  
Council Reporter

Attest:

*Jane Lile*  
\_\_\_\_\_  
City Clerk

October 20, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, October 20, 1975, in the Police and Court Building, 9617B Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Lyons, Hodes.

Others present were Police Chief Blume, City Attorney Winn, Will Gray, Bob Sirchia, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman DeKinder, seconded by Councilman Lyons, the minutes of the meeting of October 6, 1975, were approved as submitted.

#340

Opening of Bids for Striping of 95th Street: Bob Sirchia opened bids for striping 95th Street and Mission Road using thermoplastic material, as follows:

Twin Pavement Striping Co.:	
95th Street	\$3,721.50
Mission Road	\$2,812.50
 Prismo Universal:	
Total price	\$7,556.00

Mr. Sirchia stated the engineer's estimate was \$4,500.00 for 95th Street, \$1,400.00 for Mission Road. There was discussion that the Twin Pavement Striping bid was under the engineer's estimate on 95th Street, but the total was over the engineer's estimate. Phil Kline explained that the 95th Street bid was the base bid for the contract, Mission Road was put in as an "add alternate."

#370

Councilman Crippin entered the meeting at 7:33 p.m., during the discussion.

Councilman Alt stated there were spots on Mission which had shrunk. Mayor Eddy said in view of the condition of Mission Road, it might be better to defer the striping and perhaps temporarily paint it. He added the county sewer district should stripe Mission Road because they tore the road out. Phil Kline said the county had indicated that at the appropriate time and when the amount was known, they would consider making that contribution to the City. City Attorney Winn stated the base bid appeared to be satisfactory and within the engineer's estimate. Councilman Alt moved that the Council accept the bid of Twin Pavement Striping Co. to stripe 95th Street with Permaline thermoplastic for the amount of \$3,721.50, and authorize the Mayor to enter into a contract for that amount; seconded by Councilman Henry.

#389

#402

Councilman Watts entered the meeting at 7:35 p.m. Motion carried.

October 20, 1975

Visitors: E. A. O'Brien, Frank Wurtenberger, Ed Babcock, Mrs. Chadwick, Stephen Merz, Dan Taylor, Tim Trenshaw.

#420

Request for Use of East Soccer Field: Mrs. Chadwick stated seeded areas in the park had washed away and construction equipment was going over the seeded areas, while certain parts of the park were restricted in use because they were "within the seeded areas." She requested that the Council allow the use of the east soccer field under very tightly structured, limited conditions by using the road that was presently being used by trucks. She stated that field had not been seeded. Stephen Merz stated he was not making a request for the east soccer field; he said some persons had been going down there but he had not given permission. Jean Wise stated the Recreation Commission had not given permission for the east field because in order to get there one had to go over seeded areas and there was no way of enforcing use of an existing pathway. She pointed out that the west field was available every evening of the week since the only time it was reserved was on the weekends. Mayor Eddy stated during the past week he had observed that cars had been driven over to the east soccer field, leaving ruts, and he would not recommend granting permission to use the east soccer field until such time as rock was put on the road. He said bids for this rock would be considered at this meeting. Councilman Alt stated there was utter disregard by people to police their own activities, and he felt the City should not at this time open up any more fields. Mayor Eddy reviewed that the permission to use the west field had been contingent upon the soccer people policing themselves. Mrs. Chadwick said she was recommending a very tightly controlled situation where the two fields both were scheduled specifically every night for Heart of America Soccer League teams, would recommend preference be given to teams with Leawood boys or a Leawood coach, and that those teams and their coaches be entirely responsible for the actions of their team. Mayor Eddy said they had already been made responsible for their actions on the west field and they were not living up to the responsibility they agreed to take there. Mr. Merz said it was hard for one person to control. Following discussion, the Council concurred that the situation remain as is until such time as the road is graveled. Mayor Eddy requested that the Recreation Commission study the situation again after the rock was applied, and bring a recommendation to the Council.

#### COMMITTEE AND COMMISSION REPORTS

#515

Ordinance No. 503 - Relative to Rate Increase to Subscribers of TeleCable (Second Reading): Councilman Henry reported he had talked to TeleCable and ascertained that they were extending the free installation offer to subscribers within two months of the installation of a new line. He moved that the sentence on page two of the proposed ordinance beginning with the words "The Franchisee" through the fourth line, ending with the word "that", be deleted from this ordinance; seconded by Councilman Lyons. Motion carried. Councilman

Henry then moved for adoption of the ordinance as revised. Ordinance No. 503 was adopted unanimously.

#537

Ordinance No. 504 - Providing for Acceptance of Deed from Planned Communities and Capitol Funds, Inc. for Public Right-of-Way (Second Reading): Councilman Alt explained this ordinance was to accept a corrected deed as Planned Communities did not have title to all of the land accepted by the previous ordinance. On motion by Councilman Alt, Ordinance No. 504 was unanimously adopted as presented.

#550

Ordinance No. 505 - Providing for Acceptance of Deed from Huntington Land Co. for Public Right-of-Way (Second Reading): Councilman Alt explained this was the same situation as above and moved for adoption of the ordinance. Ordinance No. 505 was unanimously adopted.

#567

Ordinance Concerning the Harboring of Certain Domestic or Wild Animals, Fowl, or Birds (First reading): Councilman Lyons stated this ordinance covered other animals which had been included in the dog ordinance. He said the Committee had tried to give some leeway in the penalty section. At City Attorney Winn's suggestion, it was agreed that the first sentence should read: "It shall be unlawful for any citizen to harbor any animal, fowl, bird," etc. At the suggestion of Councilman Hodes, the words "and any other wildlife normally considered dangerous by reasonable and prudent men" were stricken from the last sentence of the first paragraph. It was agreed that in paragraph B, next to the last line, that the words "at the owner's expense" be added following the word "impounded" and that the sentence end following the word "removal." The next sentence to read, "Removal from the City of Leawood shall also be at the owner's expense." It was agreed to leave out "considered dangerous" in the heading of the first paragraph.

#669

Public Works - Graveling of Park Road: A drawing showing the park road proposed to be graveled was distributed. Councilman Alt reported the Public Works Commission recommended that the rocking be confined at this time to that shown on the drawing. The Recreation Commission had agreed with the recommendation. Bids for graveling were presented, as follows:

Reno Construction Co., unit cost \$5.20 per ton,  
with 1,600 tons.

T. J. Construction Co., oral bid for \$12,600, or  
approximately \$8.00 per ton.

The engineer's estimate was 1,020 tons at \$5.60, or total lump sum of \$5,712.00. Mayor Eddy said he would like to have the Council approve the bid of Reno at \$5.20 per ton, with no total dollar amount stipulated. Funds available were discussed. The Reno bid was discussed. Mayor Eddy said bidders were asked specifically to submit a per unit ton price. Councilman Alt moved that the Council accept

#762

the bid of Reno at the rate of \$5.20 per ton to apply Grade AB 3 Kansas specification rock, compacted, in the park area as indicated on the map distributed at the council table; seconded by Councilman Lyons. Councilman Alt requested that Shafer, Kline & Warren, supervising engineers, keep the Public Works Commission posted if it appeared the project would run substantially more than anticipated. Motion carried.

#794

Public Works - Drawing of Sidewalk Along Lee Boulevard into the Park: Councilman Alt referred to a drawing of a proposed sidewalk along Lee Boulevard into the park, in two pieces, from 105th Street south, and from 105th Street north. He said Public Safety and the Recreation Commission had asked Public Works to make a recommendation concerning the sidewalk. He said Public Works was recommending that nothing be done at this time on the basis of expenditures involved. He said it might be possible to grade off a little near the bridge on both sides and put in some asphalt and markings, to take care of the approaches to the overpass and bridge on both sides. Councilman Henry added that the Commission wanted to look at it for one summer to see how much need there was for a sidewalk. Councilman Hodes pointed out the proposed sidewalk was on the west side of Lee while the no parking ordinance restricted parking on the east side of Lee Boulevard. The recommendation to defer the matter was accepted. Mrs. O'Brien stated she felt bike riding and walking to the park should be encouraged both health-wise and conservation-wise. Councilman DeKinder said he had asked Mr. Sirchia to check whether there were any state and/or federal monies to provide access into an existing park.

#859

Request for Permission to Solicit Funds - Camp Fire Girls: Councilman DeKinder moved for approval of the request with the exception that hours be limited to 3:30 p.m. to 5:30 p.m. on weekdays and 11:00 a.m. to 5:30 p.m. on weekends; seconded by Councilman Alt. Councilman DeKinder requested that the City Clerk indicate to future applicants that solicitation was limited to those hours. Motion carried.

#877

Request for Installation of Street Lights: Councilman DeKinder said Public Safety felt the lights were justified in Leawood South, Huntington Farms, Mark Lane and Verona Gardens subdivisions. Assuming that the funds were available from the franchise fee and on recommendation of Public Safety Commission, Councilman DeKinder moved for approval on all four of the subdivisions requesting lighting; seconded by Councilman Hodes. Following discussion, motion carried.

#917

Approval of Request from Camp Fire Girls for Permission to Paint Fire Hydrants: Councilman DeKinder reported the Public Safety Commission had approved the painting of a limited number of fire hydrants by the Camp Fire Girls, using designs approved by Chief Toman.

October 20, 1975

#937

Resolution No. 371 - Authorizing Execution of Application for a Special Solicitation Demonstration Grant: Mayor Eddy explained that the resolution was to authorize application for a demonstration grant for solar heating in the new fire station. Upon motion by Councilman DeKinder, seconded by Councilman Watts, Resolution No. 371 was unanimously adopted. A copy is attached hereto as part of the record.

OLD BUSINESS

#957

City Attorney's Opinion re Leawood South Zoning: City Attorney Winn had submitted a written opinion, and said the case cited by the attorney for residents opposing the zoning was researched and it appeared the City had made a clerical error in publishing, that twenty clear days did not expire between the date of publication and the date of the hearing. He said the notice would be republished and the matter would go through the procedures again.

#981

Resolution No. 372 - Reaffirming a Prior Resolution Opposing Tomahawk Reservoir: Councilman Alt reported he had attended the hearing on Tomahawk Reservoir. He said the City had until November 2 to enter material into the public hearing. Councilman Alt reviewed the three alternatives presented by the Corps of Engineers and referred to a document from the General Accounting Office concerning induced costs. Councilman Alt moved for approval of Resolution No. 372 reaffirming Resolution No. 347 opposing the construction of Tomahawk Reservoir; seconded by Councilman Watts. Resolution No. 372 was adopted, Councilman DeKinder voting nay. A copy is attached hereto as part of the record.

#1035

At 9:05 p.m., on motion by Councilman Lyons, seconded by Councilman Watts, the meeting adjourned to Monday, November 3, 1975, 7:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

November 3, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, November 3, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Alt, Chase, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman Hodes, the minutes of the meeting of October 20, 1975, were approved as submitted.

#1040 Visitors: Jean Wise, Jeff Hoover.

REPORTS

Treasurer: No report.

#1046 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Chase.

#1049 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Hodes. Mayor Eddy reported he had a letter from the City Manager of Kansas City, Missouri, thanking the City for its willingness to help out in their recent crisis.

#1056 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Hodes, seconded by Councilman Lyons.

#1057 Public Works: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Hodes.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance: No report.

#1059 Ordinance No. 506 - Relating to Wild Animals, Fowl, Birds, Insects and Reptiles (Second Reading): Councilman Lyons said minor modifications suggested at the last meeting had been incorporated. He moved for approval of the ordinance. Ordinance No. 506 was adopted unanimously. Councilman Lyons pointed out he had learned that in Overland Park dog catchers were completely self-supporting.

#1085 Discussion re Building Occupancy Permit: Councilman Alt reported the Ordinance Committee had been asked to draw up

November 3, 1975

an ordinance for building occupancy. He said the Committee felt such an ordinance would be an unnecessary harrassment to individuals. He said he had checked with other cities and learned that in Kansas City the only application of such an ordinance really being made was to check conformance to zoning where a building was being altered or its usage changed. Councilman Alt recommended that the Ordinance Committee cease work on such an ordinance. The Council concurred.

#1112 Newsletter: No report.

#1113 Parks: Councilman Alt reported some of the gravel had been hauled, and the new grass had been mowed for the first time.

Plan Commission: No report.

#1116 Public Safety - Status Forms: Councilman Watts presented the following status forms:

Jack Livella, Patrolman, increase in salary from \$800 to \$825 per month.

David Thompson, Patrolman, increase in salary from \$775 to \$800 per month.

Maurice McCarthy, Patrolman, increase in salary from \$800 to \$825 per month.

Debra Sixta, Court Clerk, increase in salary from \$440 to \$465 per month.

On motion by Councilman Watts, seconded by Councilman Hodes, the status forms were approved.

#1132 Bids for Five Patrol Cars for 1976: Councilman Watts opened the bids and recommended that they be referred to the Public Safety Commission for report at the next meeting. The following bids were received:

Andy Klein Pontiac, GMC, Inc., each \$4,395.21,  
total \$21,976.05

Dennis Chevrolet, each \$4,905.21, total \$24,526.05  
Less trade-in of four marked cars 2,000.00  
Net \$22,526.05

Don Stein Buick Opel, each \$4,960.00

Bill George Chrysler-Plymouth, each \$4,795.32,  
total \$23,976.60  
Less trade-in 6,000.00  
Net \$17,976.60

Downtown Chrysler-Plymouth, each \$4,999.00,  
total \$24,995.00  
Less trade-in \$850 each 3,400.00  
\$21,595.00

November 3, 1975

Bud Brown Chrysler-Plymouth, each \$4,888.80, total	\$24,444.00
Trade-in \$1,400 each	5,600.00
Net	\$18,844.00

Chief Blume said there were six pages of specifications and asked for a bid two ways, with trade-in and without. Mayor Eddy asked that copies of future advertisements for bid be distributed to councilmen. He requested that leasing of cars be investigated. Councilman Watts moved that the bids be referred to the Public Safety Commission for study of the various conditions and final recommendation to the Council at the next meeting. The Mayor so ordered.

#1206

Resolution No. 373 - Relating to Approval of Concept Plan for Improvement of Somerset Drive: Councilman Alt reviewed that the Council had on August 18 authorized the city attorneys of Prairie Village and Leawood to draw up a concept of plan which then could be presented to MARC. He said the resolution before the Council was the result of that direction. He emphasized that the resolution did not commit the City in any way to any funds nor prevent the City from changing the plan. He said the City was mainly interested in improving the intersection of Lee and Somerset. There was discussion that 3,000 feet east of Mission, past the multi-family area, Somerset was proposed to be four lanes. Councilman Hodes said the Public Safety Commission recommended that the Police Chief write a letter to the Prairie Village police chief requesting cooperation with Leawood in installing proper signage at Somerset and Lee. On motion by Councilman Alt, seconded by Councilman Watts, Resolution No. 373 was adopted unanimously. A copy is attached hereto as part of the record.

#1286

Recreation Commission: Mrs. Wise's report had been distributed. The policy of not hiring children of city officials was discussed. Councilman Alt said the Park Commission also concurred in that policy. Mayor Eddy said he had contacted the bonding company and now more progress was being made. He said the City was deducting liquidated damages on payment estimates being paid. Credit days were discussed. Mrs. Wise requested authorization to purchase windscreens for the tennis courts. The lowest bid received was from Norman Ott, manufacturer's representative for F & H Company in the amount of \$2,699.00. She said the screens would be installed by Fred Krebs and the tennis attendant. Mayor Eddy said he had asked Mrs. Wise to make sure bond money was not spent illegally. Councilman Alt moved that the Recreation Commission be authorized to purchase windscreens for the tennis courts; seconded by Councilman Watts. Motion carried.

#### MAYOR'S REPORT

Mayor Eddy reported the City had now been sued by the Board of Realtors concerning the occupation license. City Attorney Winn said the suit would give an indication as to whether the City's occupation license provisions were valid.

November 3, 1975

#1379

Resolution No. 374 - Requesting the United States General Accounting Office to Review the Corps of Engineers' final Cost-benefit Ratio Figures Relating to Tomahawk Reservoir:  
Mayor Eddy said he had written a rebuttal to the facts as they were presented in the final environmental impact statement for Tomahawk Reservoir. He asked the Council to approve the resolution formally requesting the United States General Accounting Office to review the Corps' final cost-benefit ratio figures. On motion by Councilman Watts, seconded by Councilman Alt, Resolution No. 374 was unanimously adopted. A copy is attached hereto as part of the record.

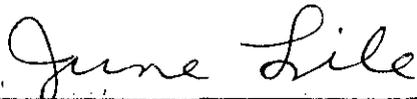
#1411

Appropriation Ordinances: (Councilman Crippin entered the meeting at 8:26 p.m. during discussion of the appropriation ordinances.) Nos. 347A and 335S in the amounts of \$214,034.30 (including \$150,000.00 in investments) and \$387,792.70 (including \$380,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Watts.

#1474

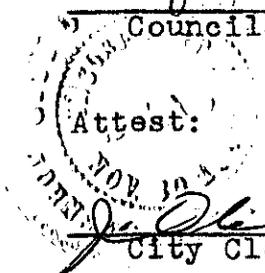
At 8:29 p.m., on motion by Councilman Lyons, seconded by Councilman Alt, the meeting adjourned to Monday, November 17, 1975, 7:30 p.m.

  
\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Council Reporter

Attest:



  
\_\_\_\_\_  
City Clerk

November 17, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, November 17, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Treasurer Pendleton, Will Gray, Bob Sirchia, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman Alt, the minutes of the meeting of November 3, 1975, were approved as submitted.

Visitors: Homer C. Evans, Louis W. Brosome, Susan Handley, Stephen Merz, Saul Ellis. Member of the Press: Jean Morgan.

#1490

Presentation to the City by Mid-America Soccer Association: Stephen Merz, president of the Mid-America Soccer Association, presented to the Mayor a plaque given to his association by a Dallas soccer team which had played in Leawood Park in 1974, because the Dallas team felt Leawood Park was an ideal setting for the game.

#1502

Report from Apportionment Committee, and Presentation of Proposed Ordinance Relating to Ward Boundaries of the City: Former Councilman Homer Evans, chairman, introduced Susan Handley and Louis Brosome, members of the committee. He said Louise Hart was also a member. He reviewed that the committee's assignment was to recommend a realignment of ward boundaries in the City of Leawood in compliance with the statutes of the State of Kansas. He said to have equal representation, there would be about 1,800 voters in each ward. Presently, Ward 3 had far in excess of that while the other three wards were under.

Councilmen Chase and Watts entered the meeting at 7:35 p.m. during the presentation on ward boundaries.

Mr. Evans said the committee adopted the following guidelines: (1) to develop fair and natural ward boundaries; (2) to minimize the number of voters to be changing wards; (3) to recognize that movement of the population in the City was toward the south, hence put fewer people than average in the third ward to allow for future growth; (4) to anticipate future reapportionment as population continued to move south so that there would be some logical next steps in redrawing the boundaries; and (5) to disregard the residence of any incumbent councilman. He said the committee's recommendations were as follows: To add 229 voters

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to Ward 1 from Ward 2; in Ward 2 deduct the 229 and add 342 from Ward 3, and a net of 20 from Ward 4; decrease Ward 3 by removals of 300-plus to Ward 2 and Ward 4; Ward 4 increase to 1865 with removals from Ward 3 and the small deduction to Ward 2. He displayed and explained a map of the City showing the proposed new ward boundaries. He said it would result in approximately equal voter registration in Wards 1, 2, and 4, and would leave Ward 3 two hundred voters less in anticipation of further population movement into that ward. The recommendations were discussed.

#1627

Mr. Evans then distributed for first reading an ordinance drawn up by the City Attorney that would make the recommended changes official. In the event the ordinance was adopted, Mr. Evans deposited with the City Clerk the map outlining the proposal and the computer print out from the election commissioner's office on which had been indicated the voting addresses to be transferred from one ward to another. The Mayor and councilmen complimented Mr. Evans and his committee for the fine work they had done. There was discussion that the new ward boundaries would be publicized through the newspapers and in the city newsletter. The City Clerk stated the Election Commissioner would notify those involved in a change. The ordinance was approved for first reading.

#1673

Resolution No. 375 and Report on Blue River Sewer Sub-District No. 2: Phil Kline referred to a report distributed. He said a study had been made of a gravity sewer into Missouri, plus two additional studies requested by the County Commissioners (1) to put a sewage treatment plant at State Line south of 135th Street and (2) to put a pumping station at the same location to pump sewage back north up to the ridge, then to flow by gravity into Leawood South sewage treatment plant. He said Plan No. 1 was by far the most cost effective. He said because there were so many advantages to Plan No. 1, he had recommended to the County Commissioners that they continue their negotiations with Kansas City, Missouri, to put it into effect. Mr. Kline said the County Commissioners had asked him to make a presentation to the Council to get the Council's feedback on it. City Attorney Winn explained the Council had previously approved the creation of the district by the County. Councilman Alt moved that the second and third whereas clauses read: "Whereas a special study meeting was held by the Leawood City Council on the matter, and Whereas, each of the three plans has received equal study," and that "and authorizes the Mayor to so advise the Johnson County Board of County Commissioners" be added to the last paragraph; seconded by Councilman Watts. Resolution No. 375 was unanimously adopted as amended. A copy is attached hereto as part of the record.

#1735

Approval of Supplement No. 1 to Engineering Contract: Mayor Eddy said after the City had submitted Step 1 for a sewer renovation grant, the Environmental Protection Agency had communicated certain requirements to be incorporated in the engineering contract of April, 1974. Phil Kline

explained that the EPA had adopted some new regulations, one of which was the requirement that before they would offer any grant money on a project, the consulting engineer must have in his contract an access to records clause so that engineering costs could be audited. Mr. Kline presented Supplement No. 1 to the engineering contract, and asked that the Council approve the supplement. Councilman Lyons moved that the Council approve Supplement No. 1 to the previous engineering contract to allow access to the records of Shafer, Kline & Warren by the City of Leawood, United States Environmental Protection Agency, Comptroller General of the United States, United States Department of Labor, and the Kansas Department of Health and Environment; seconded by Councilman Hodes. Motion carried.

#### COMMITTEE AND COMMISSION REPORTS

#1785 Parks: Councilman Alt reported gravel had been applied to the road in the park and Shafer, Kline & Warren had certified that the job had been done satisfactorily, total cost \$7,551.96. Councilman Alt stated the Parks Commission and the Recreation Commission had been meeting jointly and were considering a green space ordinance.

#1798 Resolution No. 376 - Approving Huntington Farms Second Plat: Bob Sirchia presented a resolution from the Plan Commission indicating it had studied the matter of the Second Plat of Huntington Farms and found that it met all the City's criteria, and Bogina Engineers had studied the storm and street plans and approved them. The Plan Commission recommended approval of the plat. Councilman Alt explained this was another phase of developing the townhouses in that area. On motion by Councilman Alt, seconded by Councilman Watts, Resolution No. 376 was unanimously adopted. A copy is attached hereto as part of the record.

#1820 Public Safety - Recommendation Regarding Purchase of Police Cars: Councilman DeKinder stated the bids opened at the last Council meeting had been studied and the Public Safety Commission recommended acceptance of the bid of Andy Klein Pontiac on five new Pontiacs be accepted as the low bid. Councilman DeKinder moved for approval of the purchase of five new Pontiacs at a total cost of \$17,976.05; seconded by Councilman Watts. There was discussion that a trade-in allowance had been overlooked at the last meeting, and the minutes listed the bid of Andy Klein Pontiac as \$21,976.05. Motion carried. Mayor Eddy requested that the City Clerk write notes to the unsuccessful bidders.

#1848 Public Safety - Status Forms: Councilman DeKinder reported that Jerry D. Cunningham had terminated employment in the Fire Department, effective November 30. On motion by Councilman DeKinder, seconded by Councilman Watts, the following reclassification was approved:

Jackie D. Jones, Firefighter First Class, at a salary of \$750 per month.

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On motion by Councilman DeKinder, seconded by Councilman Hodes, the following employment was approved:

Ronald A. Fancher, Firefighter Probationary, at the rate of \$720 per month.

#1867

Public Works - Request for Authorization to Advertise for Bids for Sewer Department Truck: Councilman Alt reported extensive repairs were required on the present vehicle, and that dealers had indicated the City could expect to pay \$4,500 for a new heavy duty truck. Councilman Alt moved that the Public Works Commission be authorized to advertise for bids for a pick-up truck for the Sewer Department, the bids to ask for a price with and without trade-in; seconded by Councilman Henry. Motion carried.

#1914

Public Works - Approval of Street Maintenance Agreement with Overland Park: Copies of the agreement had been distributed. Councilman Alt reviewed that the City had received a letter last March from Overland Park on patching, grading, and ditching of certain streets. He said it was now recommended that the City advise Overland Park that the Council was in agreement with the proposal they had made for maintenance of particular streets. Councilman Alt pointed out the City had a snow removal contract with Overland Park which did not exactly follow the present agreement, and he had just received a letter from Overland Park regarding the snow removal agreement which he had not had an opportunity to study. City Attorney Winn suggested that the City consider putting the agreements in the form of an inter-local contract. Following discussion, the matter was referred back to Public Works Commission for further consideration.

#### MAYOR'S REPORT

#1960

Mayor Eddy reported he had been in Washington, D. C. and had tried to bring to the attention of Kansas senators and representatives a problem (possibly causing additional costs) which could come up on construction of the new fire station, for example, under the picketing bill before Congress. Mayor Eddy also discussed with members of Congress the City's sewer problem and that application for Federal funds had been submitted, as well as application for funds for a solar heating system for the fire station. Mayor Eddy said copies of correspondence would be sent to councilmen.

#1995

Salary Review: Councilman Watts reviewed that the philosophy in developing the budget for 1976 was that there would be no automatic across-the-board raises to employees but there were sufficient monies in the budget for department heads to provide adequate and needed merit raises for employees during the year. Mayor Eddy said he planned to have an Administrative Committee meeting early in December to consider the recommendations of department heads and to present the recommendations at the second meeting in December for Council action. Councilman Watts will research the matter and inform

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department heads of the amount available to them for salary increases. Their recommendations should be given to the Mayor by December 1.

#2042

Discussion Concerning Investment of Idle Funds: Mayor Eddy said he had asked the City Treasurer to investigate City investments, possibly in savings and loan associations, which were covered by Federal unit insurance. Mr. Pendleton said the investment policy of the City had been to use area banks, primarily Johnson County Bank, Southgate Bank, and Ranchmart Bank, and that normally money was not invested for more than ninety days; on some occasions investments were made for less than thirty days. He said there was a lot of judgment involved in the investments. He said recently savings and loan associations had also asked to be considered for investments. Mr. Pendleton said their accounts were now insured up to \$100,000. He said banks provided depository receipts of collateral on hand, and certain services to the City over the years. Mr. Pendleton said he was suggesting: (1) the appointment of an investment committee to meet and assess where money was to be invested and the length of term; and (2) a decision as to investing in savings and loan, and whether to go to banks other than the three close to Leawood. The matter was discussed. Councilman Watts cautioned that the investment process should not be slowed down by the committee. Mr. Pendleton recommended the Mayor appoint such a committee to meet and report back to the Council before the next investments were to be made. Mayor Eddy appointed an Advisory Investment Committee, as follows: City Treasurer Pendleton, chairman; Councilman DeKinder, Councilman Watts, and Mayor Eddy. On motion by Councilman Hodes, seconded by Councilman Lyons, the appointment of the committee was approved. City Attorney Winn pointed out there were some distinct advantages to having good-sized deposits in a couple of banks for leverage purposes in short term borrowing, etc.

#2260

#### NEW BUSINESS

#2281

Application for Cereal Malt Beverage License - Martin's Finer Foods, Inc.: City Attorney Winn explained this application was for the Thriftway grocery store to sell 3.2 beer as it had done for a number of years. There was discussion concerning the City's control over retail liquor establishments. City Attorney Winn stated the location of the stores could be controlled by taking retail liquor stores out of the commercial zoning and requiring a special use permit. Mayor Eddy said the retail liquor store around the corner from the grocery now applying had created a problem. City Attorney Winn stated the application before the Council was in order. On motion by Councilman Hodes, seconded by Councilman Chase, the application of Martin's Finer Foods, Inc. for cereal malt beverage license was approved.

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#2325

Resolution No. 377 - Regarding Corinth School: Councilman Lyons reported the Shawnee Mission School administration had proposed the closing of Corinth School at 83rd and Mission Road. He said a school had been at that location since 1836, and it involved students from Wards 1 and 2 of the City of Leawood. He said he felt the school deserved the sanction and support of the Council. He added the closing of Marsha Bagby School was an ongoing question and if both schools were closed, there would be a problem in taking care of the students in Leawood. Councilman Lyons moved for approval of the resolution presented opposing the closing of Corinth School; seconded by Councilman Hodes. The matter was discussed. Councilman DeKinder suggested amending the resolution to say that the Governing Body of the City of Leawood was opposed to the closing of Corinth until it be shown that such closing could be done without detrimentally affecting the citizens of Leawood. Mayor Eddy suggested changing the word "community" to "Leawood." Councilman DeKinder moved that the resolution be amended so that from the third whereas clause, it read as follows:

#2440

#2495

"WHEREAS, it currently appears that the best interest of Leawood will be served by Corinth School remaining open and continuing and remaining as a viable part of the Shawnee Mission School District.

"NOW, THEREFORE, BE IT RESOLVED, until such time as the closing of Corinth can be shown to not have a detrimental effect on the citizens of Leawood, the Governing Body of the City of Leawood, Kansas, is opposed to the closing of Corinth School as an Elementary Educational Center in the Shawnee Mission School District."

Seconded by Councilman Hodes. Amendment carried. Resolution No. 377 as amended was adopted unanimously. A copy is attached hereto as part of the record.

#2534

Resolution No. 378 - Regarding United Nations Resolution on Zionism: Councilman Hodes read a proposed resolution that the Governing Body of the City of Leawood "join with the President, Congress, and many religious organizations and free thinking people of the world in condemning the action of the United Nations" in labeling ZIONISM as a form of racism and racial discrimination. Councilman Hodes moved adoption of the resolution; seconded by Councilman Lyons. Mayor Eddy said he had some reservations about the City of Leawood becoming involved in international politics and stated he did not intend to sign the resolution. He proposed that individual council members sign it. The matter was discussed. Councilman Chase suggested that the resolution be amended by substituting the word "supports" for "joins with." Mayor Eddy said he would sign the resolution with that revision. Councilman Hodes amended the resolution by substituting "supports" for "joins with" and substituting "in their condemnation of the action" for "in condemning the action"; seconded by Councilman Watts.

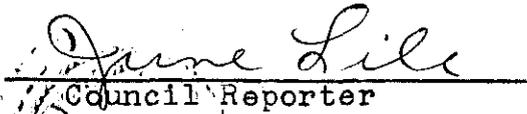
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Councilman Chase read the resolution as amended. Resolution No. 378 was adopted unanimously. A copy is attached hereto as part of the record.

At 9:40 p.m., on motion by Councilman Watts, seconded by Councilman Alt, the meeting adjourned to Monday, December 1, 1975, 7:30 p.m.

#2844

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

December 1, 1975

Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, December 1, 1975, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council Alt presiding in the absence of the Mayor. Roll call was answered by Councilmen Henry, Alt, Crippin, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman Henry, the minutes of the meeting of November 17, 1975, were approved as submitted.

Visitors: Jean Wise. Member of the Press: Bob Fiser.

#### REPORTS

#2867

Treasurer: Councilman Alt reported that the Advisory Investment Committee planned to review investment policies and report at the next meeting.

#2874

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Crippin.

#2898

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Hodes, seconded by Councilmen Lyons.

#2907

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Hodes.

Councilman Chase entered the meeting at 7:38 p.m.

#2921

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Henry. The Public Works Department was commended for a good job of snow removal.

#### COMMITTEE AND COMMISSION REPORTS

#2947

Budget and Finance: Following discussion, a special year-end session of the Council was set for Monday, December 29, 1975, at 7:30 p.m. Councilman Watts reported the firm of Hollis, Kuckelman and Van De Veer, auditors, had proposed another contract with the City under which they would be paid on an hourly basis with a lid of \$2,600. Councilman

December 1, 1975

Watts stated they had done an excellent job and recommended renewal. He moved, subject to approval of the City Attorney, that the contract proposed by the certified public accounting firm of Hollis, Kuckelman and Van De Veer be approved for the City for the fiscal year 1976; seconded by Councilman Henry. Motion carried.

#3130

Councilman Watts referred to two memos distributed to councilmen and to department heads. He explained that the reasons the memo regarding carryover from the 1975 budget was being circulated was that he needed estimates of actual carryover so he could re-estimate carryover and re-forecast revenues for 1975, and because of the statutory limitations on spending. Councilman Watts explained there were potential overruns in many areas but even though the City had the money, spending could not exceed the budget. The matter was discussed. Councilman Watts explained that at budget preparation time it was the general consensus that, unlike other years, in 1976 there would be no automatic across-the-board raise for city employees, and that raises would be given on a merit basis as determined by department heads and approved by the Mayor and the Council. He clarified the memo by saying funds for 5 per cent increases were included in department budgets and funds were available for another 4.28 per cent that could be re-allocated to the departments if it were needed. He said the intent was not to recommend employees have a 9.28 per cent increase, but to tell department heads how much money they could plan to use. Councilman Alt reported Mayor Eddy was calling a meeting of the Administrative Committee at 1:00 p.m. Saturday, December 6, and department heads should submit salary recommendations by Friday, December 5.

#3198

Ordinance No. 507 - Relating to Ward Boundaries of the City (Second Reading): Councilman Alt explained the ordinance. On motion by Councilman Chase, Ordinance No. 507 was adopted unanimously.

#3247

Parks: No report. There was discussion concerning combining the Parks and Recreation commissions. City Attorney Winn said the mechanics had been worked out but he cautioned that under the new budget law the City should be careful so as not to lose the separate one mill levy for the recreation commission because of the merger. Mr. Winn said he had asked the League of Municipalities for help and had furnished them with budget information and ordinances, etc., and would like to have their support of the City's position before writing the Attorney General for an opinion, or seeking corrective legislation. He said the two commissions were meeting jointly as a matter of convenience, but they would not be merged by ordinance until the budgetary effect could be determined.

Public Works: No report.

#3342

Insurance Committee - Report Regarding Hospitalization: Councilman Chase reviewed that in preparation of the budget,

December 1, 1975

it had been anticipated that hospitalization insurance would go up twenty-five per cent. He said the City was notified of an increase of about twenty per cent on the average. He said he did not think this increase was out of line considering the cost increase in the area and that rates had not increased for two years. He stated this insurance was with The Travelers, and New York Life Insurance Company had requested opportunity to bid. Councilman Chase said if he had such a bid by next meeting he would report it, if not, it would be too late. The coverage is annual and has to be renewed. Councilman Hodes said it almost seemed discriminatory to single employees for the City to pay all the premium for family coverage for married employees. He questioned the advisability of the policy and said he wondered if City employees realized the City was giving them their insurance. There was discussion that there had been a special committee which recommended that the City pay the total insurance cost and that it was a non-taxable benefit. Councilman Alt said the recommendation did not carry a guarantee that it would be continued. Councilman Watts added it had been requested by most City employees. Councilman Hodes expressed concern that inflation was being created by granting increases in benefits and salary increases, and that at the end of the year when an average employee received his W-2 form he would not realize the added benefit of the hospitalization premium being paid by the City. He suggested it might be better to increase salaries to cover the cost of hospitalization and a little more and let employees absorb the cost. The matter was discussed. Action on hospitalization will be taken at the next meeting.

#3476

#3560

There was a short recess to reverse the recording tape.

Side 2

#0

The Council discussed further the policy of paying all the hospitalization and medical insurance premiums for employees.

#12

Recreation Commission: Jean Wise reported T. J. Construction Company's part of the recreation complex project was substantially completed; the swimming pool deck work was done; there was some grading and flat work yet to be done; the lights on the tennis courts were completed; the tennis building exterior was finished; and Fred Krebs was interviewing people for staff. She reported there had been two resignations from the Recreation Commission: Joyce Cartmill and Don Ballard were moving out of town. She said the Commission would fill Don Ballard's position at its December meeting. She said a special committee had been set up for dedication of the park. There was discussion concerning the special committee to name the park.

#### MAYOR'S REPORT

#54

Appointment to Board of Zoning Appeals: Councilman Alt reported William C. Parks had resigned from the Board of Zoning Appeals, and Mayor Eddy proposed the appointment of

December 1, 1975

William D. Myers, 12000 Overbrook, to fill the term which expired in 1978. On motion by Councilman Watts, seconded by Councilman Crippin, the appointment of William D. Myers to the Board of Zoning Appeals to fill the unexpired term of William C. Parks was approved.

NEW BUSINESS

#70

Application for Cereal Malt Beverage License - King Louie Ranchmart: City Attorney Winn stated he had reviewed the application and found it to be in order. On motion by Councilman Watts, seconded by Councilman Hodes, the application of King Louie Ranchmart for renewal of its cereal malt beverage license was approved.

#78

Appropriation Ordinances: Nos. 348A and 336S in the amounts of \$251,370.05 (including \$180,000.00 in investments) and \$350,794.77 (including \$300,000.00 in investments), providing for payment of certain claims against the City and the Leewood Sewer System respectively, were submitted and approved on motion by Councilman Hodes.

#119

Discussion Regarding Trash Pick Up: A Prairie Village ordinance had been distributed. City Attorney Winn stated the City was belatedly discussing solid waste disposal. He said as of January 1 if the City did not do anything, status quo would remain unless the County got involved. There was discussion that homes associations had traditionally in Johnson County handled trash pick up. Mr. Winn said the administrative assistants were contacting homes associations to determine the type of service they were getting, how often, and in general whether they were satisfied. Councilman Alt reported he had attended the meeting of the Leewood Estates Homes Association where trash disposal and rates were discussed. He said those people were satisfied with the service they were getting.

#146

At 8:43 p.m., on motion by Councilman Crippin, seconded by Councilman Watts, the meeting adjourned to Monday, December 15, 1975, 7:30 p.m.

*Eugene E. Alt*

President of the Council

*June Lile*

Council Reporter

Attest:

*J. Oberlander*  
City Clerk

December 15, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, December 15, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Henry, Alt, DeKinder, Crippin, Chase, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, Bob Sirchia, Frances Farrar, the City Clerk, and the Council Reporter. Treasurer Pendleton arrived at 7:55 p.m.

Minutes: On motion by Councilman Henry, seconded by Councilman Alt, the minutes of the meeting of December 1, 1975, were approved as submitted.

Visitors: Former Councilman William R. Judd, James Kalivas, M.D., Roy Fox, Cynthia Kunkle, Jean Wise.

#155

Presentation of Check from King Louie Ranchmart - Proceeds from Mayor's Christmas Tree Bowling Tournament: Mr. Bell of King Louie Ranchmart presented to Mayor Eddy a check in the amount of \$399.16 representing proceeds of the Mayor's Christmas Tree Bowling Tournament. Mayor Eddy then presented the check to Mr. Roy Fox, director of the Johnson County Library System. Councilman Alt moved that the Council go on record as thanking King Louie Ranchmart for the gift of the proceeds of the bowling tournament; seconded by Councilman Lyons. Motion carried.

Councilman Watts entered the meeting at 7:39 p.m.

#173

Presentation of Certificates of Recognition: Mayor Eddy presented certificates of recognition to citizens who had served on special committees for the City, as follows: Louise Hart, Ed Summerville, Cynthia Kunkle, Ed Haas, William R. Judd. Not present were: William C. Parks, Homer Evans, Susan Handley, John Bondank, Ernie Anselmi, and Robert Ervin.

#### COMMITTEE AND COMMISSION REPORTS

#197

Advisory Investment Committee: Mayor Eddy reported no meeting of the Committee had been held.

#202

Budget and Finance: Councilman Watts emphasized the importance of having a quorum at the Council meeting on December 29th to consider the final appropriation ordinance. He said revenues received would be in excess of estimated revenues, the City would close out the building fund, and expenses were under the estimate. However, this would be offset by adjustment in assessed valuation by the County Clerk, reducing ad valorem tax by \$34,000. Councilman Lyons

noted that two things affecting city revenues to come before the Legislature would be removal of the tax lid and removal of the intangible tax.

#244

Insurance Committee - Recommendation re Hospitalization

Insurance: Councilman Chase explained two papers distributed. One contained a summary of present hospitalization insurance with The Travelers which provided semi-private hospital room and board for 120 days, beyond that major medical on an 80-20 co-insurance arrangement; scheduled surgery, maternity \$500 maximum. The Travelers had also proposed a Plan 2 which the Insurance Committee felt was too expensive. Councilman Chase said a proposed Plan 1 was like the present coverage except there would be a \$500 ceiling for each occurrence under major medical, which would cost the City an additional 96¢ per family per month, or approximately \$50 per month. Councilman Chase reviewed a "Schedule of Initial Costs" proposed by Bankers Life for "Pack 500" insurance under which the first day in the hospital was to be paid by the insured and the balance paid under the co-insurance clause. Features of the plan were a \$500 ceiling, full surgery benefits, and it covered physical examinations in a doctor's office. This plan would cost \$2.00 more per family per month, or about \$120 more per month to the City. Councilman Chase reported his recommendation was that the City stay with exactly what it presently had. He said in his opinion the existing plan was quite comprehensive, very adequate, and the City had had good experience with it. Councilman Chase stated if any of the Council felt strongly interested in any of the other plans, a decision could be delayed and a more comprehensive presentation be given. Councilman Chase pointed out he was not recommending the proposal under Plan 1. The matter was discussed. Councilman Henry moved that the Council renew The Travelers insurance policy under the present plan; seconded by Councilman Watts. Motion carried.

#377

#380

Newsletter Committee - Approval of Winter Issue of the

Newsletter: Copy for the newsletter had been distributed. Councilman Henry referred to a contribution by Councilman Watts concerning taxes. It was recommended that the phrase "or did you just not care" on the second page of the distribution be revised. Mayor Eddy suggested that "or one of your Councilmen" be deleted so that persons interested in serving the city in a volunteer capacity would contact the Mayor. The copy for the newsletter was discussed and approved. Councilman Henry said the Committee was interested in having a picture of the Council.

Public Safety Commission:

Resolution No. 379 - Regarding Additional Street Lights:

Councilman DeKinder moved adoption of Resolution No. 379 authorizing the Mayor to sign Resolution No. 30 under Ordinance No. 264 providing for twenty-one (21) additional 11,000 lumen mercury vapor street lights; seconded by Councilman Hodes. Resolution No. 379 was adopted. A copy is attached hereto as part of the record.

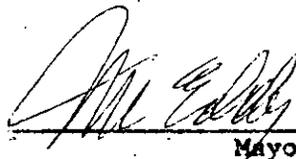
CITY OF LEAWOOD, KANSAS

Kansas City Power & Light Company  
Overland Park, Kansas

Gentlemen:

Order is hereby given for the installation of twenty-one (21) additional 11000 lumens mercury vapor street lamps served underground at the locations shown on the plats which are attached to and made a part of Resolution No. 30 under Ordinance No. 264, in the manner and upon the terms and conditions set forth in such resolution which is attached to this order and made a part hereof.

Dated this 15 day of December, 1975.



Mayor

#456

Approval of Contract with Kansas City, Missouri, to Continue Alert II Computer Services to Leawood Police Department: Councilman DeKinder stated this service was probably one of the most vital parts of the law enforcement function in the City and that the City would be required to pay for the service in the amount of \$2,211.20 for 1976 since the grant was running out. Councilman DeKinder moved for approval of the contract, seconded by Councilman Henry. Chief Blume stated he would continue to try to get Federal funding for the service. Motion carried.

#472

Status Forms - Fire Department: Following discussion, on motion by Councilman DeKinder, seconded by Councilman Alt, the following employment was approved:

George Joseph Acinger, Jr., Firefighter Probationary, at the rate of \$720 per month, effective January 1, 1976.

#549

On motion by Councilman DeKinder, seconded by Councilman Alt, the following employment was approved:

Gregory Dale Lewis, Firefighter Probationary, at the rate of \$720 per month, effective January 1, 1976.

On motion by Councilman DeKinder, seconded by Councilman Hodes, the following employment was approved:

David Earl Brown, Firefighter Probationary, at the rate of \$720 per month, effective January 1, 1976.

#559

Status Forms - Police Department: On motion by Councilman DeKinder, duly seconded, the following employment was approved:

Ralph Mitchell, Police Officer, at the rate of \$800 per month, effective January 5, 1976.

On motion by Councilman DeKinder, seconded by Councilman Hodes, the following employment was approved:

Timothy Arthur Dennis, Police Officer, at the rate of \$800 per month, effective January 5, 1976.

On motion by Councilman DeKinder, seconded by Councilman Crippin, the following employment was approved:

Robert Paul McDaniel, Police Officer, at the rate of \$825 per month, effective January 5, 1976.

On motion by Councilman DeKinder, duly seconded, the following employment was approved:

December 15, 1975

Deborah K. Lewis, Police Officer, at the rate of \$800 per month, effective January 5, 1976.

#601

Councilman Hodes moved for a change in the agenda to consider the last item under New Business, complaint by Dr. Kalivas regarding horses in Leawood South; seconded by Councilman Alt. Motion carried.

#604

Complaint Regarding Horses in Leawood South - Dr. Kalivas: Dr. Kalivas stated he wanted to alert the Governing Body to a potential epidemic of equine encephalitis, for which horses could serve as amplifiers. He was concerned about the number of amplifiers (horses) in Leawood South. He said he had written to the Health Commissioner who had replied that there really wasn't any danger as there were no cases of encephalitis in Johnson County this year, and there did not seem to be an inordinate number of mosquitoes. He asked if it were more important to the Governing Body to have an ordinance allowing horses or was the Council concerned in doing the utmost to protect the citizens from such a disease. Councilman DeKinder reported the Public Safety Commission felt in view of the position stated by the Kansas Department of Health that there had been a limited number of cases of encephalitis, if any, in the state in the last several years, with the same type of analysis of surrounding states, the safety of the people of Leawood was not risked to the degree necessary to take action. There was discussion that in some areas the people with the horses were there first and had the right to remain, and some areas had been especially zoned for horses. Councilman DeKinder stated if it ever appeared that there was a pertinent risk to the public safety, appropriate action would be taken at that time. Councilman Hodes asked Dr. Kalivas to come back to the City if it were recognized that the disease had arrived. Mayor Eddy suggested that Dr. Kalivas go to the health authorities who monitored such things if he felt strongly about the danger.

Public Works:

#721

Resolution No. 380 Regarding Short and Long Range Street Priorities: Councilman Alt stated the City had been asked by MARC to reaffirm street priorities. He reported the Public Works Commission had reviewed the priorities presented to MARC on April 22, 1975, and recommended that those priorities be reaffirmed, including the intersection of Lee Boulevard and Somerset as short range, and clarifying that 103rd Street be extended to Mission at the same width as it presently is east of Lee Boulevard. Councilman Alt moved that the resolution be adopted and the Mayor notify MARC of the City's street priorities; seconded by Councilman DeKinder. Following discussion, Resolution No. 380 was unanimously adopted.

#764

Discussion Regarding Maintenance of Sewer Lines: Councilman Alt referred to a letter from the City Attorney which had been distributed concerning the City's liability and

December 15, 1975

responsibility for repair of driveways or lawns which had settled perhaps as a result of settlement around a city sewer line. Councilman Alt, for information of the Council, stated that the policy of the City would remain the same; namely, to make an inspection to determine whether the settlement was due to a faulty sewer, which would be repaired, or due to natural settlement, the repair of which would remain with the property owner.

#792

Recommendation Regarding Purchase of Truck: A summary of bids opened December 5 for one 1976 pick-up had been distributed. Following discussion, and since the bids were only \$1.00 apart, Councilman Alt moved that the Council approve the Clasen Morse Chevrolet or the Andy Klein Pontiac bid based on the choice of the Public Works Superintendent; seconded by Councilman Watts. Motion carried.

#### MAYOR'S REPORT

#873

Appointment to Recreation Commission: Mayor Eddy proposed the appointment of Gary McKillip to the Recreation Commission to serve the term expiring 1977. On motion by Councilman Hodes, seconded by Councilman Watts, the appointment was approved.

#### NEW BUSINESS

#881

Applications for Renewal of Cereal Malt Beverage Licenses: The City Attorney and the Police Chief had approved the applications. On motion by Councilman Alt, seconded by Councilman Watts, the following applications for renewal of cereal malt beverage licenses were approved: Gates and Sons Bar-B-Q, Stateline Racquet Club, Pumpernik's, and Ranch Mart Bar-B-Q.

#909

Resolution No. 381 Regarding City Holidays: Mayor Eddy presented the resolution, stating the holidays were the same as approved by previous councils. Councilman Alt moved that the resolution be approved setting forth the holidays as written; seconded by Councilman Henry. It was agreed to fill in July 5, 1976, as a holiday. Resolution No. 381 was adopted. A copy is attached hereto as part of the record.

Mayor Eddy reminded the Council of the meeting on December 29 at 7:30 p.m. for approval of appropriation ordinance and salaries.

#952

Councilman Hodes requested that coffee be available to the Council at its meetings. He said he would work out the details. No objections were voiced.

December 15, 1975

#972

At 9:30 p.m., on motion by Councilman Alt, seconded by Councilman Henry, the meeting adjourned to Monday, December 29, 1975, 7:30 p.m.

  
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Mayor

  
\_\_\_\_\_  
Council Reporter

Attest:

  
\_\_\_\_\_  
City Clerk

December 29, 1975

Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, December 29, 1975, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Henry, Alt, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Appropriation Ordinance: Councilman Watts stated the payments in the appropriation ordinance were budgeted, the budget was not being overspent, and the money was available. Appropriation Ordinance No. 349A in the amount of \$216,521.89 (including \$193,000.00 in investments), providing for payment of certain claims against the City, was submitted and approved on motion by Councilman Hodes.

Councilman Chase entered the meeting at 7:33 p.m.

#997

Salaries for City Personnel: Mayor Eddy stated the Administrative Committee and committee heads directly related to various departments of the City had met several times and recommended the increases in salaries presented. Mayor Eddy said he had appointed a committee composed of Councilmen Hodes and Crippin for Police and Fire, Councilman Alt for Public Works, and the Mayor for Administration to present to the Council recommendations concerning changes in salary ranges or additions to classifications. The Mayor commented that there were employees in the City who would have received raises but such raises would have put them outside their range. Mayor Eddy noted two changes in Police Department salaries presented, i.e., Debra Sixta should be \$500.00 per month, and Ruth Blaw should be \$520.00 per month. He said the raises recommended were within the amount made available for such purpose. Councilman Hodes moved for an executive session to discuss salaries; seconded by Councilman Watts. Motion carried.

#1037

#1039

The Council went into executive session at 7:40 p.m.

The Council returned to regular session at 8:00 p.m. The same councilmen were present.

Councilman Alt moved for approval of the salary increases as presented to the Council, including the two changes made in the Police Department; seconded by Councilman Lyons. Motion carried.

December 29, 1975

#1043

Councilman Hodes moved for a change in the agenda to consider a status form; seconded by Councilman Watts. Motion carried.

Status Form - Administrative Department: Mayor Eddy stated a clerk-secretary for the City Administrator had been in the budget. On motion duly made and seconded, the following employment was approved:

Cynthia Jane Overstreet, Clerk-Secretary, at the rate of \$500 per month.

#1050

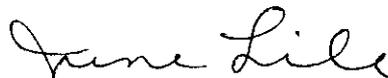
Dog Control Contract: Mayor Eddy stated the City of Prairie Village proposed an animal control contract for the City of Leawood for 1976 in the amount of \$5,743.58 which represented an increase of approximately \$880 over the previous year. On motion by Councilman Alt, seconded by Councilman Watts, the Mayor was authorized to sign the animal control contract with the City of Prairie Village in the total amount of \$5,743.58, or \$478.63 per month. The City Attorney had assured Mayor Eddy that the provisions of the contract were the same as the previous year. Councilman Lyons pointed out that Overland Park's dog catching operation was self-supporting. Councilman Henry called to the attention of the Council that the contract again did not extend service to the area south of I-435. Mayor Eddy said it was a matter of dollars, the present arrangement was a stopgap measure, and he hoped the Public Safety Commission could come up with ideas for improvement. Motion carried.

Commendation of Med-Act and Fire Department Rescue Squad: Councilman Watts related that on a recent occasion he was really impressed by the professionalism of the City and County emergency units.

At 8:14 p.m., on motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Monday, January 5, 1976, 7:30 p.m.

#1152

  
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Mayor

  
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Council Reporter

Attest:

  
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City Clerk