

January 5, 1976

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 5, 1976, 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, 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 - Meeting of December 15, 1975: On motion by Councilman Alt, seconded by Councilman Hodes, the minutes of the meeting of December 15, 1975, were approved as submitted.

Minutes - Meeting of December 29, 1975: On motion by Councilman Alt, seconded by Councilman Henry, the minutes of the meeting of December 29, 1975, were approved as submitted.

Visitors: Jean Wise, Jim Borders, Oscar Holway.

Oscar Holway said he was representing the Leawood Hills Homes Association. Mayor Eddy said Mr. Holway had answered a questionnaire (which the Mayor had sent to the presidents of the homes associations) indicating his association was not interested in having the City take over trash collection.

#1176 Councilman Watts entered the meeting at 7:32 p.m.
Councilman Lyons arrived at 7:33 p.m.

REPORTS

#1184 Treasurer: No report.

#1186 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Henry.

#1195 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Alt.

#1198 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Watts, seconded by Councilman DeKinder.

#1200 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman DeKinder.

COMMITTEE AND COMMISSION REPORTS

#1203

Parks and Public Works: Councilman Alt reported the Parks and Public Works Commissions had met with the Bicentennial Committee. He said those departments planned to put up the wall and the concrete work for the flag plaza, and were also considering doing some of the sodding.

#1217

Public Safety - 1976 Animal Control Contract with Prairie Village: Councilman DeKinder reported he had talked with the Mayor of Prairie Village in regard to the increase submitted in an amended contract over the amount approved by the Council on December 29th, which had already included an increase of \$880 over the previous year. Councilman DeKinder reported the question had been raised by Prairie Village that they had never included any type of overhead expense in the cost, so now they had added \$569.00 for supervision. He indicated the next year would not have such a sizeable increase. Councilman DeKinder stated his recommendation was that the Council approve the higher figure but that the Public Safety Commission continue the process of looking at some alternatives, since the City was now spending \$6,458.58 on animal control which was not totally satisfactory in terms of coverage. He said the last estimate was somewhere in the neighborhood of \$18,000 for one person and a car to provide full time animal control. Councilman DeKinder moved that the amended contract in the amount of \$6,458.58, or \$538.21 per month) be approved; seconded by Councilman Lyons. The matter was discussed.

1246

Councilman Chase and Treasurer Pendleton entered the meeting at 7:43 p.m.

Motion to approve the animal control contract carried unanimously.

#1268

Recreation Commission - Request for Authorization to Purchase Swimming Patches: A request by the Recreation Commission for authorization to purchase swimming pool patches for the 1976 season had been distributed. Jean Wise said Mr. Krebs had recommended that the patches be purchased from the supplier with an in-town office, Chicago Embroidery Company, for a total of \$965.00. Councilman Watts moved for approval of the purchase of the swimming patches as recommended by the Recreation Commission; seconded by Councilman Alt. Motion carried. Mayor Eddy added that the patches should be shipped to the City, rather than the Recreation Director's house.

#1285

#1299

Proposal re Medical Insurance: Councilman Chase stated the Insurance Committee had a proposal from Mr. Borders' company and were studying it. Mr. Borders said he saw the article in The Sun on December 3rd, called Councilman Chase the next day, and wrote a letter on December 5 to which he had never received a reply, nor a chance to answer

January 5, 1976

any questions. He said Councilman Chase told him the Council had approved the same insurance it had previously, giving as the reason that that proposal contained the provision for 120 days of hospital expense, rather than the 31 days submitted in Mr. Borders' proposal. Mayor Eddy explained that the Council was not prepared to consider medical insurance again until Councilman Chase and his committee made a recommendation. Councilman Chase said he had talked with Mr. Borders about the letter of December 5 at some length on the telephone. Mayor Eddy said he had been assured by Councilman Chase that at such time as the committee had had a chance to examine the proposals, Mr. Borders would have an opportunity to talk with the Committee. Mr. Borders said the proposal from Crown expired as of this evening.

MAYOR'S REPORT

#1350

Solid Waste Collection: Mayor Eddy confirmed with the City Attorney that the City had until July 1st to do something about trash without the County taking it over. Mayor Eddy said the City would have to come up with a recommendation as to how trash collection could be handled without taking away the authority of the homes associations. He said he believed most of the homes associations were not interested in the City taking over trash collection.

#1365

Application for Renewal of Cereal Malt Beverage License - Taco Villa: City Attorney Winn stated the application appeared to be in order and Chief Blume said the applicant had been checked. On motion by Councilman Lyons, seconded by Councilman Alt, the application was approved.

The meeting was interrupted so that the Council could be photographed.

Councilman Crippin left the meeting at 7:50 p.m.

#1372

Appropriation Ordinances: Nos. 350A and 337S in the amounts of \$59,148.95 and \$355,960.52 (including \$350,000.00 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.

At 8:01 p.m., on motion by Councilman Alt, seconded by Councilman Henry, the meeting adjourned to Monday, January 19, 1976, 7:30 p.m.

#1399


June Lile
June Lile, Council Reporter

Attest: 01 05 1976

William M. Eddy
Mayor

J. Oberlander
Jinny Oberlander, City Clerk

January 19, 1976

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 19, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen DeKinder, Crippin, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Treasurer Pendleton, Will Gray, Bob Sirchia, John Granstedt, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Watts, seconded by Councilman Hodes, the minutes of the meeting of January 5, 1976, were approved as submitted.

Visitors: William L. Wolf and six Boy Scouts from Troop 118, Mr. and Mrs. L. E. Cooke, Jr., Jean Wise.

COMMITTEE AND COMMISSION REPORTS

#1416

Building Code: John Granstedt reported he had reviewed the present code, consisting of the Uniform, BOCA, National Electrical, and Uniform Mechanical, last updated in 1970. He said in that period of time there had been quite a few changes in materials and in requirements relating to EPA, safety, etc. He said the Fire Chief would like to have the fire code and the building code tied together. Mr. Granstedt said he had a report from George Ranallo regarding changes required in the National Electrical Code, and he had discussed the merits of the different codes with Jerry Jones of Overland Park. He said Overland Park had adopted the 1975 BOCA Code, the BOCA Plumbing Code, and the BOCA Mechanical Code. He said Mr. Jones would be glad to meet with the Leawood committee. Mr. Granstedt stated the 1975 Code was much more complete, and recommended that the City get back into the National Council on the BOCA Code since they now have a WATS line available to the City for clarification of code provisions. Mr. Granstedt will check on the membership fee. He will coordinate zoning and subdivision regulations with the City Attorney, and have an ordinance around the first of June.

MAYOR'S REPORT

#1498

Acceptance of Grant Offer from EPA for Facility Plan for Sewer Renovation: Mayor Eddy reported the EPA in a letter dated January 8th had approved \$17,920.00 as a planning grant. The City Attorney had examined the grant agreement and found it in order. Mayor Eddy explained that due to some changes in procedural requirements, Shafer, Kline & Warren needed a full ninety days. He said a covering letter

#1524 would be written explaining that the grant agreement was accepted contingent upon having the full ninety days from the date of execution. Mr. Kline had recommended acceptance. Councilman Hodes moved that the Mayor be authorized to execute the grant agreement on behalf of the City for \$17,920.00; seconded by Councilman Lyons. Mayor Eddy read the special grant conditions. The matter was discussed. The Mayor said the Step 2 grant would be contingent upon Johnson County and Kansas City, Missouri, ironing out difficulties over sewage in the Blue River Valley in Kansas. Mayor Eddy said he was particularly happy that the City had this first concrete agreement for help with funding. Motion carried unanimously.

#1586 Public Safety - Request for Permission to Solicit - Heart Association: Councilman Hodes pointed out that the copy of the request in the Council folder indicated solicitation would be on weekdays only until 5:30 p.m. and from 11:00 a.m. until 5:30 p.m. on weekends, while one on the Council table indicated "during daylight hours only". Following discussion, Councilman DeKinder moved that the Heart Association request to solicit be approved with the specific hours included, "weekdays only until 5:30 p.m., weekends 11:00 a.m. until 5:30 p.m."; seconded by Councilman Hodes. Motion carried.

#1623 Public Safety - Report on Policy and Technical Boards for Johnson County Fire Study: Councilman DeKinder reported there had not been a meeting and no appointments had been made. Chief Toman explained someone should be appointed to the policy board and the Fire Chief or Assistant Fire Chief to the engineering board. The policy board will meet on January 29th. Mayor Eddy asked that the Public Safety Commission make a recommendation for the policy board appointment. Fire Chief Toman was appointed to the engineering board.

#1650 Newsletter: Councilman Lyons said the committee had tried to lessen the comprehensiveness of the newsletter and make it easier to read. He said larger type may be used for the next issue.

NEW BUSINESS

#1669 Application for Cereal Malt Beverage License - Leawood South Country Club, Inc.: City Attorney Winn explained that the application was to sell 3.2 beer by the not-for-profit corporation which had taken over ownership of the Leawood South Golf and Country Club. On motion by Councilman Watts, seconded by Councilman Hodes, the application was approved.

City Attorney Winn left the meeting at 8:04 p.m.

#1690 Report on Salary Range Study: Councilman Crippin reported the committee was gathering information on salaries in other cities, would meet following the Council meeting, and would

report at the next Council meeting. Councilman Crippin added the department heads had been very thorough in presenting their recommendations to the committee.

#1714

Discussion re Sales Tax Revenue: Councilman Watts commented concerning a newspaper headline stating sales tax revenue was lower than expected. He said the text of the article stated this was normal for a new sales tax program because of confusion on how to report, late reports, etc.; the headline seemed to be more severe than the text of the article. Councilman Watts reported that according to the Kansas Government Journal, among 88 cities of the second class in the State of Kansas, only Merriam, Mission, and Roeland Park had lower city tax rates than Leawood.

#1749

Status Forms - Administrative Department: On motion by Councilman Hodes, seconded by Councilman Watts, the following employment was approved:

Christine Mason, Clerk, at the rate of \$450.00 per month.

Mayor Eddy presented the status form of Nadine Martin stating she was no longer with the City. On motion by Councilman DeKinder, seconded by Councilman Watts, the termination of Nadine Martin was approved; Councilman Lyons abstained. Mr. L. E. Cooke, Jr. asked if the termination was voluntary. Mayor Eddy said Mrs. Martin was discharged. Mr. Cooke asked if there had been any reasons given for the discharge. Mayor Eddy stated he did not intend to discuss the status of Mrs. Martin's employment with anyone other than Mrs. Martin, and he would be glad to discuss it with her.

#1782

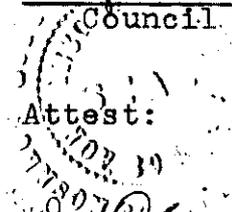
At 8:13 p.m., on motion by Councilman Lyons, seconded by Councilman Watts, the meeting adjourned to Monday, February 2, 1976, 7:30 p.m.



Mayor



Council Reporter

Attest:



City Clerk

February 2, 1976

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 2, 1976, 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 Fire Chief Toman, Police Captain Sellers, City Attorney Winn, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman Hodes, the minutes of the meeting of January 19, 1976, were approved as submitted.

Visitor: Jean Wise.

REPORTS

Treasurer: No report.

#1796 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Henry, seconded by Councilman Alt. Mayor Eddy stated the City was considering two additional court days per month due to the load.

Councilman Watts entered the meeting at 7:34 p.m.

#1806 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Henry, seconded by Councilman Lyons.

#1810 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Lyons. Mayor Eddy commented that Chief Blume attended a meeting concerning the possible effects on the City in conjunction with the Republican National Convention and/or other conventions of such size to be held in Kansas City.

#1816 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Henry. Mr. Gray said about 75 tons of sand and salt had been spread on the streets the previous evening.

COMMITTEE AND COMMISSION REPORTS

#1821 Ordinance: Councilman Alt stated at the next meeting he hoped to have ordinances concerning the Public Administrator and authority to require owners to keep property maintained.

#1829 Public Safety - Request for Street Lights - 2000 Block on 84th Street, 3000 Blocks on 89th Terrace, 90th Street, and

90th Terrace: Councilman Watts stated these were routine requests for street lights on cul de sacs and the Public Safety Commission had recommended approval to the Council. Councilman Watts moved for approval of the street lights as recommended; seconded by Councilman Hodes. Councilman Lyons stated there were no lights at all on those cul de sacs and it was an area where there had been some burglaries. Motion carried.

Councilman Chase entered the meeting at 7:37 p.m.

#1856

Public Safety - Request for Permission to Keep Eight Dogs on Premises: Councilman Watts explained the area of the request was at 120th and Mission Road which was nearly rural in character, and the Public Safety Commission recommended that the applicant be granted permission to keep eight dogs for a period of three years. He said they were very adequately housed, were valuable dogs, and on a huge property. He said the Commission felt permission should be limited to three years so the character of the area could be reviewed. Councilman Watts moved that Mrs. Teri Ostroviak, 12320 Mission Road, be granted a variance from city ordinance for three years, enabling her to keep the eight dogs she now owns, subject to her purchasing 1976 Leawood dog tags for each of the dogs; seconded by Councilman Lyons. City Attorney Winn pointed out that the Council could not grant variances and suggested a change in the language of the motion. Following discussion, Councilman Alt moved to amend the motion to grant permission to keep eight dogs for one year; seconded by Councilman Henry. Amendment carried. Motion as amended carried.

#1924

Public Works - Status Forms: Councilman Alt reported Harvey Rodabaugh, laborer in the Sewer Department, had resigned. Mayor Eddy stated he would accept the resignation on behalf of the City.

#1944

Special Salary Study Committee: Councilman Crippin distributed copies of recommended salary ranges and reported the salary ranges were arrived at by considering averages of other cities, recommendations by department heads, and applying a five per cent increase over a series of seven steps from the minimum to the maximum, in order to establish consistency. He said the recommendations were made without knowing in detail the responsibilities and authorities of the individual within the respective positions and without any knowledge of what individuals were now making or where they would fit in the range. He said the Committee further recommended that the committees review the recommendations concerning the respective departments. He said salary ranges had been recommended for the top two positions in each department, while many cities considered those positions appointive positions and often no salary range was indicated. Mayor Eddy requested that the Public Safety Commission, Public Works Commission, and Administrative Committee study the respective salary

range recommendations. Councilman Hodes stated he and Councilman Crippin would be happy to meet with the various commissions to discuss the recommendations.

MAYOR'S REPORT

#2038

Resolution No. 382 - Regarding Legislation to Allow Banks to Branch Out into Contiguous Cities: Mayor Eddy showed a map of bank facilities in contiguous cities to Leawood in Kansas and Missouri, and read a proposed resolution supporting and endorsing legislation pending before the State Legislature which would permit banks in cities contiguous to Leawood to open facilities within the City. He requested that the Council pass the resolution and contact members of the legislature to support the bill. There was discussion that it would be beneficial to Leawood to have a bank facility in the City. On motion by Councilman Crippin, seconded by Councilman Watts, Resolution No. 382 was unanimously adopted. A copy is attached hereto as part of the record.

NEW BUSINESS

#2116

Proclamation - Engineers' Week: On motion by Councilman Alt, seconded by Councilman Crippin, Mayor Eddy was authorized to proclaim the week of February 22 through 28, 1976, as ENGINEERS' WEEK in Leawood.

#2138

Request for Temporary Sign Permit - 89th and State Line Road: Mayor Eddy stated the request was for a type of sign the City had authorized for buildings in the City. On motion by Councilman Henry, seconded by Councilman Alt, the request for temporary sign at 89th and State Line Road was approved.

#2158

Appropriation Ordinances: Nos. 351A and 338S in the amounts of \$500,424.88 (including \$430,000.00 in investments) and \$152,006.16 (including \$145,000.00 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.

#2250

Date for Adjourned Meeting: The Council discussed whether or not to hold the adjourned meeting on February 16 since that was a legal holiday. Mayor Eddy asked that councilmen consider whether two meetings per month were necessary. The matter was discussed.

#2301

Bill in Legislature Concerning Removal of Tomahawk from Support by the State: Councilman Alt stated he planned to attend the hearing on the bill. Mayor Eddy said copies had been distributed to councilmen. City Attorney Winn stated he felt it would be helpful to councilmen to receive the newsletter from the League of Kansas Municipalities on pending legislation.

February 2, 1976

#2321

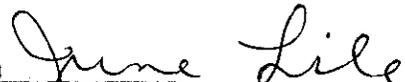
Investments: Mayor Eddy stated he had asked the City Attorney to look into and send out his comments to councilmen concerning investments.

#2328

At 8:25 p.m., on motion by Councilman Alt, seconded by Councilman Chase, the meeting adjourned to Monday, February 16, 1976, 7:30 p.m.



Mayor



Council Reporter

Attest:



City Clerk

February 16, 1976

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 16, 1976, 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, Chase, 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 Hodes, the minutes of the meeting of February 2, 1976, were approved as submitted.

Visitors: Joe Schloegel, James A. Kostoryz, Tom Lance, Jean Wise, Ed Winthrop, Jeanette Harriman.

COMMITTEE AND COMMISSION REPORTS

#2351

Budget and Finance - Revised 1976 Budget: Councilman Alt reported for Councilman Watts that the revision was a re-allocation of funds in the City Administrator's budget in order to take care of salary increases already approved for 1976, in the amount of \$14,597.00, and a re-allocation of money in the Police and Fire Department expansion funds to cover primarily salaries, uniforms and equipment for new personnel. He said funds remaining in Line Item 1064 and in the Fire and Police Department expansion funds were to remain there for use as the Budget Committee should recommend. Councilman Alt stated the City was in good shape financially although sales tax receipts were below expectations. Councilman Henry moved for approval of the revisions to the 1976 budget as presented; seconded by Councilman DeKinder. Motion carried.

#2439

Newsletter: Councilman Henry reminded the Council that material for the next newsletter, which would be out approximately April 1, should be submitted to Mrs. Farrar no later than March 1st, for Council approval at its meeting of March 15th.

#2467

Ordinance:

Ordinance Setting Forth Qualifications and Duties of the City Administrator (First Reading): Councilman Alt presented the ordinance. He suggested the addition of the word "departments" before the word "under" in the first line of paragraph 8. The provisions of Section 9 were discussed. It was agreed that the phrase "except for the limitations as set out in Section 1," should be added. Provisions concerning qualifications for a City Administrator were discussed. It was agreed that the following

be added as item 4, Section 2: "The Council shall be free to consider other education, experience and background in staffing the position of City Administrator." Item 1, Section 2, was amended to read, as follows: "Education: Graduation from an accredited four-year college or university with a major in public or business administration, planning, related field, or equivalent education."

#2710

Councilman Henry moved that the order of the agenda be changed to consider the ordinance relating to powers of mayor and the ordinance relating to appointed city officers as the next items of business; seconded by Councilman DeKinder. Motion carried.

#2718

Ordinance Relating to Powers of Mayor, and Repeal of Section: Councilman Alt explained that the proposed ordinance repealed Section 1-503 in order to bring a City Administrator into existing ordinances. He said the only change from existing ordinance was the addition of the second sentence in Section 2: "He has direct supervision of the City Administrator, City Treasurer, City Attorney, Chief of Police, and Fire Chief." City Attorney Winn suggested that he should check as to whether or not this should be a charter ordinance. There was discussion as to whether or not the new sentence was superfluous. Councilman DeKinder moved that the discussion of the ordinance dealing with Section 1-503 not be considered first reading; seconded by Councilman Hodes. Motion carried.

#2850

Ordinance Relating to Appointed City Officers, and Repeal of Sections (First Reading): Councilman Alt stated it was necessary to amend the ordinance to provide for the addition of City Administrator, Assistant City Engineer, and Assistant City Architect. The ordinance was considered for first reading.

#2955

Ordinance Relating to Sub-Standard Structures (First Reading): Councilman Alt presented the ordinance for first reading. Councilman Chase wondered if the ordinance should not be extended to include structures under construction. City Attorney Winn said he thought the proposed new subdivision regulations would deal with structures under construction. As to Item G, page 3, the Council agreed that the meaning of "stored" should be clarified or that the item be deleted if there was a suitable substitute in general prohibitions. Item K was discussed. Councilman Chase suggested that it read: "No detached limbs or trees, accumulations of lawn clippings, or collections of dead leaves." Councilman Hodes said he felt Section 3, Item B, would be hard to enforce in relation to storage sheds. City Attorney Winn said it was really intended to deal with drastically sub-standard housing. Councilman Alt noted there was no provision for immediate hazard procedure. He suggested the addition in item A following "calamities," "the lack of adequate ventilation, lighting, or sanitary facilities," and after "uncleanliness," "overcrowded or inadequate ingress or egress."

#3176

#3264

Councilman Hodes left the meeting room at 8:46 p.m. City Attorney Winn left the meeting at 8:47 p.m.

Councilman Alt felt Item B, page 4, Sections 1 and 2, should state, "shall require the repair, alteration or improvement of said structure," and "shall require the removal or demolition of said structure if the repair, alteration or improvement of said structure cannot be made or the owner refuses to make the required repair, alteration, or improvement of said structure," deleting "not in excess of 50% of the fair market value."

Councilman Alt suggested additions to the first sentence of Item D, page 5, to read: "If the public officer is authorized and directed by the governing body of the city to repair, alter or improve said structure, remove or demolish said structure, the city shall keep an account of the amount of the cost of said repair, alteration or improvements or removal or demolition by the public officer which shall be a lien."

#3332

Ed Winthrop said he represented all the homes associations in the City on this particular ordinance. He said the homes associations felt they wanted something with teeth in it to cover flagrant violations. He said he felt the Council's suggestions for revisions were good. Mr. Winthrop said the homes associations' view was that if a condition was causing a nuisance, it should not be. Provisions for filing a complaint were discussed. Mr. Winthrop said the provision for five neighbors signing charges of violation was for braking purposes to prevent feuding neighbors from filing complaints against each other as harrassment.

Councilman Hodes returned to the meeting at 9:02 p.m.

#3555

There was a short recess to change the recording tape.

Tape No. 39

Side 1

#1

Ordinance Relating to Sub-Standard Structures (continued):

Councilman Henry moved that the first reading of the ordinance be continued to the next meeting; seconded by Councilman Hodes. Following discussion, motion carried, Councilman DeKinder opposed.

#32

Plan Commission - Ordinance No. 508 - Zoning of Property at 115th and Roe Boulevard - Tomahawk Racquet Club:

Councilman Alt explained that this was a request for zoning for a private club as a permitted use in a Single Family Residential District R-1. Joe Schloegel, president of Tomahawk Racquet Club, introduced James A. Kostoryz, vice president of the corporation, and Tom Lance, architect. Mr. Lance displayed a "location map" and site plan, and stated the property, consisting of 16 acres, was located on the northeast corner of the intersection of 115th and Roe Boulevard. Mr. Lance indicated the main entrance into the development from Roe Boulevard, the swimming pool area, parking, clubhouse, two buildings to contain 8 indoor

tennis courts, five indoor handball courts, and pads for 12 tennis courts, two being exhibition courts with small grandstand. He said they would maintain a 30 foot setback and they were working on the final drainage pattern. Mr. Lance said they would work with Chief Toman to make sure the turning radius at the end of the parking lot and driveway was adequate for fire vehicles. Mr. Lance stated they had contracted with Shafer, Kline & Warren to handle their sewage problem, probably with a septic tank initially. Mr. Schloegel said the property was within Tomahawk Sewer District No. 4 now being created. Mr. Lance said in designing the buildings, he had tried to break up the mass so that it would be more compatible with a residential area. He said they would try to maintain a maximum height of 30 feet and there would be a wood veneer on the metal buildings. Councilman Alt commented that the plans were quite preliminary as far as storm drainage was concerned. He said he was concerned with storm drainage because there was a 24 inch culvert at 115th Street, and he would like to get a commitment put into the ordinance that the owners would work with the City to do whatever had to be done to make a compatible situation with the City on storm drainage at 115th Street, which might mean connecting in such a way as to take the water under 115th Street. Mr. Schloegel assured the Council that the club wanted to cooperate with the City and would have no objection to agreeing to work out the problem. Councilman Alt reported Phil Kline, the club's engineer, had stated by letter that the Club had agreed to provide 55 feet from the center line on Roe for street right-of-way. The matter of storm drainage and whether to make that a part of the ordinance was discussed. Mr. Schloegel said they would agree to connect properly to get the water under the road. He said they had understood action could be taken at this meeting on the zoning, and they were anxious to get final commitments on the financing to complete the project. There was discussion concerning adopting the ordinance on an emergency basis.

#305 President of the Council Alt spoke with the City Attorney by telephone, following which he reported that Mr. Winn advised that the matter could be handled by resolution, however, if it were done by ordinance it would be permanent, adding that an emergency could be declared, and that five votes were required for adoption of the ordinance. Following further discussion, Councilman Hodes stated he was concerned about the time it takes a developer to get something through the Plan Commission and the Council, and moved that the Council declare this an emergency ordinance for adoption on first reading; seconded by Councilman Chase. Following discussion, motion carried unanimously.

#372 Councilman Alt suggested that the ordinance include a statement that the proponents cooperate with the City in providing drainage under 115th Street. Councilman Chase moved that the ordinance be amended by adding the following: "Section 2. The owner of said tract shall make provision with the City for adequate storm drainage therefrom." Seconded by

Councilman Hodes. Motion carried unanimously. Councilman DeKinder then moved for adoption of the ordinance providing for zoning classification of a tract of land located within the Northeast corner of Section 16, Township 13, Range 25, in Johnson County, Leawood, Kansas. Ordinance No. 508 was adopted unanimously.

#384 Public Safety - March of Dimes Walk-a-thon: On recommendation of the Public Safety Commission, Councilman DeKinder moved for approval of the March of Dimes Walk-a-thon as presented; seconded by Councilman Hodes. Motion carried.

#388 Public Safety - Recommendation re Test Period of Motorcycle Usage: Councilman DeKinder referred to Chief Blume's memorandum to the Council dated February 9, 1976, and added the test period was proceeding very well. He moved for approval of an extension of the test period through the remainder of 1976; seconded by Councilman Henry. Motion carried.

#405 Status Forms - Fire Department: Councilman DeKinder presented three status forms, saying all three were for staffing Fire Department expansion:

Gregory K. Prior, Firefighter, at the rate of \$750.00 per month;

Gary K. Bottoms, Firefighter Probationary, at the rate of \$720.00 per month;

Lon C. Ray, Firefighter Probationary, at the rate of \$720.00 per month.

On motion by Councilman DeKinder, seconded by Councilman Hodes, employment of all three was approved.

#432 Status Form - Administrative and Police Departments: Councilman Alt presented the following status form:

Susan M. Handley, Clerk, Administrative and Police (shared half time between the two departments), at the rate of \$475.00 per month, effective February 23, 1976.

Chief Blume explained that this employment was to replace a part-time clerk in the Police Department and to add a half-time clerk to assist in court related matters, the employee to be shared equally by the Administrative and Police Departments for purposes of salary, and Chief Blume to supervise the employee full time. Councilman Chase moved that the employment be approved; seconded by Councilman DeKinder. Councilman Hodes wondered if the City was required to advertise for applicants since it was a participant in Federal Revenue Sharing funds. Following discussion, motion carried, Councilman Hodes abstained.

#535

Public Works - 1976 Rodent Control Contract: Councilman Alt presented a proposed contract for rodent control. Councilman Hodes moved for approval of the contract; seconded by Councilman DeKinder. Councilman Henry, because of the wording, "all platted residential areas including Leawood South at 128th and State Line," questioned whether Leawood South was the only area south of I-435 that would benefit from the service. The City Clerk suggested that perhaps the contract had not been updated to include other platted areas. The motion and second were withdrawn and the matter removed from the agenda until it could be clarified.

#555

Status Forms - Public Works: On motion by Councilman Hodes, seconded by Councilman DeKinder, the following status forms were approved:

William E. Stagner, voluntary transfer from the job of Parks Foreman to Laborer in Public Works, change of rate from \$700.00 per month to \$4.00 per hour, effective February 16, 1976;

Kelly Graves, employment as Park Foreman, at the rate of \$790.00 per month.

At 10:36 p.m., on motion by Councilman Chase, seconded by Councilman Henry, the meeting adjourned to Monday, March 1, 1976, 7:30 p.m.

#579

Eugene E. Alt
President of the Council

June Lile
Council Reporter

Attest:
J. Charles
City Clerk

March 1, 1976

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 1, 1976, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Alt, DeKinder, Crippin, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Bob Sirchia, John Granstedt, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman DeKinder, the minutes of the meeting of February 16, 1976, were approved as submitted.

Visitors: Jean Wise, Edward L. Winthrop, Jeanette Harriman, George A. Lieberman, Gene Kroh, Phil Kline.
Member of the Press: John Lofflin.

REPORTS

Treasurer: No report.

#601 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Hodes, seconded by Councilman Crippin. There was discussion concerning the effect of Council approval of the Judge's report.

#641 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman DeKinder, seconded by Councilman Lyons.

#644 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Hodes, seconded by Councilman Lyons.

#656 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Hodes. Councilman Alt mentioned that trash was being dumped along streets in the southern part of the city and the cost to the City in removing it.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

#677 Ordinance No. 509 - Relative to Appointed City Officers (Second Reading): Councilman Alt presented the ordinance for second reading and moved for adoption of the ordinance. Ordinance No. 509 was unanimously adopted.

#690 Ordinance Setting Forth Qualifications and Duties of City Administrator (Second Reading): The revised ordinance had

March 1, 1976

been distributed. Councilman Alt reviewed changes, primarily in the qualifications section, which had been made since its first reading. Councilman Crippin commented that with the inclusion of the provision that, "The Council shall be free to consider other education, experience and background in staffing the position of City Administrator," the first three items in that section were really only guidelines. For that reason, he said he would like to see the qualification that a City Administrator have a master's degree remain in the ordinance to emphasize the need for an educational background. Councilman Crippin suggested that Item 2 read, "Experience. Three years of experience required in municipal management functions or the equivalent thereof." Mayor Eddy commented that this would be the first law the Council had passed setting forth such detailed duties and qualifications of a city official. He suggested a resolution concerning the duties of the City Administrator. Mayor Eddy suggested that the phrases "as directed" be followed by a specific body or person. The matter was discussed. Councilman Crippin moved that the second reading of the ordinance be continued to the next meeting for further consideration of the format of the ordinance, consideration of the duties which the Council may or may not want to describe by law, as well as to further review the qualification section; seconded by Councilman Hodes. There was discussion as to whether or not it was advisable to include detailed provisions concerning the duties of the City Administrator in the ordinance. Motion carried, Councilman Alt opposed. Mayor Eddy asked all councilmen and the City Attorney to review provisions concerning qualifications and duties of the City Administrator with the Ordinance Committee.

#788

#932

Ordinance Relating to Sub-Standard Structures (Continuation of First Reading): Copies of the revised ordinance had been distributed. Councilman Alt reviewed the changes incorporated in the ordinance since the last Council meeting. There was discussion concerning the provision that a request charging that a structure was in violation be signed by five residents within 500 feet of the premises. Councilman Alt reviewed the immediate hazard procedure added to the ordinance. Councilman Crippin referred to Section 5, paragraph B 2 and questioned who would determine 50 per cent of fair market value. He proposed that paragraph 2 read, "Shall require the removal or demolition of said structure if the owner refuses to make required repairs, alterations and improvements of said structure to make the structure safe for human habitation." The matter of appraisal was discussed. There was discussion that under the proposed ordinance if an owner did not comply with the order of the public officer, then it would come before the governing body of the City. Councilman Alt moved that the Council amend Section 5-805, paragraph A, by adding in the fifth line following the word "ordinance", "or when a majority of the City Council then in session directs"; seconded by Councilman Hodes. City Attorney Winn suggested adding the provision that when it appeared to the public

#1230

officer that any structure was in violation he may have a hearing conducted, so that whenever a written request is filed with the public officer and signed by at least five residents residing within 500 feet charging that any structure is in violation, or when directed by a majority of the Council then in session, the public officer shall cause to be served upon the owner or persons in possession a written complaint. In addition, when it appears to the public officer that any structure is in violation, he may have a hearing conducted. The Council agreed. The motion and second were withdrawn so that the City Attorney could supply the wording to express the intent agreed upon by the Council. The ordinance passed first reading.

#1328

Discussion of Ordinance No. 508 - Zoning Property at 115th and Roe Boulevard: Mayor Eddy suggested that the ordinance be repealed and rewritten changing "zoning for private club." City Attorney Winn urged that a similar ordinance be drafted, changing only the wording "private club" to "private tennis facility." Mr. Winn also suggested that reference to "a private club" be further defined in new subdivision regulations. The Mayor directed the City Clerk to write the racquet club owners that the ordinance was being changed.

#1355

Parks: Councilman Alt reported the committee was in the process of getting cost figures on gates across the front of the bridge on the north side, to be closed at night. He said Public Works would try to install a walkway.

Plan Commission:

#1370

Approval of Relocation of Leawood South Townhouses: Councilman Crippin explained that Kroh-Moffitt Company had requested approval of the relocation of some townhouses in Leawood South. He said the Plan Commission had reviewed the proposal and recommended its approval. Gene Kroh was present on behalf of the request. Mr. Kroh said the original plan showed a 6-unit and a 5-unit building on the west side of Condolea Terrace. The proposal was to break this up into three 3-unit buildings. On Overbrook, one 3-unit building would be changed to two 2-unit buildings. He said the reason for the change was that the longer buildings did not lend themselves to individual design. He said they were not increasing the number of units and the buildings were in substantially the same location. Councilman Crippin moved for approval of the relocation of townhouses in Leawood South as requested; seconded by Councilman Alt. Motion carried.

Report on Suggested Open Space Ordinances: Mayor Eddy stated this matter would be on the agenda of the meeting of March 15th.

#1405

Approval of Saddlewood Subdivision Plat - 103rd and Mission Road: Councilman Crippin reported the Plan Commission had reviewed the subdivision at the northeast corner of 103rd

and Mission Road, and received the various notifications of review from Public Works, Public Safety and other committees. He moved that the Saddlewood Subdivision plat be approved; seconded by Councilman DeKinder. The plat was displayed. Mayor Eddy pointed out the Council had required in all new subdivisions that certain covenants be added to plats concerning future street improvements. Councilman Alt stated he was concerned about the development of 103rd Street adjoining the plat. City Attorney Winn said the city would like to covenant with the developer that he would enter into a lawfully constituted benefit district, and have that be of record before the individual lots were deeded away. City Attorney Winn stated the benefit district would extend from 200 to 300 feet west of Lee Boulevard to Mission Road. Mr. Lieberman, the developer, said his plans included improving 103rd Street at the present time with new curbs and widening of the street, giving a 50-foot right-of-way, and sidewalks along 103rd. Phil Kline stated the street plans and sewer plans had been approved. Councilman Alt explained that the developer was going to install a 4-foot sidewalk just north of the presently existing rail fence, preserving the oak trees. Councilman Hodes suggested the expense be determined for the widening and curbing proposed to be done by the developer, that he pay that amount over to the City, and at such time as the City decided to widen and improve 103rd Street, those funds could be used to do the job all at one time. The matter was discussed. Mayor Eddy said he did not have any objection to the plat and the interior roadways, but he felt the Council should make a decision relative to 103rd Street in the future. The Mayor noted that Mission Road at some time was going to have to be regraded and improved which may be a benefit district. John Granstedt pointed out Kroh Bros. had been required to install curbs along Mission Road just north of this area. The present plan did not include curbs along Mission. Councilman Alt said Mission Road was contemplated to be resurfaced in cooperation with Overland Park. Mayor Eddy suggested that the Council approve the plat and have the street plans reviewed by the Chief Building Official. Mayor Eddy reviewed that he and the Chief Building Official would like to look further at Mission Road, that as to 103rd Street, it had been a policy of the Council that the developer do something similar to what had been discussed and shown on the drawing, or what Councilman Hodes had suggested. Councilman Crippin moved that the Saddlewood Subdivision plat be approved with the addition of approval of sanitary and storm sewers as indicated on the drawing submitted by Shafer, Kline & Warren; seconded by Councilman Hodes. Motion carried.

#1696

#1758

#1780

Councilman Hodes moved for a change in the agenda to consider the resolutions relative to Tomahawk Creek Sewer Sub-District No. 1 and Indian Creek Sewer Sub-District No. 6; seconded by Councilman Crippin. Motion carried.

Resolution re Enlargement of Tomahawk Creek Sewer Sub-District No. 1, and Creation of Lateral Sewer Districts 3 and 4 Within

that District: Phil Kline stated these matters had been withdrawn by Joe Davis.

#1790

Resolution No. 383 - Relating to Creation of Indian Creek Sewer Sub-District No. 6: Phil Kline presented a map of the district and explained it included approximately 6.6 acres of the Nafziger tract immediately south of the Saddlewood Subdivision, sloping from east to west, which should properly drain by gravity into the Indian Creek Sewer System. Mr. Kline stated the petition originally included a part of the Saddlewood property but that portion would be withdrawn. On motion by Councilman Hodes, seconded by Councilman Lyons, Resolution No. 383, relative to creation of Indian Creek Sewer Sub-District No. 6, was unanimously adopted.

Public Safety:

#1829

Brief Report on Status of Renovation of Existing Fire Station and Construction of Station No. 2: Councilman DeKinder reported in connection with the renovation, they were taking bids and proceeding with several of the necessary modifications to power lines, etc. to put them underground. Councilman DeKinder reported the Committee had decided that an individual be hired to manage the project and then take subcontractor-type bids. City Attorney Winn stated he had reviewed a basically cost-plus-six-per-cent contract to supervise and take bids from subcontractors on the renovation. He said there were some technical problems with the contract concerning the way overhead was computed, and a guaranteed maximum figure should be added. Mayor Eddy stated the Council should discuss in the near future how it would want to go about the contract for construction of the new fire station. Councilman DeKinder moved for Council approval that the City enter into an agreement with Pitman Construction Company for the renovation of the fire station on a cost plus six per cent basis; seconded by Councilman Hodes. Bidding procedures were discussed. Mayor Eddy said he would like to have the entire Council approve the contract after it had been filled out and approved. The matter was discussed further. City Attorney Winn said he felt the City should at least have a summary of bids received, if not a formal opening. He felt the Council should have a tabulated list of the successful contract bids and approve the contract in final form with the maximum filled in. Following discussion, motion and second were withdrawn. It was agreed that the matter should be worked out by the chairman of the committee, as discussed.

#1920

#2210

Resolution No. 384 - Providing for Additional Street Lighting: On motion by Councilman DeKinder, seconded by Councilman Hodes, the following resolution was adopted:

RESOLUTION NO. 384

BE IT RESOLVED that the Mayor be authorized to sign Resolution Nos. 31 and 32 under Ordinance No. 264

providing for four 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. (89th Terrace, 90th Street, 90th Terrace, 84th Street)

#2256

Status Form - Public Works: Withdrawn.

#2260

Public Works - Overlay of Mission Road from 99th to 103rd: Councilman Alt referred to a letter from Overland Park asking the City, as part of the 1976 street overlay program, to cooperate with them to put a 2-inch asphaltic concrete overlay on Mission Road from 99th Street to 103rd, at a cost of \$5,400 excluding preliminary patching and traffic lane striping of the new pavement. Councilman Alt referred to a letter from Phil Kline who had reviewed the costs and stated the estimate seemed reasonable and that the City could expect a cost advantage on a unit price basis by joining Overland Park on this work. The Public Works Commission had reviewed the matter. Councilman Alt moved that the City of Leawood enter into an agreement with Overland Park, as part of the 1976 street overlay program, to put a two-inch asphaltic overlay on Mission Road from 99th Street to 103rd; seconded by Councilman Hodes. Councilman Hodes then stated he would like to see this continued until the next meeting because part of the Saddlewood development, where the city was concerned about curbs, was in this same area. The motion and second were withdrawn. It was agreed that Mr. Sirchia should call Dennis Garrett of Overland Park and explain the situation, saying Leawood should have more information in a week or ten days.

#2420

Recreation Commission- Approval of Final Payment to Haggard & Dodd for Tennis Building: Mayor Eddy stated the final payment had been submitted for the tennis building. Jean Wise stated the amount was \$7,759.00 and that Haggard & Dodd had submitted a notarized statement to the City Clerk. On motion by Councilman Alt, seconded by Councilman Hodes, the final payment was approved.

#2430

Recreation Commission - Request for Authority to Purchase Basketball Standards: Jean Wise stated basketball standards had not been included in the contract with T. J. Construction Company. She said the low bid for heavy duty standards was \$270 each, to be installed by an independent installer for \$165 plus cost of material, total cost somewhere under \$1,025. On motion by Councilman Hodes, seconded by Councilman Alt, the Council granted authority to purchase basketball standards as requested.

MAYOR'S REPORT

#2445

Discussion of Additional Court Sessions and Appointment of Judge Pro Tem: Mayor Eddy stated a written report on the court load had been distributed. He said in accordance with the recommendation of the Judge and the Prosecuting Attorney,

March 1, 1976

the plan was to attempt to add two additional trial nights per month beginning March 24. He said the City Attorney was in the process of reviewing increase in salary for the Municipal Judge and the Assistant City Attorney. City Attorney Winn had agreed to fill in for the Assistant City Attorney when needed, and in addition to Judge Pro Tem Max Bagby, Mayor Eddy proposed the appointment of Edward L. Winthrop as an additional Judge Pro Tem. On motion by Councilman Alt, seconded by Councilman DeKinder, the appointment was approved.

Ordinance Adding Court Sessions: Deferred.

Status Forms - Municipal Judge and Assistant City Attorney: Deferred.

#2509

Appropriation Ordinances: Nos. 352A and 339S in the amounts of \$225,945.84 (including \$120,000.00 in investments) and \$403,856.27 (including \$350,000.00 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 Alt.

#2555

Chief of Police to Crime Prevention Seminar: Mayor Eddy stated Chief Blume had been invited to attend at government expense a crime prevention seminar to be held by the FBI in Washington, D. C. during the period March 9 to 12, 1976.

#2561

Dog Licenses at Saddle and Sirloin Club: City Attorney Winn reported the stable hands at Saddle and Sirloin Club had come in individually to obtain a total of 12 to 15 dog licenses, which seemed to be an ordinance violation. He said if the Council did not object, he would recommend no more dog licenses be issued in that area until they come to the Council for permission to keep more dogs. The Saddle and Sirloin Club will be notified of the situation.

Councilman Alt asked councilmen to get suggested changes in the City Administrator ordinance to the committee so it could have a revised ordinance by the next meeting.

#2587

At 11:17 p.m., on motion by Councilman Alt, seconded by Councilman DeKinder, the meeting adjourned to Monday, March 15, 1976, 7:30 p.m.


Jane Lile
Council Reporter
Attest:
J. DeKinder
City Clerk

William W. Eddy
Mayor

March 15, 1976

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 15, 1976, 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, Lyons, Hodes.

Others present were Fire Chief Toman, Police Captain Sellers, City Attorney Winn, Phil Kline, John Granstedt, Will Gray, Bob Sirchia, Fran Farrar, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman DeKinder, seconded by Councilmen Alt, the minutes of the meeting of March 1, 1976, were approved as submitted.

Visitors: Jean Wise, Jeanette Harriman, Clifford P. Johnson, James C. Garland, Saul Ellis, Doug Patterson, George Lieberman, Joseph S. Davis, Jr., Fred Gibson, Jim Pirner, Rod Richardson, Otto Stueck, J. R. Groebe, Gene Kroh, Glen Lichty. Member of the Press: John T. Davis.

Former Councilman Clifford P. Johnson questioned the legality of the February 16th Council meeting since there were only five councilmen present and one of those was presiding. City Attorney Winn explained that the President of the Council did not lose his capacity to vote his constituency by taking the chair.

#2624

Request for Permission for Signs - Home Builders Association: Mayor Eddy explained that in the past the Council had given permission to non-profit organizations for placement of a sign for a limited period of time, but he did not believe the City had ever given permission for a sign to a particular interest group. Doug Patterson stated the Home Builders Association promoted a spring homes tour and a fall parade of homes during which times new houses were placed on open display. In order to assist potential home buyers and others in finding the homes, Mr. Patterson said they would like to place temporary signs containing the number of the house on the tour. He guaranteed the signs would be put up immediately prior to the event and taken down immediately following the event. He displayed an additional sign which would be attached to the house.

Councilman Chase entered the meeting at 7:38 p.m.

COMMITTEE AND COMMISSION REPORTS

#2686

Bicentennial Committee: Otto Stueck reported the flag pole plaza project was moving along. He said invitations had been distributed to councilmen to attend a bicentennial breakfast on March 27th. He said the committee hoped to announce a new

#2772

project at that breakfast, to solicit donations toward centennial certificates of deposit. The Committee would suggest that the funds remain on deposit for 100 years and be used for a tricentennial celebration and other useful city purposes at that time. The City would be the owner of the certificates of deposit. Mr. Stueck said it would require the Council's acceptance. Mayor Eddy stated he would have one qualification, that all the expenses originally anticipated to be paid by the Bicentennial Committee in regard to the project in the park be paid prior to investing any money. Since there were no objections, Mayor Eddy stated the Committee should plan to go ahead with its presentation at the breakfast.

#2793

Discussion of Changes in Rate Schedule by TeleCable of Overland Park: Mayor Eddy said he felt TeleCable had a contract with the City which required them to present any changes in their rate schedule to the Council for approval. He said they had been reluctant to appear, and he had sent a mail-o-gram that the rate changes would be discussed tonight, as well as whether or not they had broken the contract. Jim Pirner, general manager of TeleCable of Overland Park, introduced Attorney Rod Richardson. Mr. Pirner said he felt there was a genuine misunderstanding between the City and his company concerning the nature of the new service they were adding and where it fit into the regulatory scheme of things between the federal government and the cities. He reviewed the history of their services. Mr. Pirner said they made the decision in December that they would like to bring to Johnson County the optional service to be called "Premier Theater," showing 12 to 14 current, theater-class motion pictures per month. He said their Washington attorneys had advised that the FCC had held that local governing bodies retained full authority to regulate rates for basic cable television service, but that the FCC had pre-empted all rate regulation of premium channel add-on services, apparently because it was an experimental type of service. Mr. Pirner said on January 6th a letter was mailed to the Mayor and Councilman Henry announcing their decision to proceed and explaining the channel, following which there was an exchange of letters. He said there was an extraordinarily high demand for the service.

#2943

City Attorney Winn stated as he construed the federal regulations, the City was prohibited from interfering with cable television. He said he differed with the opinion of the Washington law firm in that their opinion tended to make the local contract with TeleCable inoperable. He said the contract clearly was broad enough to contemplate pay television as gross receipts. Mr. Pirner said the FCC had adopted standards that a local franchise would have to meet to get the federal authority to operate, and all franchises already in operation would have to be brought into compliance by March 31, 1977. He said the present seven per cent franchise tax was now subject to a federal ceiling of three

per cent, and after March 31, 1977, franchise tax would apply only to subscriber revenues for basic service. Mr. Pirner estimated there would be 1,000 subscribers to the new service in Leawood, the cost for which was \$8.00 per month. He stated TeleCable was willing to pay the seven per cent franchise tax until March 31, 1977. Mayor Eddy stated the City had granted an increase in rate, and he did not think the contract was negated by the FCC. The matter was discussed. Councilman DeKinder stated he was concerned that four or five months after being granted a rate increase, TeleCable was coming back, in effect, saying the numbers provided the City can now be discarded; he believed TeleCable was planning to provide this service at the time they requested the rate increase, which was irritating to him. Mr. Pirner said when they appeared for the rate increase, whether or not they would do pay television was unknown. Mr. Pirner said they were willing to pay seven per cent of all revenues until March 31, 1977. Mayor Eddy requested that the CATV Committee consider the matter and make a recommendation at the next Council meeting, and that copies of the correspondence file on TeleCable beginning January 5th be distributed to councilmen.

#3266

On motion by Councilman DeKinder, duly seconded, the agenda was changed to consider as the next item of business the Plan Commission report on the public hearing relating to an open space ordinance.

#3269

There was a short recess to change the recording tape.

Tape No. 40

Side 1

#0

Plan Commission - Report on Public Hearing re Open Space Ordinance: Councilman Crippin reported the Plan Commission had held a public hearing on two ordinances having to do with dedication by developers of open space or contribution of monies in lieu of property for open space in the City. He reported the League of Women Voters and the Recreation Commission supported the ordinance; that there was opposition primarily represented by the Home Builders of Kansas City. A documentation of proponents and opponents had been distributed. Councilman Crippin reported the Plan Commission had not made a recommendation.

Councilman Watts entered the meeting at 8:26 p.m.

#21

Doug Patterson, representing 800 members of the residential construction industry in Greater Kansas City, stated the developers liked parks but they raised the question as to how the parks should be paid for. He said it was their contention that parks were for the use of the public, dedicated to the public, and should be paid for by the public. He said one ordinance proposed required that the developer dedicate to the City six per cent of the land for parks, and another ordinance proposed that a

developer be required to donate approximately \$200 per lot into a fund for purchase of land for parks. Mr. Patterson proposed that parks be paid for through general obligation bonds of the City. He raised a moral question as to how the City could take their inventory and not pay for it. The Council discussed the matter with Mr. Patterson.

- #79 Saul Ellis said he thought the Plan Commission had the job of finding the best use of the land in the City and should let the builders and developers use that land in accordance with that use. He said this was a revenue problem, when the City wanted a park, should all the city pay for it, or should a small segregated area of the city pay for it?
- #104 Councilman Alt commented there were different types of parks-- playgrounds, neighborhood parks, sub-community parks, and community parks. He said residential development generated the need for playgrounds and neighborhood parks.
- #175 Gene Kroh stated when Leawood was started, several areas were dedicated as parks, but the fallacy was that they were really not practical. He mentioned that maintenance of parks was very expensive.
- #192 Councilman Hodes said he thought the City was violating the laws of free enterprise by telling developers that they must dedicate part of their property to the City; on the other hand, as smaller lots are allowed, there becomes a density problem, but it was not an immediate problem, and he thought further consideration of such an ordinance for at least a few years was meaningless. Councilman Alt said he felt the City should be in a position to select the locations of parks. Councilman Crippin said there was a difference between open space and parks. He said he felt the City had the power to gain the appropriate amount of park land and open space through zoning ordinances and subdivision regulations, provided there was true commitment on the part of the Plan Commission and the City Council. Councilman Chase moved that the matter of an open space ordinance be tabled; duly seconded. Motion carried, Councilman Alt opposed.
- #246
- #250 On motion by Councilman Lyons, seconded by Councilman DeKinder, the agenda was changed to consider as the next item the overlay of Mission Road, 99th to 103rd.
- #255 Public Works - Overlay of Mission Road, 99th to 103rd:
Pursuant to the recommendation of the Public Works Commission, Councilman Alt moved that the developer of Saddlewood subdivision widen Mission Road to the same width from the center line as the existing section of Mission Road north and adjacent to Saddlewood; that the developer construct asphalt curbs at the same distance from the center line as the curb to the north in conjunction with the widening; and that the roadway ditches along the Mission Road frontage of Saddlewood be filled and appropriate

drainage be installed at the intersection of Mission and 103rd to take care of the runoff, subject to the scrutiny of the Assistant City Engineer; seconded by Councilman Henry. There was discussion that this would conform to what the developer to the north had been required to do. Councilman Alt said the plan was for the City to go ahead with the two-inch overlay in cooperation with Overland Park and the developer would match it. Phil Kline stated the drainage plan met all the regulations. Motion carried, Councilman Hodes abstained. City Attorney Winn suggested that the Assistant City Engineer write up the widening of the street, type of curbs, drainage, etc. and submit it to the developer for confirmation.

#295

Approval of Street Plans - Saddlewood Subdivision:

Councilman Alt reported the Public Works Commission had studied the proposed improvements to 103rd Street along the southern perimeter of the Saddlewood Subdivision, recommended that the City Council accept said proposal, and also recommended approval of the street plan for Saddlewood as submitted by the proponent. He said the City planned to put a one-inch overlay on 103rd from where it stopped last year to Mission Road and they would try to do the work at the same time. Councilman Alt moved that the Council accept the 103rd Street portion and the interior roadways as shown on the set of plans submitted, with concrete curb and gutter section; seconded by Councilman Hodes. Phil Kline explained that there would be no ditch at all along the north side of 103rd Street adjoining the Saddlewood Subdivision. At Councilman Hodes' suggestion, the developer, George Lieberman, was commended for his willingness to cooperate and his agreement to make the additional improvements to Mission Road. Motion carried.

#340

Offer of "Old Town" Buildings: Councilman Alt reported that the Parks Commission and the Recreation Commission had decided to decline an offer by Mr. Lieberman to give to the City the miniature "Old Town" buildings on the Saddlewood property on the basis of the cost involved to renovate and move the buildings. Councilman Alt thanked Mr. Lieberman for the offer of the buildings.

NEW BUSINESS

#357

Resolution No. 385 - Relating to Enlargement of Tomahawk Creek Sewer Sub-District No. 1 and Creation of Lateral Sewer Districts 3 and 4 Within that District: Joe Davis presented a petition for the creation of Lateral Sewer District No. 4 within Tomahawk Creek Sewer Sub-District No. 1. He said the developers of Leawood South were requesting that the County Commissioners create two lateral sewer districts, Nos. 3 and 4, to provide for orderly development. He said consent of the City was required for creation of the lateral sewer districts and for the enlargement of the main district (to add .756 acres along the edge of the golf course). Councilman Watts moved for approval of the resolution with the date changed to the 15th day of March, 1976; seconded by Councilman Hodes.

Mr. Davis displayed a map of the sewer district. Resolution No. 385 was adopted unanimously. A copy is attached hereto as part of the record. Councilman Watts then moved for approval of the petition; seconded by Councilman Alt. Motion carried.

COMMITTEE AND COMMISSION REPORTS (continued)

#430

Newsletter: Councilman Henry referred to the proposed draft of the spring issue of the newsletter which had been distributed. He showed pictures of the park which would be included in it. The draft was discussed. It was agreed that the word "incumbent" following the names of the candidates for City Council be changed to "unopposed," and that women candidates' names should be exactly as they will appear on the ballot. Councilman Alt suggested that the public works article be changed to indicate that the department maintained more than paved streets, and that in the third paragraph the phrase "the many" be changed to "all", to read "all police and public works vehicles." Chief Toman suggested that "p.m." be added following the time for the men's doubles sessions and that it be made clear that get acquainted sessions would be only on the two days for men and only two days for women, not the intervening dates. Mayor Eddy suggested a reminder be added that ward boundaries had been changed, affecting the voting place of some residents. On motion by Councilman Alt, seconded by Councilman Crippin, the draft of the newsletter was approved with the changes suggested.

Ordinance:

#506

Ordinance No. 510 - Relating to Substandard Structures (Second Reading): Councilman Alt stated the only revision made in the ordinance since the first reading was in paragraph A, Section 5, Enforcement Procedures. He read the revised section, and moved for adoption of the ordinance. Ordinance No. 510 was adopted unanimously. Mayor Eddy requested that each councilman write him a note concerning who should be appointed public officer.

#537

Ordinance No. 511 - Providing for Zoning of Certain Property - Tomahawk Racquet Club (First Reading): Councilman Alt stated the only change made in the ordinance previously adopted was to change "private club" to "tennis club." Councilman Alt moved that an emergency be declared for passage of the ordinance on first reading; seconded by Councilman Lyons. Motion carried. On motion by Councilman Alt, Ordinance No. 511 was unanimously adopted.

#565

Ordinance No. 512 - Setting Forth Qualifications and Duties of the City Administrator (Second Reading): Councilman Alt reviewed revisions made in the ordinance since the first reading, including: In Section 1-422, insertion of the word "may" following "City Administrator" in the next to

the last line of the first paragraph, and insertion of the word "may" following "City Administrator" in the next sentence. Councilman Alt explained the duties of the City Administrator were enumerated as written by the City Attorney. City Attorney Winn explained he made the duties more general in nature and more flexible. Councilman Alt explained old item 4 was eliminated, and in Section 2, paragraph 1, "with a masters degree in" was substituted for "with a major in," and the word "city" was added before "planning" in the next line. Councilman Alt referred to criterion for professional recognition in a report by the International City Management Association and said he felt the word "shall" should be inserted in paragraphs 2, 6, 7, 8, 9, and 10. Councilman Hodes suggested that "all manner" be eliminated in paragraph 10, to read: "Performs all other work as required." The qualifications section and the duties section were discussed further. Two motions containing revisions were withdrawn. Councilman Alt then moved that the ordinance be adopted with the only change being to strike out "manner of" in paragraph 10 of Section 1. Ordinance No. 512 was adopted as moved, Councilman DeKinder opposed.

#756

Public Safety - Request for Permission to Solicit Donations of Food, Clothing and Toys - Cub Scout Pack 3385: On motion by Councilman DeKinder, seconded by Councilman Hodes, the request for permission to solicit was approved.

#760

Public Safety - Tabulation of Bids for Renovation of Existing Fire Station, and Approval of Contract: Councilman DeKinder stated in the distribution there was a sheet containing bids for the full project, and resubmission of a series of bids because of removal of the storm basement showing actual cost estimated at \$29,732.00, plus bond \$297, labor escalation clause \$627 (which will be saved if the project is completed before the new labor contract goes into effect); and guaranteed maximum escalation of \$3,066, for a guaranteed maximum of \$33,722.00 for the project. There was discussion that there should be no sales tax. The Council discussed the bid tabulation with John Granstedt, City Architect.

#900

Councilman DeKinder stated because of the number of questions that had been raised about this particular method of contracting for the renovation, it was the feeling of the Committee that on the building of the new fire station, the entire contract should be put out for bids, but that bids would also be accepted on the same basis as had been done on the renovation of the existing fire station. Councilman DeKinder moved that the Mayor be authorized to sign the contract for the renovation of Fire Station No. 1 in an amount not to exceed \$33,722.00; seconded by Councilman Alt. Motion carried.

#939

Complaints Concerning Small Animals Being Shot with Pellet Guns: Councilman DeKinder stated he had had a number of complaints recently about small animals being shot with pellet guns. He said he would like to get the problem isolated.

#943

Discussion of Animal Control: In answer to inquiry by Mayor Eddy, Councilman Watts said it had been estimated in the past that it would cost about \$18,000 per year for the City's own dog catcher, including the vehicle, etc. He said, however, he would be very reluctant to add anything to the present budget. The matter was discussed. Discussion included that neighbors were reluctant to sign complaints, that in the southern part of the City, dogs were coming from other cities, that dogs were not licensed, that a dog census might be helpful, and that it might be better if the City had it's own dog catcher on a part time basis.

#1025

1976 Rodent Control Contract: Councilman Alt stated the letter dated December 8, 1975, stating the terms of the contract would be modified to read, "that all creeks, draw areas and storm sewer openings be baited in all of the populated areas of Leawood and in the Leawood Park, as has been done during the last several years." On motion by Councilman Alt, seconded by Councilman Henry, the 1976 rodent control contract was approved.

#1034

Overlay of Mission Road, 99th to 103rd: Deferred to the next meeting.

#1036

Recreation Commission - Authorization to Purchase Replacement Baseball Backstops, Concessions Equipment, Furniture and Supplies: Jean Wise introduced Recreation Director Fred Krebs. Mr. Krebs recommended acceptance of the low bid for gas chlorine, powdered soda ash, chlorine powder, and filter powder of McKesson Chemical Company in the amount of \$3,439.70. On motion by Councilman Watts, seconded by Councilman DeKinder, the bid was accepted.

Mr. Krebs explained that the park now had five baseball fields and that two more backstops were needed. He recommended acceptance of the low bid of Burge Fence and Iron Company for two backstops at \$1,400 each. On motion by Councilman Hodes, seconded by Councilman Watts, the bid was accepted.

Mr. Krebs recommended the purchase of a Taylor soft ice cream machine from Dugan Equipment for \$3,300.00. He explained that he was not recommending a lower bid for another brand machine. He said the purchase would come from bond funds. On motion by Councilman Watts, seconded by Councilman Hodes, the bid of Dugan Equipment in the amount of \$3,300.00 was accepted.

#1120

Mr. Krebs recommended acceptance of bid for a cabinet freezer from Dugan Equipment in the amount of \$900.00, from bond funds. Councilman Watts moved that the bid be accepted; seconded by Councilman Lyons. Councilman Hodes said he had experience in this area and wondered if all this expensive equipment was needed. He said he felt there should be more consideration of it. Following discussion, motion carried, Councilman Hodes opposed. Mayor Eddy suggested consultation with Councilman Hodes would be helpful.

March 15, 1976

Councilman Lyons objected that the Council was being asked to approve several items which were not on the agenda. The matter was discussed. Mr. Krebs said there was immediate need to consider purchase of an icemaker and furniture. On motion by Councilman DeKinder, seconded by Councilman Watts, the Council agreed to consider authorization for purchase of an icemaker and furniture.

#1153

Mr. Krebs recommended the purchase from bond funds of a Manitowoc icemaker from Royal Refrigeration Company at \$1,194.00 installed with one year's service. On motion by Councilman Henry, seconded by Councilman DeKinder, purchase of an icemaker from Royal Refrigeration Company was authorized.

#1163

Mr. Krebs recommended purchase of Keller Contract furniture from Pool and Patio. He stated there would be no deck furniture in the 50 meter pool area because of vandalism. He recommended purchase of 30 lounge chairs, 8 chaise lounges, 6 circular dining tables, and 6 sunscreen fiberglass umbrellas, totaling \$2,737.40. Councilman Hodes said he felt it was very important in order to attract memberships, to invest money in more chaise lounges and chairs for the main deck area. Following discussion, Councilman DeKinder moved for authorization of 18 Keller Contract chaise lounges, 50 lounge chairs, 6 tables, and 6 umbrellas to be purchased from Pool and Patio; seconded by Councilman Lyons. Motion carried.

MAYOR'S REPORT

#1258

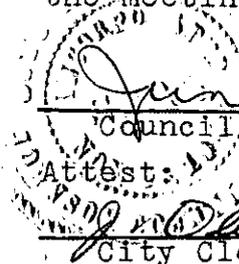
Ordinance No. 513 - Establishing Wage and Salary Ranges for Part-Time Administrative Employees: Mayor Eddy presented the ordinance, explaining that the judge or a judge pro tem would be paid \$75.00 for each court session. Councilman Watts moved for declaration of emergency for adoption of the ordinance; seconded by Councilman Hodes. Motion carried. Councilman Watts then moved for adoption of the ordinance. A motion by Councilman Alt to amend to include the revised salaries for Public Works failed. There was discussion that recommendations regarding Police and Fire department salaries would be ready by next meeting, and salaries for the three departments could be considered together. Ordinance No. 513 was adopted unanimously.

#1315

Comments Regarding Banking Legislation: Mayor Eddy reported the banking bill had gone to the House of Representatives. He urged councilmen to contact their representatives and urge support of the legislation.

#1333

At 11:30 p.m., on motion by Councilman Alt, duly seconded, the meeting adjourned to Monday, April 5, 1976, 7:30 p.m.


Jane Lile
Council Reporter
Attest: [Signature]
City Clerk

William M. Eddy
Mayor

2051

April 5, 1976

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 5, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Alt, Crippin, Chase, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Phil Kline, John Granstedt, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman Alt, the minutes of the meeting of March 15, 1976, were approved as submitted.

Visitors: Jean Wise, Dorothy A. Bioff, Joe Steinger, Thomas E. Allen.

REPORTS

Treasurer: No report.

#1344 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Watts.

#1352 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Hodes.

#1359 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Watts.

#1366 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Lyons. Councilman Alt added that sodding, seeding and fertilizing in the park had been completed.

#1375 On motion by Councilman Lyons, seconded by Councilman Alt, the agenda was changed to discuss dog control in the southern part of the city at this time.

#1381 Dog Control in Southern Part of the City: Mayor Eddy referred to a distribution regarding a suggestion to combine the amount presently paid to Prairie Village and the amount for maintenance of city buildings and use it for dog control. He said the Prairie Village Police Department had reacted favorably concerning the possibility of providing their vehicle a couple of hours a day for patrolling south of I-435 with a possible additional four hours on Saturday, but the proposal had not been finally approved by that city. If approval is given by Prairie

Village, Mayor Eddy said he would implement the proposal if there was no objection from the Council. The situation was discussed. Councilmen Hodes and Lyons were asked to check into the dog census situation.

#1472

Application for Federal Funds for Security during Republican National Convention: Mayor Eddy stated he had instructed the Police Department to prepare application for Federal funds for security during the Republican National Convention for the purpose of being on record as to estimated cost of additional police protection during that convention in the amount of \$20,343.00. Councilman Alt moved that the City of Leawood apply for Federal support in the amount of \$18,309.00 for additional police protection during the Republican National Convention (total expense \$20,343.00), and that the Mayor be authorized to sign said application; seconded by Councilman Watts. Mayor Eddy reported he had requested that the Johnson County tactical unit be reactivated. Motion carried.

COMMITTEE AND COMMISSION REPORTS

#1520

Budget and Finance: Councilman Watts reported he had requested department heads to submit projections for 1977. He said he was starting earlier so that all the budgets could go through the appropriate committees or commissions before they were submitted to the Budget and Finance Committee on May 14. Councilman Watts said the last payment on sales tax revenue was about double the month before but it was for the month of December when sales increased for Christmas. He added that if the intangibles tax were eliminated or reduced, City revenues would be affected substantially. Mayor Eddy explained that compromise legislation provided that counties and cities could reduce their portion of the tax in increments, or five per cent of the voters could require a referendum. The mill levy for parks will be discussed in committee.

#1553

Ordinance Establishing Wage and Salary Ranges for Appointed City Officials and City Employees of all Departments (First Reading): Mayor Eddy reported the Administrative Committee had met and discussed the recommendations of the committee appointed to study and recommend salary ranges. He reviewed the minor changes recommended by the Administrative Committee. He said part-time administrative employees were removed from this ordinance since they were covered in another ordinance. The Director of Public Works title was eliminated, as well as Assistant Financial Clerk. The overtime phrases were removed. Councilman Alt suggested changes in dates in Section 1-1004. He will prepare those changes for the next meeting.

#1662

Ordinance Relating to Offenses Against Persons and Property: Councilman Lyons explained that in re-writing the ordinance, the committee had attempted to make description of offenses as general and flexible as possible. City Attorney Winn suggested it simply read, "No person shall willfully break,

"destroy, deface, or injure in any manner any house, building, structure or public structure," and "No person shall injure, destroy, or deface in any manner any personal property of another." Following discussion, Mayor Eddy suggested that the ordinance be rewritten for the next meeting. Chief Blume stated in Section 10-205, it was necessary to commit the crime of trespass before one could be convicted of indecent looking. It should be an offense in and of itself. The ordinance was referred back to the Ordinance Committee.

#1764

Ordinance Relating to Park Regulations: Councilman Alt stated Section 11-208 was changed to read that fires be extinguished "immediately after use thereof," and in Section 11-210, "Alcoholic or Cereal Malt Beverage" was substituted as a heading in place of "General Regulations." Councilman Alt suggested that provision regarding go-carts as suggested in the City Attorney's letter of February 20 be included. There was discussion concerning authority to post no parking signs. The ordinance was referred back to committee for further consideration.

#1849

At the request of Mayor Eddy, on motion by Councilman Alt, seconded by Councilman Watts, the agenda was changed to consider as the next items of business (1) request for permission to keep additional dogs on the premises at Saddle and Sirloin Club, (2) 1976 street overlay program, and (3) presentation regarding flood insurance program.

NEW BUSINESS

#1863

Request for Permission to Keep Additional Dogs on Premises at Saddle and Sirloin Club: Thomas Allen stated he was attorney for the Saddle and Sirloin Club and referred to a letter from the City concerning six dogs on the premises. He said he felt the ordinance could be interpreted to allow eight or ten dogs at the Club, depending upon the interpretation of the word "property." He said he felt it could be interpreted as a living unit or living space. He explained that the dogs were situated 700 to 1,000 feet from any residence, that there had been no complaints, and that the dogs were owned either by the grooms or by club members. He said there were only six dogs on the premises, all licensed. Mr. Allen requested that the Council consider a permit for ten dogs to be renewed each year, subject to any complaints being received with respect to the dogs. He said there were 13 people residing in four separate residences on the grounds. He said they had never had any dogs running off the property. The matter was discussed. Councilman Watts moved that the Council grant permission to the Saddle and Sirloin Club for a period of one year to keep ten dogs on the premises, subject to review by the Council should there be any complaints whatsoever on the matter; seconded by Councilman Chase. There was discussion that a renewal request could be made by letter. Motion carried.

#2020

COMMITTEE AND COMMISSION REPORTS (continued)

#2053

Public Works - 1976 Street Overlay Program: Phil Kline displayed a map and indicated to the Council streets which were proposed to be included in the 1976 street overlay program, including some to be included if funds were available. He said on the south side of the bridge over I-435 into the park, asphalt wide enough to include a sidewalk was being provided. He said provision for a sidewalk on the north side of the bridge was not something that could be included as part of the street overlay program. Councilman Hodes said he was concerned for the public safety in that the only access to the park by bicycle or by walking was along the roadway. Councilman Crippin stated the experience at Leawood Country Club was that the number of persons bicycle riding and walking was minimal. Mayor Eddy asked Mr. Sirchia to check with the State Highway Department concerning fencing at the bridge. Councilman Alt stated it was becoming obvious that additional parking space would need to be provided in the park. The overlay program was discussed. Councilman Alt moved that the City Engineer be instructed to draw up the specifications and to request bids for the 1976 street program as presented, with the right to reject one and all bids; that the bids be made on a unit basis so that the City could add or subtract depending upon the funds at the time; and that the bids be opened at City Hall the afternoon of the day of the first Council meeting in May and presented to this Council for authorization or rejection; seconded by Councilman Lyons. Following discussion, motion carried.

#2245

#2275

Public Works - Approval of Interlocal Agreement with Overland Park re Overlay of Mission Road, 99th to 103rd Street: Mr. Sirchia explained that the agreement provided that Overland Park would do the supervision, Leawood would pay half the cost directly to the contractor, and pay fifty per cent of the cost of the striping. City Attorney Winn stated he had reviewed the contract and it met state requirements. Councilman Alt moved that the Council authorize the Mayor to sign the interlocal agreement with Overland Park for the overlay of Mission Road from the intersection of 99th Street to the intersection of 103rd Street; seconded by Councilman Hodes. Motion carried.

#2283

#2302

Public Works - Presentation re Flood Insurance Program: Bob Sirchia reviewed that a previous mayor and council made application to join in the flood insurance program, and in the past two years the map displayed had been developed by the Corps of Engineers. He explained that now the City was given a certain amount of time to make corrections on the map. He said the results of the flood insurance study would be published in a local newspaper, following which the City would have ninety days to effect any changes in the map, then six months to pass an ordinance giving the City power to enforce certain building codes in the flood plain area. He said the City still had the option to stay in the program or to get out of it. Mayor Eddy noted that at the time

application was first made, the City had been requested by some residents in the northern part of the city to make the application for flood insurance. The matter was discussed. Mr. Sirchia said the point of the program was to enable homeowners in the city to get low cost flood insurance. Councilman Lyons explained that if a residence was in the flood plain whether or not the city was in the program had no bearing on whether or not the owner would have to get insurance, but it was a matter of getting a lower rate. John Granstedt stated no building permit could be issued in the flood plain area indicated on the map for a basement level lower than the 100 year flood plain. He stated he had reviewed with the Corps areas which were incorrectly shown, but had been informed that the City would have to furnish the survey and hire the people to certify such changes. Mayor Eddy suggested that the City go back to the Corps officially by resolution pointing up the discrepancies and asking for a re-survey. It was agreed that the City Attorney should study the law governing the program, with the help of the City Architect and City Engineer describe the areas which are incorrectly shown, and report back to the Council. Councilmen in the meantime will study the map and consider the ramifications of the program.

#2524

Public Safety - Request for Authorization for Installation of Street Lights in Leawood Park: Councilman Hodes stated the Public Safety Commission had reviewed the lighting plan submitted by Kansas City Power and Light Company and the Police Department had made recommendations. The Commission proposed that 10 additional lights be installed (13 or 14 to be re-installed at no cost to the City). Councilman Hodes moved for approval of the street lighting plan for the Leawood Park; seconded by Councilman Watts. Motion carried.

Councilman Chase left the meeting at 9:33 p.m. during Councilman Hodes' presentation concerning park lighting.

MAYOR'S REPORT

#2568

Appointments to Special Sewer Renovation Committee: Mayor Eddy proposed the appointment of Councilman Crippin and Floyd Dorsey, 9120 High Drive, to the Special Sewer Renovation Committee. On motion by Councilman Hodes, seconded by Councilman Watts, the appointments were approved.

OLD BUSINESS

#2581

Report re TeleCable: City Attorney Winn stated Councilman Henry and himself had met with the attorney and general manager of TeleCable. He said it appeared that there were some distinct legal problems which would have to be court interpreted. He said it appeared the contract clearly provided that the City would receive seven per cent of gross revenue. On the other hand, whether premier theater was contemplated was another question. He said the degree of FCC intervention was doubtful. He said the Committee

recommended that nothing be done at this time for the reason that TeleCable was going to pay the City the full seven per cent of all revenues. He said the situation would come to a head in March of 1977 when TeleCable would maintain that the FCC had said our seven per cent franchise fee was no longer valid, and thereafter the fee would be three per cent. Mr. Winn said it would appear at that stage, Leawood would be joined in a court resolution of the question by the seven cities that had remained silent. Mr. Winn said it would be an expensive battle for the City to wage alone. Mayor Eddy said he disagreed in that it had only been several months since the granting of a rate increase and he felt the Council would be abrogating its responsibility if it did not go ahead and require a hearing as the contract contemplated on any rate TeleCable would charge. Councilman Hodes said he would like the Mayor to renew his request to mayors of the thirteen cities to join together for a rate hearing. The matter was discussed. Councilman Watts moved that the Council instruct the City Clerk to communicate with TeleCable of Overland Park and express the wish of the Council that the representatives of that firm appear before the City Council at its first meeting in May, since they are now charging citizens of Leawood an additional fee for some services, to present this proposed charge to the City Council for approval or disapproval; seconded by Councilman Lyons. Motion carried.

#2873

United States Academy Appointments: Mayor Eddy reported Representative Larry Winn, Jr. had asked for assistance in contacting young people in the third district who might be interested in attending the service academies in 1977. He said information was in the City Clerk's office, and perhaps should be included in the next newsletter.

#2977

Pay Estimate - Leawood Park: Mayor Eddy reported he had received a letter from the architect stating the Holsinger Nursery contract was substantially complete at the recreation complex. He said he was not authorizing any final payments to any contractors until the project was 100 per cent complete. He said \$1,648.00 was being withheld from Holsinger Nursery until the project was entirely completed. Mayor Eddy explained that two trees were destroyed by vandalism and the nursery had sent a bill for \$65 for the two trees. He said there were a number of dead trees and trees with dead branches. Jean Wise said she did not see any reason why the final payment should be made. She said she felt exactly which trees would be replaced should be reviewed with the architect. The Mayor suggested Mrs. Wise and Mr. Granstedt meet with Mr. Nelson to decide what should be replaced. It was agreed to withhold payment until final tree inspection.

#3090

Pay Estimate - Fire Station: Mr. Granstedt stated the total was \$4,971.15 less \$28.14 withholding. Councilman Alt moved that the Council authorize payment in the amount of \$4,971.15 less the appropriate withholding; seconded by Councilman Lyons. Motion carried.

#3131

April 5, 1976

#3161

Parks: Councilman Alt reported two gates, five feet tall, would be installed. He said authorization for a change order for \$180.00 for lane striping for the swimming pool was needed. Mrs. Wise stated originally six lanes had been provided but it had been recommended that this be changed to eight to accommodate a larger group. Councilman Alt moved for approval of a change order in the amount of \$180.00 to accommodate additional use of the facility; seconded by Councilman Lyons. Motion carried.

#3221

Parks - Greater Kansas City Resource Foundation: Councilman Alt reported the purpose of the foundation was to purchase real estate or interest therein and to receive gifts to be used for providing for future park land and facilities in the Greater Kansas City area, setting aside lands devoted to public historical, recreational, and conservational purposes. Councilman Hodes stated this group was formed primarily for acquisition and preservation of the Russell Majors home.

#3321

Status Form - Public Works: On motion by Councilman Hodes, seconded by Councilman Watts, the following employment was approved:

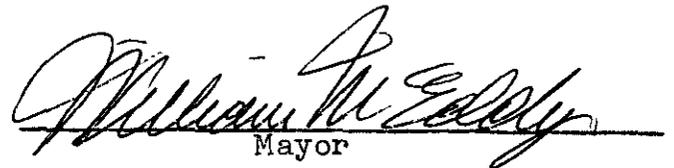
Leo Thornton, laborer, at the rate of \$3.80 per hour.

#3334

Appropriation Ordinances: Nos. 353A and 340S in the amounts of \$163,261.62 (including \$70,000.00 in investments) and \$5,998.87, 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 wondered if there was some way to curb the usage of copy materials.

#3541

At 10:41 p.m., on motion by Councilman Lyons, seconded by Councilman Watts, the meeting adjourned to Monday, April 19, 1976, 7:30 p.m.


Mayor


Council Reporter


City Clerk

April 19, 1976

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 19, 1976, 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, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Fred Krebs, Bob Sirchia, the City Clerk, and the Council Reporter. Treasurer Pendleton arrived at 8:44 p.m.

Resignation of Councilman D. A. N. Chase: Mayor Eddy read a letter of resignation as Councilman, Ward 1, from Councilman D. A. N. Chase, stating he had established residence in Ward 2. Councilman Alt moved that the Council go on record to thank Mr. Chase for his services to the City as councilman; seconded by Councilman Watts. Motion carried unanimously.

#20

Funds for Sewer Renovation: Mayor Eddy reported the City Attorney, City Engineer, and himself had met with the Environmental Protection Agency and there was a possibility that the City would regain some funds spent in the past on preliminary work on the sewer system. He said the City would request a 45-day delay in submittal of the facilities plan in order to advertise the public hearing.

#28

Minutes: On motion by Councilman DeKinder, seconded by Councilman Alt, the minutes of the meeting of April 5, 1976, were approved as submitted.

Visitors: Ernie Anselmi, Bill Ermeling, W. F. Schaeffler, Mr. and Mrs. John F. Wayland, Jean Wise, Gene Kroh.

#31

Discussion Concerning Noise from Shooting Range at Saddle and Sirloin Club: Ernie Anselmi asked the Council to consider either rescinding or repealing the ordinance permitting skeet or trap shooting at a private club, or to direct the Saddle and Sirloin Club to move their facilities from the present location. He said about a year and a half ago, he signed a complaint and went to court regarding shooting within the city limits of Leawood. His case was taken under advisement and an ordinance was adopted making that activity legal. He said the skeet range pointed directly toward his house. Bill Ermeling stated on alternate Sundays the noise caused his dogs to claw the front door. He said there were quite a few people willing to sign a petition. Mayor Eddy suggested that a petition would lend some credence to the problem. He asked the Public Safety Commission and the City Attorney to review the ordinance and report back to the Council with a recommendation at the next meeting, if

possible. Mr. Ermeling stated the skeet range was farther south but with the advent of I-435, it was brought in on the north side of I-435. He said he understood a "grandfather clause" became inoperative when there was a change of position of a facility. City Attorney Winn explained the grandfather clause did not apply, that they were allowed to continue under special legislation as an exception.

COMMITTEE AND COMMISSION REPORTS

#103

Newsletter: Councilman Henry reported the Committee would like to move ahead one month the mailing of the summer issue of the newsletter in order to incorporate information regarding the bicentennial celebration and park dedication scheduled for June 13. Copy should be submitted to Fran Farrar on or before May 1. Councilman Watts suggested including excerpts from letters written to the City. There was discussion concerning Mayor Eddy's remarks in the last newsletter relating to banking legislation. The Mayor said the comments in the newsletter correctly stated the facts.

Ordinance:

#156

Ordinance No. 514--Relating to Salary Ranges and Merit Increases for Appointed City Officials and City Employees of All Departments (Second Reading): Councilman Alt reviewed changes which had been made since the first reading. At the suggestion of Councilman DeKinder, items I through M of Section 1-1033 were changed to read "police officer" instead of "patrolman." At the suggestion of Councilman Alt, a category, "Animal Control Officer," was added as item N, renumbering the items that followed. The salary range for Animal Control Officer was set at \$700.00 to \$1,000.00. On motion by Councilman Crippin, seconded by Councilman Lyons, all the corrections were approved. On motion by Councilman Alt, Ordinance No. 514 was unanimously adopted.

#234

Ordinance Relating to Offenses Against Persons and Property (Continuation of First Reading): City Attorney Winn explained that Sections 10-101 and 10-104 had been confusing, and he had consolidated the language to read, "No person shall willfully break, destroy, deface, or injure in any manner any house, building, structure, or appurtenance whether publicly or privately owned. No person shall willfully break, destroy, deface, or injure in any manner any personal property belonging to another person or owned by any public body. No person shall deposit, throw or cause to be deposited or thrown into any drainageway, storm or sanitary sewer, sewer inlet, or manhole, any foreign substance including, but not limited to, grass clippings, rubbish, trash, leaves, trimmings, or petroleum based products." In 10-113, the jail sentence was reduced to three months to conform with a charter ordinance, and the fine to read "not less than \$25.00 nor more than \$500.00." The penalties were discussed,

including separate penalty provision for depositing foreign substances in sewers. Councilman Lyons moved that a section be added that penalties for violation of Section 10-104 shall be a minimum fine of \$100.00 and a maximum of \$500.00; seconded by Councilman DeKinder. Motion carried. Article 1 of the ordinance passed first reading as amended.

City Attorney Winn stated Article II of that same ordinance had been changed in Section 10-205, Indecent Looking, to remove the requirement of a finding of criminal trespass before one could be guilty of indecent looking, to simply read, "any person who shall enter upon the premises of another" to carry out that activity. It was agreed the fine should be \$25.00 but the one month jail sentence should remain the same. The City Attorney will revise the sections so that each states "it shall be unlawful" and look at the intoxication in public provision. The ordinance will come back for first reading.

#380

Ordinance Relating to Park Regulations (Continuation of First Reading): City Attorney Winn stated "park commission" had been changed to "Governing Body." City Attorney Winn will incorporate provisions for limiting speed in the park, parking, and authority of the Parks and Recreation Commission to post signs. There was discussion that temporary signs be posted in the meantime. The first reading was continued.

#421

Animal Control: Mayor Eddy reported it appeared the City could finance its own animal control vehicle and that the Budget and Finance Committee would discuss funding the salary for an animal control officer. Councilman DeKinder moved that the Council authorize the Public Safety Commission in conjunction with the Budget and Finance Commission and the Police Chief to advertise for bids for alternate vehicles for animal control; seconded by Councilman Lyons. Motion carried.

#433

Parks: Councilman Alt reported the flag pole was in place. He reminded the Council that the Bicentennial Committee was having difficulty raising the \$1,000 for a 100-year investment. The City Clerk will send a flyer to councilmen, homes association presidents, and city committee and commission members. Councilman Alt commended the Public Works Department for helping raise the flag pole thus saving money for the Bicentennial Committee. He said the sodding had been completed. Councilman Alt noted he had brought up the matter of the sod at the last meeting and since there was no objection, he went ahead.

Public Safety:

#479

Request for Permission to Solicit Funds - American Cancer Society: On motion by Councilman DeKinder, seconded by Councilman Watts, the American Cancer Society request was approved.

- #481 Request for Permission to Solicit Funds - Muscular Dystrophy Association: On motion by Councilman DeKinder, seconded by Councilman Watts, the request of Muscular Dystrophy Association was approved.
- Treasurer Pendleton entered the meeting at 8:44 p.m.
- #499 Request for Permission to Solicit Funds - Cystic Fibrosis Foundation: On motion by Councilman DeKinder, seconded by Councilman Lyons, the request of Cystic Fibrosis Foundation was approved with the requirement that a list of solicitors be provided prior to September 1. The percentage cost of soliciting was discussed.
- #525 Request for Street Lighting - 10300 Block, Howe Drive: Councilman DeKinder, on recommendation of the Public Safety Commission, moved for installation of the lights as indicated; seconded by Councilman Hodes. Motion carried. The Mayor explained the procedure to Mrs. Wayland who was present on behalf of the lights.
- #545 Request for Street Lighting - Verona Gardens: Councilman DeKinder moved that the City request Kansas City Power and Light Company to review the request to install appropriate lights for the Verona Gardens subdivision. Mayor Eddy questioned whether Mr. Gibson, manager of the land development department of J. C. Nichols Company, had the authority to request the lights. Motion was seconded by Councilman Alt, and carried.
- #583 Proposed Inter-Local Agreement for Tri-County Police Coordination for Political Convention: Councilman DeKinder stated the key part of the matter was the time requirement to get the agreement drafted and approved by the various participating cities. He moved that the Mayor be given authority to sign an agreement when it is drafted based on his interpretation of the best interest of the City of Leawood; seconded by Councilman Lyons. Chief Blume stated the absolute deadline was the first two weeks in May. Chief Blume stated the grant had now been changed to one hundred per cent funding. The matter was discussed. Motion carried.
- #679 Traffic Light - 89th and State Line: Deferred.
- #689 Recreation Commission - Report on Purchasing of Supplies and New Equipment: Jean Wise referred to a letter and list of Recreation Commission proposed expenditures, and stated that while many of the individual items did not require formal approval because they were not over \$500, the total amount was so substantial that the list was being submitted to the Council. Councilman DeKinder stated the Liason Committee had not had opportunity to discuss the items. Mrs. Wise said the purchase orders had been going across the Mayor's desk. Mayor Eddy stated he had verbally set up some temporary guidelines that all purchase orders except for routine maintenance items would go across the Mayor's desk

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for counter signature until such time as the committee could function. He said there seemed to be a problem about why the committee could not function. Mrs. Wise said some of the items had been purchased. She said the Recreation Commission's purpose was to inform, that they had tried not to bog the Council down with too much trivia. Mayor Eddy stated he felt this was bypassing the committee and the purchase order guideline he had given. Mrs. Wise said it seemed logical that Liason Committee members attend Recreation Commission meetings. Councilman DeKinder stated other than the first two meetings, he had not been notified. Councilman Hodes said he thought the purpose of the Liason Committee was to come up with a fee schedule, not to regulate the expenses within the Recreation Commission budget. Councilman Lyons stated he was notified of the meeting but he agreed that Councilman Hodes should attend because the items were in his area of expertise, but Councilman Hodes subsequently was unable to attend. Mayor Eddy said the committee was set up for the financial and regulatory aspects of the recreation complex so the city would have some control of the expenditure of the money. Councilman Alt said he felt the Recreation Commission had been trying to cooperate. Mayor Eddy said items over \$500 without prior Council approval, should have written bids. Mrs. Wise said there was some question as to what constituted a routine purchase. The matter was discussed. Councilman Alt moved that the Council proceed along the lines of letting Mr. Krebs enumerate the items for the Council; seconded by Councilman Watts. Motion carried.

#807

Mr. Krebs stated the chemicals, cleaning supplies, smoking urns, warm-up suits, sweaters, T-shirts, and swimsuits had been purchased. Items not ordered: arts and crafts supplies, first aid supplies, swim team equipment, pool equipment (except the hot dog machine and shake mixer), and recreation equipment. Mr. Krebs said the sink would be installed by the plumbing contractor for the pool in addition to the bonds. City Attorney Winn stated a letter agreement for that work would be satisfactory. Mr. Krebs said the Commission had purchased swim patches, printing, and membership in the National Parks and Recreation Association. From the Bond Account, an ice machine, ice cream machine, chaise lounges, chairs and tables had been authorized and purchased. Mr. Krebs requested authorization for a refrigerator and two starting blocks. There was discussion concerning what was properly paid from bond money. Councilman Alt moved that the Council authorize the Recreation Commission to receive necessary bids for the refrigerator (maximum \$1200) and authorize them to purchase the starting blocks; seconded by Councilman DeKinder. Motion carried. Councilman Lyons moved for approval on everything else Mr. Krebs talked about; seconded by Councilman Hodes. The cash registers were discussed. Motion carried.

#890

Mr. Krebs stated he was only a part time employee and he tried very much not to operate on the basis of informing

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the Council at the last minute. The situation at the last meeting was unavoidable largely because of his recent return from India. He said his concern was to have the Council's confidence and to expedite these matters as well as possible and spend as little money as he could to get the maximum amount of effort, and he did not want the Mayor and Council to feel he was trying to dodge procedures.

MAYOR'S REPORT

#968

Mayor Eddy reported the City Treasurer was checking into the City obtaining interest on savings-checking accounts on rotating funds. He said he had also asked that the staff investigate changing bonding requirements.

#983

Proclamation - Loyalty Day: Councilman Alt read a proposed proclamation and moved that the Council authorize the Mayor to sign a Mayor's proclamation that May 1, 1976, be LOYALTY DAY; seconded by Councilman Watts. Motion carried.

NEW BUSINESS

#1006

Status Forms for Employment of Recreation Staff: The status forms were submitted and discussed. Councilman Hodes said he was concerned that there were so few Leewood residents being employed. Mr. Krebs explained the procedure undertaken, including job descriptions, advertising for applicants, interviewing, that all Leewood residents who applied were offered jobs. He said he was committed to an increasing number of Leewood residents. Councilman Alt moved that the Council approve the status forms for the Recreation Commission submitted to the Council; seconded by Councilman Watts. Motion carried. Mr. Krebs said there were approximately five positions not yet filled.

#1055

Flood Insurance Program: City Attorney Winn reported the program consisted of a flood insurance subsidy under the National Flood Act of 1968 and Flood Disaster Act of 1973. The cities must adopt and administer local regulations to prevent flooding in order to qualify for the subsidy. A flood hazard boundary map is published for every community. The City has six months to challenge the entire map or can make individual challenges and appeals to any part of the map. The Corps reviews and changes the map if they feel the changes are warranted. The insurance is not available to those communities that have not qualified, and there is no federally related financial assistance available to those structures inside the hazard area. In effect, construction is cut off within the special flood areas. Sewer back ups are included under the insurance if they are a direct result of flood conditions. Mr. Winn said he thought they contemplated a city reviewing the map and talking with them when it was felt the map was in error. The Public Works Commission, John Granstedt, Phil Kline, Bob Sirchia, and Mayor Eddy will outline the parts

April 19, 1976

of the map which are felt to be in error and appeal. The appeals procedure was given to Bob Sirchia for study. City Attorney Winn said he felt the city should vigorously protest areas included that have no history of flooding. Mr. Sirchia said some adjustments had already been made to the map.

#1145

Status Forms - Public Works: Councilman Alt presented the following status forms, in general bringing the laborers up to the level discussed by the Administrative Committee but which could not be implemented because of ordinance limitation:

William Stagner, effective February 16, 1976, from \$4.00 to \$4.15 per hour.

James T. Stutts, effective January 1, 1976, from \$4.30 to \$4.35 per hour.

Sherrell Blakey, effective January 1, 1976, from \$4.00 to \$4.25 per hour.

T. B. Wright, effective January 1, 1976, from \$4.00 to \$4.20 per hour.

On motion by Councilman Alt, seconded by Councilman Lyons, the foregoing status forms were approved.

#1172

Status Forms - Fire and Police Departments: On motion by Councilman DeKinder, seconded by Councilman Hodes, the following status forms were approved:

Kent Livingood, employment as Firefighter Probationary, at the rate of \$750 per month.

Deborah K. Lewis, rate increase from \$800 to \$825 per month.

Ralph Mitchell, rate increase from \$800 to \$825 per month.

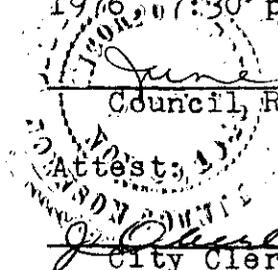
Timothy Arthur Dennis, rate increase from \$800 to \$825 per month.

Robert Paul McDaniel, rate increase from \$825 to \$850 per month.

Councilman DeKinder invited councilmen to view the renovation work on the fire station.

At 10:20 p.m., on motion by Councilman Watts, seconded by Councilman Henry, the meeting adjourned to Monday, May 3, 1976, 7:30 p.m.

#1214


June Lile
Council Reporter
J. Oberlander
City Clerk

William W. Edley
Mayor

May 3, 1976

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 3, 1976, 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, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Treasurer Pendleton, Will Gray, Phil Kline, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman Henry, the minutes of the meeting of April 19, 1976, were approved as submitted.

Visitors: W. B. Madden, Gene Kroh, Ray Borth, D. W. Meinhold, E. D. Romain, Myra Torbert, Frances Farrar, Martha Heizer, Jean Wise.

D. W. Meinhold introduced Ed Romain, and explained that his lot was on the west side of the home of Mrs. Mattie Cunningham. He said he understood that she had petitioned for a replatting of the back or east portion of her existing lot. He said since there was a primary power line traversing the center of the proposed lot, they had asked the Kansas City Power and Light to re-position the power line on his west boundary. He said he had a 10 foot easement on his property, but the proposed lot did not have an easement on its boundary. He said all property owners in Mark Lane subdivision had underground utilities. He said he objected to having an overhead power line when he had paid for underground facilities. He said he had substantiated the proposal with the Real Estate Division of Kansas City Power and Light Company and they had admitted the need to secure additional easement on the north side of 93rd Street. He asked, if the Council's information did not equate with his, that action be tabled until he could provide the necessary information as well as a petition from the residents of the Mark Lane subdivision. Councilman Crippin stated the Plan Commission had reviewed and approved the replatting and it would be before the Council later in this meeting. He said the matter of the power line had not been brought to the Commission's attention.

Councilman Alt moved that the agenda be changed to discuss the report on the replatting of Lot 38, Leawood Estates, to Lot 20, Mark Lane, at this time; seconded by Councilman Lyons. Motion carried.

#1269

Discussion of Replatting of Lot 38, Leawood Estates, to Lot 20, Mark Lane: Councilman Crippin examined the plat and stated there appeared to be a five-foot utility easement

#1284

at the rear of the property. He said he was sure the plat committee was of the opinion that this would be sufficient. Councilman Crippin moved that the item be continued to the next meeting or until there could be additional information gathered with regard to the utility easement; seconded by Councilman Watts. The matter was discussed. Councilman Crippin said he would be happy to perform the investigation before the next meeting. Motion carried, Councilman Lyons opposed.

#1369

Appropriation Ordinances: Nos. 354A and 341S in the amounts of \$537,267.49 (including \$449,000.00 in investments) and \$341,178.07 (including \$222,000.00 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.

REPORTS

#1387

Treasurer: Mr. Pendleton reported interest rates on investments were not as high as last year. He said combination checking-savings accounts were now available in the area, he had received information, and would set a date with the Mayor and the Finance Committee to review it within the next week, and report at the next meeting. He further reported the audit was complete and a meeting was scheduled with the auditors to review results and recommendations. On motion by Councilman Watts, seconded by Councilman Lyons, the report was approved.

#1405

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Watts. Mayor Eddy reported the load was continuing to build and it appeared that a second daytime court session would be necessary to keep hearings within a legal length of time.

#1414

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

#1419

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

#1421

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

COMMITTEE AND COMMISSION REPORTS

#1424

Ordinance:

Ordinance No. 515 - Offenses Against Persons and Property (Second Reading): Councilman Alt briefly reviewed the changes made and moved for adoption of the ordinance. Ordinance No. 515 was adopted unanimously.

#1444

Ordinance re Offenses Against Morals and Decency (First Reading Continued): City Attorney Winn reviewed that the penalty section had been increased. The indecent looking section was not included in the distribution. Without objection from the Council, Mayor Eddy ordered the first reading continued.

#1462

Ordinance Relating to Park Regulations (First Reading): City Attorney Winn explained that park rules had been revised and new ones added, as follows: Speed limit 20 miles per hour, prohibition of trucks separated into another section, new section prohibiting go-carts, racing-type motorbikes or motorcycles and other vehicles not licensed for public roadway driving, new parking regulations authorizing Chief to post "No Parking" signs, new general regulations section authorizing the Recreation Commission to post such rules and regulations approved by the Governing Body. Following discussion, Councilman Alt moved that the following changes be made on first reading: In Section 11-204.1 change "Recreation Commission" to "Governing Body"; in the third line of 11-204.2 insert "public" before the word "roadway"; and in 11-210.2, "the Recreation Commission to post such rules and regulations approved by the Governing Body pertaining to use of the City parks"; seconded by Councilman Lyons. Motion carried.

#1587

Parks: Councilman Alt reported parking space was inadequate in the park; he said Phil Kline recommended two additional parking areas, (1) at the south end of the west soccer field, for 36 additional cars, and (2) to the east past the end of the asphalt, on the left where there are two rows of pine trees separated by about 120 feet, 125 feet parallel to the road and 160 feet deep, with an island in the center, entrance on west and on east, for 64 additional cars. On the west soccer field, they proposed to dead-end Lee Boulevard and gravel about 20 feet to the west of Lee to accommodate 15 cars; total cost about \$3,620. Mr. Kline would do the staking and layout work, the gravel to be hauled, and Public Works to pack it down. Councilman Alt moved that the Council authorize the Park Commission to move ahead with this work and have Mr. Kline obtain the necessary bids to get the gravel hauled and proceed to get it done; seconded by Councilman Watts. The matter was discussed. Mayor Eddy asked the Council to consider in the meantime putting two inches of asphalt over all the rock laid in the park, using revenue sharing funds. He thought a pneumatic roller should be used. Motion carried. Councilman Alt reported the Parks Commission anticipated cutting telephone poles into five foot lengths, setting them, and putting a steel cable through them for guide posts.

Councilman Crippin moved to restructure the agenda to include items 8 and 9 under New Business on the third page of the agenda; seconded by Councilman Watts. Motion carried.

#1613

Public Safety - Resolution No. 386 - Replacement of Street Lights - Leawood Park: Councilman DeKinder explained that the resolution was for replacement of ten street lights in the park area and moved adoption of the following resolution:

RESOLUTION NO. 386

BE IT RESOLVED that the Mayor be authorized to sign Resolution No. 33 under Ordinance No. 264 providing for the replacement of ten 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 Park)

Seconded by Councilman Lyons. Resolution No. 386 was unanimously adopted.

#1726

Public Safety - Vehicle for Utilization as Combination Prisoner Transport and Animal Control: Councilman DeKinder reported there was one available vehicle and it had been purchased. He explained that the total of \$1,683.85 on cost of equipment included \$400.00 for a tranquilizing gun which was omitted from the list. Mayor Eddy reported that since there was only one vehicle available he had asked that a poll of the Council be taken, which was done. Councilman DeKinder moved that the Council approve the purchase of a vehicle from Andy Klein Pontiac, total price \$4,589.50, which met the specifications in the bids that were submitted; seconded by Councilman Watts. Motion carried.

#1753

Councilman DeKinder then moved for approval of all of the necessary equipment items which will be installed by the Department, bringing the total to \$7,456.35; seconded by Councilman Watts. He explained that the City was saving about \$500 by using some used equipment. Motion carried.

#1768

Public Works - Tabulation of Bids for 1976 Street Overlay Program: Phil Kline reviewed the bids opened earlier in the day. He reported four bids had been received, three bids under the engineer's estimate of \$31,152.00. He said the low bidder was Union Construction Company and recommended that the contract be awarded to that company. Councilman Alt reported the Public Works Commission had met and also recommended that a contract be awarded to Union Construction Company. He explained that the bid did not include the two-inch overlay for the Leawood portion of Mission Road under the inter-local agreement, adding that, the street improvement program would run close to \$35,000. Councilman Alt moved that the Council accept the bid from Union Construction Company to do the asphaltic concrete overlay in the 1976 street improvement program for the amount of \$29,396.88; seconded by Councilman Henry. Motion carried. Mayor Eddy pointed out that this was a unit price contract, not a lump sum contract. He asked Councilman Alt to ask Mr. Kline to make an estimate of the cost to overlay the roads in the park.

MAYOR'S REPORT: No report.

Mayor Eddy extended thanks to Councilman Spencer B. Henry. Councilman Henry said it had been a most rewarding and educational experience for him, thanked everyone for the many kind considerations and help, and wished Jean Wise every success. Councilman Alt moved that the Council go on record expressing its appreciation for the services Mr. Henry had rendered to the City as a Councilman; seconded by Councilman Lyons. Motion carried unanimously.

#1822

Oaths of Office Administered to Newly Elected Councilmen: City Clerk Jinny Oberlander administered the Oath of Office to the following: Samuel T. DeKinder, Councilman, Ward 2; Jean Wise, Councilman, Ward 3; and John M. Watts, Councilman, Ward 4.

Roll call of the new Council was answered by Councilmen Wise, Alt, DeKinder, Crippin, Watts, Lyons, Hodes.

NEW BUSINESS

#1847

Election of President of the Council: On motion by Councilman Lyons, seconded by Councilman Hodes, Councilman Eugene E. Alt was unanimously elected President of the Council.

Resolution No. 387 - Designation of Official City Newspapers: On motion by Councilman Watts, seconded by Councilman Lyons, Resolution No. 387, designating The Johnson County Sun and The Johnson County Herald as the official city newspapers for all documents requiring legal publication, was adopted. A copy is attached hereto as part of the record.

#1870

Designation of Depositories for City Funds: Mayor Eddy asked that the Council move to continue with depositories as they are now to give the Finance Committee time to meet and consider the material Mr. Pendleton had gathered. Councilman Hodes moved that the Council continue the depositories as the previous council approved until the first meeting in June; seconded by Councilman Watts. Motion carried.

#1885

Appointment of City Officials: City officials were appointed for one year, as follows (the appointments being approved on separate motions duly made and seconded):

City Architect and	
Chief Building Official	John Granstedt
City Architect and Chief	
Building Official - Pro Tem	John Casey
City Attorney	Larry Winn III
Assistant City Attorney	Ron Reuter
City Engineer	Shafer, Kline & Warren
City Engineer - Pro Tem	Bogina Consulting Engineers
City Treasurer	James H. Pendleton

May 3, 1976

Fire Chief	Jourdan A. Toman
Police Chief-Marshal	Richard W. Blume
Municipal Judge - Pro Tem	Edward Winthrop
Municipal Judge - Pro Tem	Max Bagby
Municipal Court Clerk	Debra Sixta
Assistant Municipal Court Clerk	Susan Handley
Public Officer (Substandard Structures)	Larry Winn III

Mayor Eddy and City Attorney Winn discussed that the charter ordinance and regular ordinance in regard to the City Clerk needed to be changed to provide that the City Clerk would not necessarily have to be a resident of the City. Councilman Crippin moved approval of the appointment of Jinny Oberlander as City Clerk until the first meeting in July; seconded by Councilman DeKinder. Motion carried.

#1981

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

BOARD OF ZONING APPEALS

D. A. N. Chase	1979
B. Hal Griffin	1979

BUDGET AND FINANCE

Charles R. Hansel	1979
James Pendleton (City Treasurer)	1977

NEWSLETTER COMMITTEE

Andrew Lyons, Chairman	
Jean Wise	1977

ORDINANCE COMMITTEE

Eugene E. Alt (President of the Council)	1977
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PLAN COMMISSION

Russell Brown	1979
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Councilman Watts moved for approval of the appointment of Clifford P. Johnson to the Plan Commission; seconded by Councilman Lyons. Councilman DeKinder stated he would like more information on Messrs. Brown and Johnson. Councilman Alt said he would like to have more background on Mr. Johnson's actions on the Council and his qualifications to serve on the Plan Commission. Councilman Wise stated she had serious question as to Mr. Johnson's qualifications after researching the minutes between 1971 and 1973 when he was a member of the Council, and moved that the matter of his appointment be tabled; seconded by Councilman Alt. Motion failed by vote of 3 to 4.

Councilman Wise then moved that the Council go into executive session for consideration of the appointment. She noted that the Council was not given the appointments until tonight. Councilman Hodes stated he felt the views and the feelings of the potential appointees to the Plan Commission should be voiced in a meeting with the Council. Motion seconded by Councilman Hodes. Motion carried, Councilmen Lyons and Watts opposed.

#2112

The Council went into executive session at 9:09 p.m.

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

Mayor Eddy reviewed that there was a motion before the Council that Clifford P. Johnson be approved for membership on the Plan Commission. Motion failed, Councilmen Watts and Lyons voting aye, Councilmen DeKinder, Alt, and Wise voting nay, Councilmen Crippin and Hodes abstaining.

PLAN COMMISSION (continued)

Kent Crippin 1979

PUBLIC SAFETY COMMISSION

Samuel T. DeKinder, Chairman 1979

PUBLIC WORKS COMMISSION

Eugene E. Alt, Chairman 1979
 Kent E. Crippin 1979
 Phillip Hodes 1979

RECREATION COMMISSION

Louise MacKenzie 1980

INSURANCE COMMITTEE

Andrew Lyons, Chairman 1977
 Jean Wise 1978
 D. A. N. Chase 1977

SOLID WASTE MANAGEMENT

Phillip Hodes 1977
 Jean Wise 1978

JOHNSON COUNTY HUMAN RELATIONS COMMISSION

Donna Thalblum 1978

SPECIAL SEWER COMMITTEE

William M. Eddy, Chairman
 D. A. N. Chase

#2156

Authorization of Signatures for Warrant Checks for City Obligations - All Funds: Councilman Hodes moved to authorize the continuance of signatures for all general city funds until such time as any changes in accounts are made; seconded by Councilman Watts. Motion carried.

#2183

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: Larry Winn III, City Attorney; Phil Kline, City Engineer; James H. Pendleton, City Treasurer; Jourdan A. Toman, Fire Chief; and Richard W. Blume, Police Chief-Marshal.

#2198

Ordinance Zoning Leawood South Country Club, Inc. (First Reading): On recommendation of the Plan Commission, Councilman Crippin moved that the ordinance zoning the property known as the Leawood South Country Club, Inc., 12701 High Drive, as Park, Recreation and Club District, be placed on first reading. Gene Kroh and Ray Borth were present on behalf of the request for zoning. Councilman Crippin explained the reason for the zoning was that the country club had previously been in the residential district. Since the Club had been sold and in order to get it in the proper legal context the request for zoning was made. City Attorney Winn stated it had been discovered that due to a technical flaw the actual golf course did not bear zoning at the present time. The matter was discussed. The ordinance passed first reading.

#2264

Resolution No. 388 - Replatting of Tract D, Second Plat, Leawood South: Councilman Crippin explained this resolution was for the replatting of property known as Tract D, Leawood South, to the south of the entrance of Leawood South off State Line. Gene Kroh explained the location of the property on a map. He said this was originally zoned R-3, multi-family. Due to changes in plans for the area, he was asking for 21 single family lots instead of multi-family development. Mr. Kroh showed the replat. There was discussion that under R-3 zoning, R-1 development was permitted. Councilman Crippin moved that Resolution No. 388, for the replatting of Tract D, Leawood South, be approved; seconded by Councilman Watts. Resolution No. 388 was unanimously adopted. A copy is attached hereto as part of the record.

#2320

Madden-McFarland Interiors, Ltd. Request to Alter Building: Bernard Madden stated they would like to make an improvement on their business located at 135th and State Line Road. He presented photographs of the building. He said they would like to put a window with shutters in place of a screened porch, and would like permission to put an entrance and wall in the lower level on the side of the house, removing a double overhead garage door. Mayor Eddy explained that this matter was before the Council because of the special use permit. On motion by Councilman Hodes, seconded by Councilman Alt, the request was approved.

#2356

Replacing Corridor Light Fixtures in Police and Court Building: Mayor Eddy explained that sixteen light fixtures in the Police and Court Building burned out often because they held too much heat. A proposal by Ranallo Electric, Inc. to replace a minimum of 16 fixtures at \$48.00 per fixture was presented. There was discussion as to the wattage of bulbs being used. Chief Blume said the problem was further complicated by the fact that the lighting was inadequate in some areas. It was agreed the Council should have more information, including (1) what size bulb was called for in the fixtures, and (2) what wattage was needed for adequate lighting.

#2421

Letter from Phil Kline Regarding Effect of Proposed Building at Leawood Country Club on Proposed Sewerage Improvements: Councilman Alt reported the Public Works Commission had met concerning the request of the Board of Zoning Appeals for study of a written explanation by the City Engineer of proposed sewer construction in the area of the Leawood Country Club. Mayor Eddy said Mr. Kline and the Sewer Committee would meet tomorrow evening. Mayor Eddy reported that before the last meeting of the Board of Zoning Appeals he had asked that Board to defer action on the request for variances at Leawood Country Club until the Sewer Committee had an opportunity to review the plans. He said Mr. Kline had now examined the plans and indicated some problem with the 100-year flood plain. Mayor Eddy said he wanted to formulate an answer by letter on the City's position. Councilman Alt deferred any recommendation from Public Works pending further discussion.

#2498

Authorization for Pay Estimate - Renovation of Fire Station: Mayor Eddy presented the pay estimate for addition to the Fire Station in the amount of \$11,815.71, which had been approved by John Granstedt, the Special Building Committee, and by the Mayor. On motion by Councilman Hodes, seconded by Councilman DeKinder, the pay estimate was approved. Councilman DeKinder reported the improvements were coming along nicely.

#2515

Cable Television Information Center Notice of Workshops: The notice of Cable Television Information Center workshops in Chicago and Dallas was discussed, and specifically whether or not the City should send a representative. Councilman DeKinder indicated he might be able to attend. Councilman Hodes said he would be in Washington and would pick up as much material as he could at the headquarters in the meantime. Councilman Alt moved that the Mayor be authorized to authorize travel expenses for the appropriate representative to attend; seconded by Councilman Hodes. Motion carried. The cable television matter was discussed further.

#2646

Discussion of Plaque for Recreation Complex: Mayor Eddy stated councils and mayors in the past had indicated their reluctance to have their names placed on public buildings.

May 3, 1976

He stated a plaque had been placed in the Recreation Complex. Councilman Wise showed a picture of the plaque. She said the Recreation Commission felt it was appropriate to place on the plaque the names of the people who had been instrumental in the project, including those who had served on the Recreation Commission, members of the Council acting before this meeting, two Mayors under whom it was planned and carried out, as well as the engineer, architect, etc. She said the Commission did not intend any discourtesy by not submitting it to the Council for approval. Mayor Eddy said he was bothered by the fact that (1) he did not want his name on it, and (2) not all of the councilmen were listed. He said the City Administration should be above any committee on a plaque. He said he would be happy to donate \$200 to replace the plaque. Councilman Wise said the Commission felt the council of the past year included most of the people who had been in on it from the beginning. She said she had polled the Council and did not encounter any reluctance on their part to having their names on it, but she had not pressed them. Mayor Eddy said he had asked prior to the telephone poll that she bring it to the Council. Councilman Lyons stated since it was done, although he felt it should have been done in a different manner, he was not that opposed to it. Councilman Crippin said he thought the other councilmen should be on there. Councilman Wise said it cost approximately \$400 and she would not want to spend another \$400 to \$500 for a new plaque. Councilman Lyons suggested the matter be continued.

At 10:50 p.m., on motion by Councilman Lyons, seconded by Councilman Watts, the meeting adjourned to Monday, May 17, 1976, 7:30 p.m.

#2810

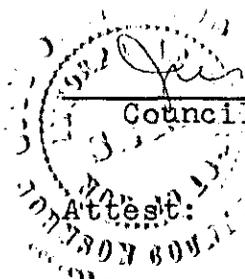


Mayor



Council Reporter

Attest:





City Clerk

May 17, 1976

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 17, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilman Wise, 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 Lyons, seconded by Councilman Wise, the minutes of the meeting of May 3, 1976, were approved as submitted.

Visitors: M. E. Erickson, Jim Pirner, Barney Oldfield, Rod Richardson, Robert S. Rowe, Ernie Anselmi, Tom Ruzicka, Gene Kroh.

#2835

Presentation by Representative of Shawnee Mission Sertoma Club re Shawnee Mission Park Outdoor Theater: Milton Erickson stated the Shawnee Mission Sertoma Club (in joint operation with the Shawnee Mission Park and Recreation District) was attempting to build an outdoor theater in Shawnee Mission Park as shown on the sketch displayed. The total cost would be in the neighborhood of one million dollars of which they hoped to get fifty per cent from the Federal government. He said there had been a feasibility study. He said primarily the Sertoma Club would do the solicitation of the funds, contributions to be through the Johnson County Parks and Recreation District which would be the operating unit and would also take care of the maintenance. He said the object of the presentation was to inform the major cities in the county of what they were attempting to do. He said they were seeking a resolution by the Council endorsing the project and publicity in the city newsletter. Mr. Erickson emphasized the intent was to provide a facility that would accommodate local talent in presenting plays, musicals, etc. at no charge to the public.

Councilman DeKinder entered the meeting at 7:33 p.m. and Councilmen Watts at 7:42 p.m., during the presentation.

COMMITTEE AND COMMISSION REPORTS

#2975

Newsletter: Councilman Lyons referred to copy for the summer issue of the newsletter. Councilman Alt suggested a correction to show the mayor as chairman of the Administrative Committee. At the suggestion of Councilman Watts, a phrase under dog control was changed to read, "limited service south of I-435." Councilman Crippin suggested the

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addition of a reminder that grass clippings should not be placed at the curb earlier than the night before trash pickup. Councilman Wise stated the Committee was going to a Xerox 730 system for labeling starting with the next issue. Councilman Lyons added they were going to a new printing company in an effort to save money.

The agenda was changed to consider replacing corridor light fixtures in the Police and Court Building as the next item of business.

OLD BUSINESS

Replacing Corridor Light Fixtures in Police and Court Building: Frances Farrar referred to a memorandum distributed. She explained that the present fixtures called for 60 watt bulbs and 60 watt bulbs had always been used. She stated even the guaranteed long-life bulbs did not last. Councilman Watts moved that the Council approve the replacement of sixteen corridor fixtures at the cost of \$48.00 per fixture; seconded by Councilman Wise. Motion carried.

#3165

Because the City Attorney needed to leave, Mayor Eddy requested a change in the agenda to consider information for the Board of Zoning Appeals on the Leawood Country Club variance request.

Information for Board of Zoning Appeals re Leawood Country Club Variance Request: Mayor Eddy reviewed that the request for variance by the Leawood Country Club before the Board of Zoning Appeals brought some questions to the Sewer Renovation Committee. Mayor Eddy suggested sending a copy of Mr. Kline's letter of May 17th with a covering letter to the Board of Zoning Appeals, expressing no opinion concerning the merits of the project but recommending that applicant be furnished a copy of Mr. Kline's letter so they may be fully aware of the consequences of any construction or expansion of the club facilities. Mr. Ruzicka stated he would like a copy of Mr. Kline's letter and the Mayor's letter. Mayor Eddy said copies of the report could be picked up at the City Clerk's office in the morning. Bob Rowe, one of the purchasers of Leawood Country Club, stated he would like to add that they were perfectly willing to cooperate with the City and the Sewer Commission in whatever eventual plans evolved.

The agenda was changed to consider the mill levy decision as the next item of business.

#3320

Resolution No. 389 - Providing an Additional Mill Levy for Recreation Program: City Attorney Winn reviewed that the Council had been concerned about a change in the law in 1975 which brought the one mill levy for parks within the general operating fund so the total levy for parks was reduced substantially. Mr. Winn said he had discovered a provision in the law which would seem to give the City

the flexibility it needed; that is, an additional one mill levy to the one mill now authorized by law for the Recreation Commission, or a total of up to two mills for the recreation program of the City. The parks levy would still be under the general operating fund. He said the Recreation Commission in effect is coming to the City and saying they need additional levy to operate a proper program, and the City has the alternative to levy an additional one mill by passing and publishing the resolution. If no protest be filed, then for the budget year 1976-77 the City will have authority for an additional mill levy for the recreation program. Councilman Crippin noted that this was giving the City money that had been in a sense taken away. On motion by Councilman Hodes, seconded by Councilman Lyons, Resolution No. 389 was adopted. A copy is attached hereto as part of the record.

#3415

Discussion of Ordinance No. 492 Permitting Skeet Shooting: Ernie Anselmi reviewed that the last time he appeared before the Council it was suggested that a petition be circulated to determine if the skeet shooting was a universal problem. He said a petition was circulated asking the Mayor and Council to repeal Ordinance 492 providing that a private club does in fact have the right to use skeet or trap facilities, or to direct the club to move their facility to another location where it did not affect the peace and quiet of the citizens. He said the Saddle and Sirloin Club had other property where the highway would act as a buffer and shots would be directed into a range of trees (about 50 yards from where they are now shooting). He said he felt the noise was a definite disturbance of the peace and was noise pollution. He stated there were approximately fifty signatures on the petitions which he presented, representing people who had agreed with him that it was noise pollution and disturbance of the peace. He said he was sick and tired of shotguns in the City of Leawood for the recreation of members of the Saddle and Sirloin Club. Mr. Anselmi said they would like something done immediately. Mayor Eddy had asked the Public Safety Commission to make a recommendation at the next meeting.

#3550

There was a short recess to change the recording tape.

Tape No. 41
Side 1
#1

COMMITTEE AND COMMISSION REPORTS (continued)

Ordinance No. 516 Relating to Park Regulations (Second Reading): Councilman Alt moved that the ordinance be modified to read, "fifteen miles per hour for all vehicles permitted by this ordinance to be operated within the city parks"; seconded by Councilman Watts. Motion carried. On motion by Councilman Alt, Ordinance No. 516 as amended was unanimously adopted.

#25

Ordinance No. 517 Zoning Certain Lands for Park, Recreation and Club Use (Second Reading): Councilman Crippin reviewed

that this ordinance was for zoning of the Leawood South Country Club, and moved that the ordinance be adopted. Ordinance No. 517 was adopted unanimously.

#31

Ordinance re Offenses Against Morals and Decency (First Reading Continued): Councilman Alt reviewed that at the last meeting part of the ordinance was missing. He moved that the ordinance pass first reading. The City Attorney will review some awkwardly worded sections before second reading.

#55

The agenda was revised to consider the second item under Old Business, "Representative from TeleCable" at this time.

OLD BUSINESS

#58

Representative from TeleCable: City Attorney Winn stated he could not remain throughout the discussion. He stated there were two items of interest to the Council on the cable television problem: (1) The representatives were to tell about the pay television proposal and perhaps seek Council approval, although it would be his recommendation that the Council defer any type of approval or disapproval of pay television until the next meeting because they did not have a resolution prepared, and (2) They were to deal with whether revenues from premier television were taken into consideration in the figures submitted which were the basis upon which the Council granted a rate increase. Mr. Winn said they had come at the City's request. He stated the regulation was contained in information brought back by Councilman Hodes and clearly indicated that come March 31, 1977, there would be substantial changes, the basic one being that rates will be set by the FCC. He said the Council needed to decide whether the offering of premier television was something the Council thought the citizens should have, and whether the Council might want to reconsider the rate increase based on any additional information furnished tonight.

City Attorney Winn left the meeting at 8:35 p.m.

#85

Jim Pirner of TeleCable of Overland Park stated pay television or premier television offered programming not generally available through traditional signals, such as recently released motion pictures and sometimes specialized sporting events. He said it was not feasible in the Midwest until recently. He said they decided to add pay television principally because they had a good faith commitment to keep the Johnson County cable system in the mainstream of new services. He said the first week in January they notified the cities they served in Johnson County of their plans to have such a channel. He said it offered 12 to 14 current movies per month, and effective in June it would offer one hour of children's movie shorts and perhaps later some sporting events. The monthly charge is \$8.00, available as a customer option. He said they also explained to cities that the pay television area was one in which the

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Federal Communications Commission had pre-empted regulatory authority for the reason that many of the pay services were new, untried, and quite experimental. He explained the FCC had adopted some rules as to program content but no rate rules. He said they received by letter the first week in March the objections of Mayor Eddy, in essence, "How does this relate to the rate increase and particularly should pay television be considered part of the basic cable service." Mayor Eddy added that it appeared to the City that TeleCable had gone out and charged the public something not applied for. Mr. Pirner stated they would pay the full seven per cent franchise tax on all revenue, including pay television, through March 31, 1977. He said the FCC says after that time basic cable television service may not be subjected to more than a three per cent franchise tax, and premium channels and extra services may not be taxed at all.

#170

Barney Oldfield, vice president for corporate development, said at the time he was preparing the pro forma it would have been highly speculative to put pay television revenues in it. He said it really would not have made that much difference. He said with the \$6.95 rate it would be 1981 before they turned a net profit. A statement was distributed to the Council showing the pro forma which was presented in July and a pro forma using pay television revenue. He reviewed the fees which had to be paid and said premier television was no bonanza. He said the essence of the question of whether they should have included pay television was that it would have made no difference whatsoever, and he referred to the last two lines on the statement handed councilmen showing that in 1981 without pay television they would have a cumulative loss of six million dollars, in 1981 with pay television the cumulative loss would be 5.4 million dollars. Mayor Eddy asked about other markets TeleCable had proposed to bring in. Mr. Pirner answered it was not feasible to bring in Chicago and the St. Louis signal was of little value because it largely duplicated the programming available on local stations, but the setting aside of a leap-frogging rule was important and made this some reasonable possibility for the future. He added they were now in a position to look at the RCA and Western Union satellites to see if they acquire independent out-of-town programming.

#233

#284

Councilman Lyons asked if arrangements had been made for the pay television hookup at the time wiring was installed. Mr. Pirner said a new wire was not required, but a notch filter or trap was installed into the line in February and March to prevent the pay channel from coming into the home, which was removed when the service was ordered. Councilman DeKinder said he felt it was a disservice to come before the Council and tell councilmen it was a very insignificant difference when the statement showed gross revenues with pay television were up over one million dollars over what they would have been by 1981, additional depreciation had been included, and the bottom line was only different by \$600,000. Councilman

DeKinder said they were building a very sizeable enterprise plus the fact that many of the expenses go to another subsidiary. Mr. Oldfield said six per cent of the gross revenue went to TeleCable as a management service fee.

Mayor Eddy asked if the Johnson County franchises were the same or different. Mr. Pirner said the franchises were no different than names of the cities. He said they were paying the seven per cent in all nine cities they served because all nine franchises on this question required that a franchise tax be paid on all revenue from all sources. In that sense, the franchises were the same. Councilman Hodes submitted that a regulatory body from the nine cities participating in TeleCable of Overland Park should be formed. He said he felt if they had mentioned that pay television was coming up when they were asking for the rate increase, none of this would have come up. Mr. Oldfield said the parent company, Landmark Communications, was paying a dividend, TeleCable, the parent company of TeleCable of Overland Park, was not. Mayor Eddy said the City had been informed that its franchise required that TeleCable get approval for any changes in their rates and this was not done.

Councilman DeKinder read from a letter from Rod Richardson dated March 9, 1976, in which he stated it "should also be noted that the Federal regulations which govern pay television specifically preclude the inclusion of pay television service charges in the gross annual receipts for the purpose of determining the franchise payments." Mr. Richardson said he backed off from the position of his letter of March 9 because he saw more language, and recommended rather than create any more animosity that they go ahead and pay the franchise fee. Mayor Eddy thanked Messrs. Pirner, Oldfield and Richardson for coming. He asked that the Special CATV Committee take a look at the matter.

COMMITTEE AND COMMISSION REPORTS (continued)

#494

Ordinance Repealing a Section of Article 4, Chapter I (First Reading): Mayor Eddy explained this ordinance was to repeal a section of the charter ordinance so a charter ordinance could be passed exempting the city from certain state provisions relating to qualifications of officers, etc. On motion by Councilman Alt, seconded by Councilman Watts, the ordinance repealing a section of Article 4, Chapter I, passed first reading as submitted to the Council.

#506

Ordinance Making Provisions Relating to Qualifications of Officers, Oaths, and Bonds (First Reading): Councilman Alt explained that this ordinance changed Section 3 of the existing ordinance and stated that all officers shall be qualified electors and that all officers appointed shall be residents of the State of Kansas, allowing appointment of nonresidents. There was discussion of possibly requiring

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that officers be residents of the county and that the City Attorney should be asked to look into the definition of an officer before the second reading. On motion by Councilman Alt, seconded by Councilman Watts, the ordinance was accepted for first reading as submitted to the Council.

#557

Parks - Estimated Cost to Pave Park Roads: Councilman Alt reported the cost to put a two inch asphaltic concrete layer on the existing graveled area, including the park road and parking, as it presently exists would be \$9,325.00; in addition, to put two inches on 60 additional spaces would be another \$4,750.00, plus 15 spaces on the south end of the west soccer field, \$780.00, total \$14,855.00. On double asphaltic surface treatment, the cost would be a total of \$7,490.00. Councilman Alt recommended the two inch asphaltic concrete because it would be permanent. Mayor Eddy suggested the funds could come from revenue sharing funds. There was discussion that it could probably be handled as a change order to the existing competitive bid contract. Councilman Alt reported rock would cost \$3,168.00, \$3.60 per ton for 880 tons, Union Quarries was the low bidder. Councilman Hodes moved for approval of the purchase of rock at \$3.60 per ton, for approval of the asphaltic concrete overlay, and to instruct the City Engineer to negotiate for an addendum to the existing overlay contract; seconded by Councilman Alt. Following further discussion, motion carried unanimously.

#700

Speed Limits in the Park and on Lee Boulevard: Chief Blume said speed limits should be by ordinance and that as Chief of Police he had authority to post temporary limits for 90 days. Councilman Alt suggested a 15 miles per hour speed limit on Lee Boulevard from 105th Street to the park entrance. There was also a suggestion of a speed bump. The Public Safety Commission will make a recommendation for the next meeting, and appropriate temporary action will be taken.

#734

Public Safety - Request for Permission to Solicit - American Medical Center: Councilman DeKinder reported the bulk of the activity would be done on Ranch Mart property from June 9 through 12, with house to house solicitation on June 13. On recommendation of the Public Safety Commission, Councilman DeKinder moved for approval of the request; seconded by Councilman Alt. Motion carried.

#745

Public Safety - Humane Officer: Councilman DeKinder reported on the status of hiring a humane officer. He said 33 applicants had been interviewed; that they were presently attempting (1) to hire a part time individual at a rate of approximately \$4.25 per hour for about 30 hours per week, or (2) to employ a full time person at a lower rate of pay and attempt to find something else for that person to do, such as clean buildings, night dispatcher or other additional duties. Mayor Eddy said the suggestion was made and he gave his approval to look for someone on a full time basis with the idea that that person would then

- #961 be able to come in and keep the doors open at the Police Department past five o'clock in the afternoon. The matter was discussed at length. Councilman Crippin suggested the person do whatever the Police Department and Public Safety Commission felt the individual could do with extra time. Councilman DeKinder moved that the Chief of Police be directed to fill the job of public humane officer at a salary not to exceed \$725.00 per month; seconded by Councilman Watts. Motion carried, Councilman Hodes opposed.
- #973 Public Works - Request for Permission to Advertise for Bids for Striping Machine: Councilman Alt stated \$2,000 was budgeted and the Public Works Commission was recommending solicitation of bids for the purchase of a striping machine. He moved that Public Works be given authority to go out and get bids on a striping machine for use in striping the city streets; seconded by Councilman Watts. Motion carried.
- #991 Public Works - Purchase of Gas Tank for Storage of Regular Gas: Councilman Alt reported the Public Works Commission recommended the purchase of a gas tank. Following discussion, he moved that Public Works be given authority to get quotations and proceed with the provision of a 1,000 gallon underground storage tank and pump to take care of the City's leaded gasoline, not to exceed \$1,250.00; seconded by Councilmen DeKinder. Motion carried.
- #1048 Recreation Commission: Councilman Wise reported that the painting of the main swimming pool was complete, it would be filled starting Wednesday, and hopefully finally inspected the following week, to open on schedule on May 29th.
- Final Estimate of T. J. Construction Co. - Councilman Wise reported final inspection had been held on T. J. Construction Company's part of the project. The architect is waiting for a pay application from T. J. Construction. Councilman Wise moved that the Mayor be authorized to make payment to reduce the retained percentage and at the proper time make final payment on the contract, provided the City Attorney concurs as to the payee; seconded by Councilman Alt. Motion carried. Mayor Eddy said a meeting was scheduled with the bonding company; he said unfortunately T. J. Construction Company had incurred more debts than it had been able to pay; the City would then have some indication as to where the funds retained would be paid.
- #1080 Plaque at Recreation Complex: Councilman Wise suggested that the matter of what to do with the plaque be referred to the Council Liason Committee for a recommendation. Councilman Alt moved that the matter of the plaque be referred to the Chairman of the Recreation Commission along with the Council Liason Committee to the Recreation Commission; seconded by Councilman DeKinder. Motion carried.
- #1091 Park Dedication: Councilman Wise reported the park dedication would be on June 13th. Larry Winn, Jr. will be the principal

speaker. She asked for suggestions on how the ceremonies should be conducted.

#1112

Status Forms - Public Works: Councilman Alt reported a laborer had quit. On motion by Councilman Watts, seconded by Councilman Wise, the employment of a replacement was approved, as follows:

Elza Hermanson, at the rate of \$4.00 per hour.

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

Daniel Siefert, part time laborer for the summer, at \$2.90 per hour.

Councilman Alt asked to be excused at 11:03 p.m.

#1128

Sun Publications Bicentennial Ads: Mayor Eddy reported cities were being contacted for ads on their history at \$225 for half page, \$425 full page. Councilman DeKinder moved that the City of Leawood take a half page ad in the bicentennial issue of the Sun Publications; seconded by Councilman Crippin. Motion carried.

MAYOR'S REPORT

#1161

Proclamation - Burglary Prevention Month: At the request of Chief Blume, Mayor Eddy proclaimed the month of June, 1976, as BURGLARY PREVENTION MONTH. The Mayor asked that a copy of the proclamation be put in the newsletter.

MARC Meeting: Mayor Eddy called attention to a MARC meeting at 3:00 p.m. on May 24 in the City Council Chamber of Kansas City, Missouri.

#1165

Appointment to CATV Committee: On motion by Councilman Hodes, seconded by Councilman DeKinder, Councilman Wise was appointed chairman of the CATV Committee.

Status Forms - Recreation Commission: Deferred.

#1169

Status Forms - Fire Department: On motion by Councilman Hodes, seconded by Councilman Watts, the following retro-active rate change was approved:

Gary M. Scheer, Inspector, from \$1,100 to \$1,135 per month, effective January 1, 1976.

Councilman DeKinder said the three following employees had been serving as shift commander without the official status. On motion by Councilman DeKinder, seconded by Councilman Hodes, the following promotion was approved:

Lee Allen Bledsoe, from Firefighter First Class to Lieutenant, rate from \$940 to \$1,000 per month.

On motion by Councilman DeKinder, seconded by Councilman Watts, the following promotion was approved:

Robert J. Haskin, from Firefighter First Class to Lieutenant, rate from \$910 to \$1,000 per month.

On motion by Councilman DeKinder, seconded by Councilman Lyons, the following promotion was approved:

Carl Dennis Andrew, from Firefighter First Class to Lieutenant, rate from \$905 to \$1,000 per month.

On motion by Councilman DeKinder, seconded by Councilman Hodes, the following promotion was approved:

Terry L. Hill, from Firefighter Probationary to Firefighter First Class, at \$800 per month.

Councilman DeKinder moved that the following change be approved; seconded by Councilman Wise:

Robert L. Sharp, from Firefighter First Class to Firefighter First Class E.M.T., from \$875 to \$900 per month effective May 1, 1976.

Mayor Eddy questioned whether it was the philosophy of the Public Safety Commission or the Fire Chief to automatically make a man First Class E.M.T. upon qualification as E.M.T. Councilman DeKinder stated the philosophy of the Public Safety Commission was that if someone in the department had worked to achieve a certain improvement in his capability (and the City benefits by that increased training, knowledge, or capability) unless he is rewarded, there is very little incentive for the people in the department to continue to do so. Chief Toman said the E.M.T. Firefighter First Class classification was created in anticipation of rewarding these people. He said cities under 20,000 population would be required by 1980 to have at least one man of that qualification on cars going out. Five are qualified now. He said Mr. Sharp received an increase of about \$50 earlier this year. Mayor Eddy wondered whether or not it was possible to put everyone in the same classification just because the classification was created. Chief Toman said the department needed that qualification to operate rescue cars. Mayor Eddy said when the ranges were changed it was specifically stated they were not to be used just to give raises. He said he would anticipate no more raises this year for these E.M.T. First Class. The matter was discussed. Motion carried.

On motion by Councilman DeKinder, seconded by Councilman Lyons, the following increase was approved:

Larry E. Smith, Firefighter First Class E.M.T., from \$845 to \$870 per month effective May 1, 1976.

On motion by Councilman DeKinder, seconded by Councilman Hodes, the following increase was approved:

Jackie D. Jones, Firefighter First Class, from \$790 to \$810 per month effective May 1, 1976.

On motion by Councilman DeKinder, seconded by Councilman Wise, the following increase was approved:

Edward M. Cosgrove, Firefighter First Class, from \$800 to \$825 per month effective July 1, 1976.

On motion by Councilman DeKinder, seconded by Councilman Hodes, the following increase was approved:

Gregory King Prior, Firefighter Probationary, from \$750 to \$780 per month effective May 1, 1976.

On motion by Councilman DeKinder, seconded by Councilman Wise, the following increase was approved:

Jack C. Scott, Firefighter First Class, from \$815 to \$840 per month effective July 1, 1976.

NEW BUSINESS

#1396

Saddle and Sirloin Club Request for Permission to Use Signs for Horse Show: Councilman Watts moved that the Saddle and Sirloin Club be permitted to put up its customary signs; seconded by Councilman Hodes. Motion carried.

#1419

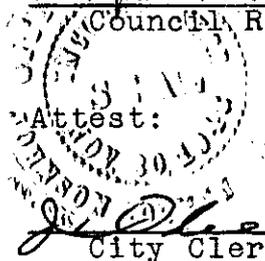
At 11:36 p.m., on motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Monday, June 7, 1976, 7:30 p.m.

William W. Eddy

Mayor

June Lile

Council Reporter

Attest:

J. Sherland

City Clerk

June 7, 1976

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 7, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Wise, Alt, Crippin, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, John Granstedt, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, seconded by Councilman Watts, the minutes of the meeting of May 17, 1976, were approved as submitted.

Visitors: Ernie Anselmi. Members of the Press: Colleen Smith, Max Kuidera.

On motion by Councilman Lyons, seconded by Councilman Watts, the agenda was changed to consider the pay estimate on fire station renovation as the next item of business.

OLD BUSINESS

#1430

Pay Estimate, Fire Station Renovation: Mayor Eddy reported the final estimate of Pittman Building Corporation for renovation of the existing fire station had been signed by the Building Committee. John Granstedt stated the contract portion of the cost was \$27,790.90, around \$6,000 under the guaranteed maximum, \$3,000 under estimated cost, and it included some extras; it did not include replacement of air conditioning unit and replacement of electrical service. Councilman Lyons moved for approval of payment of the final estimate to Pittman Building Corporation in the amount of \$11,017.18; seconded by Councilman Watts. Motion carried.

#1449

Authorization to Take Bids on New Fire Station: Mayor Eddy commented it appeared the City could probably take bids on a contract for the new fire station sometime the first week of July. On motion by Councilman Alt, seconded by Councilman Watts, John Granstedt, with the approval of the Building Committee and the Mayor, was authorized to go ahead and take bids on a contract for the new fire station.

REPORTS

#1463

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Watts. Councilman Lyons stated on certain charges there had not been a conviction for years in Leawood. He suggested the Council talk with the prosecutor. Mayor Eddy stated he and the City Attorney had met with Mr. Reuter several times the last couple of months and he thought

some of the big problems were being taken care of. Councilman Lyons directed the Council's attention to d.w.i. charges and said he had never seen a conviction on that charge. The matter was discussed. City Attorney Winn said he and the Mayor had been concerned about reduction of d.w.i. and changing of speeding violation to non-moving violation. Mr. Winn said he could not tell whether the reductions were occurring under the City's guidelines or on much more serious charges. Councilman Lyons said he did not believe there should be a blanket reduction of any charge; they should be taken case by case. Councilman Lyons commented that he believed a d.w.i. ^{reduction comes} ~~conviction came~~ through the computer as a reckless driving conviction. *jo.*

#1599

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Hodes, seconded by Councilman Wise. Upon inquiry by Councilman Hodes about the second fire in a barbeque oven caused by clogged vent pipe, Chief Toman said the owner was pursuing the matter with the company that was supposed to have cleaned the flue.

#1612

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Hodes. There was discussion concerning safety along the walkway at the bridge over I-435 to the park, and that there would be "no parking" signs 300 feet north of the bridge on both sides.

#1645

Discussion of Johnson County Drug Squad: District Attorney Margaret Jordan stated the Johnson County Drug Squad (City-County Investigative Squad) was preparing to go before the Governor's Committee for Criminal Administration for a renewal of the drug grant. She explained the squad was made up of a core staff of five people furnished by joint efforts of the sheriff and the district attorney, and staffing of the unit consisted of commissioned policemen on permanent assignment for a period of six to eighteen months to work as a narcotics unit for Johnson County. It started in the summer of 1973 as a narcotics unit that could function independent of city lines. She said it had been tremendously successful because it had enabled them to have a joint operation on crimes that required continuing investigative surveillance. Chief Blume said he felt the unit had been a distinct asset to law enforcement in Johnson County, and that it was an endeavor that should continue. He said the City currently had an officer assigned to the drug unit and the vast majority of his employee costs were borne by the grant under which the unit operated. The City pays fringe benefit costs and some minor items of equipment. The period of the officer currently assigned expires July 1st and he was being returned to the Leawood police department to duty. Chief Blume added he did not have any plans to assign anyone to the squad subsequent to July 1. He said the possibility existed that if the grant application was successful for the period July 1, 1976 to July 1, 1977, that the majority

of an additional person could be funded out of the grant on a 75/25 percentage as opposed to 90/10 on the previous grant. He said he would recommend that the Council continue the project for one more year. He said he had only one reservation--on July 1, 1977, when the last year of the grant expires, the City was faced with several possibilities, (1) Some alternative source of funding to form this unit on a permanent basis must be found, or (2) The City would have to acknowledge the fact that the department will be confronted with another officer for which it would have to pay 100 per cent, let someone go, or through attrition find a place. Mrs. Jordan said June 17 was the general meeting of the Board. She said there was an excellent chance that this would be re-funded. She said they were exploring methods of countywide funding. She said the Board of Directors had authorized a presentation to be made to the County Commissioners and the Council of Mayors for permanent assumption of the function. Mrs. Jordan said at this time they had fairly good assurance that the grant would pass, and they would like the support of the City by the assignment of an officer to the City-County Investigative Squad and support to the extent of 25 per cent, present support being approximately 10 per cent. There was discussion that the action needed to be in the form of a resolution. The Mayor noted that one of the items on the agenda of tonight's meeting was the manpower situation in the police department. Mrs. Jordan said immediate action would be very helpful in terms of showing local support. Following discussion, Councilman Alt moved that this Council go on record as to its intention to support the Johnson County Drug Squad as it had in the past; seconded by Councilman Watts. Motion carried unanimously.

#1820

COMMITTEE AND COMMISSION REPORTS

#1877

J.C.
Budget and Finance: Councilman Watts referred to a letter he had sent to committees and department heads containing revenue projections, carryover projections, and initial trial balance of the budget. He announced the Administrative Committee and the Budget and Finance Committee would meet on Monday, June 21, to set up a schedule with department heads to review their budgets and form final strategy for the budget; Budget and Finance final review of the budget will be July 1 (Council attendance encouraged); July 19, budget presented to the Council for approval; August 10, public hearing; August 16, final approval of the budget; August 20, budget filed with County Clerk. Councilman Watts said the forecast for 1977 was about the same as receipts for this year, \$318,000. He explained he had taken one mill of the general fund levy and put it into parks; and he had lowered the levy on the special fire equipment fund one-quarter mill. He said he was not budgeting \$4,800 from parks for city services nor the \$1,200 from recreation for city services. Councilman Watts said he had predicted sales tax revenue at \$220,000 but it could be higher. He said none of the figures in the trial balance were at all

- #2058 final. Councilman Alt suggested that the Council of Mayors consider the budgeting problem of cities in having to prepare budgets before they have the information. Councilman Hodes urged that department heads try to trim any excess from their budgets and that the Council try to come up with a budget that was below the maximum the City was allowed to charge. Councilman Watts commented that the City had a \$300,000 increase in revenue (\$130,000 more from intangibles, \$170,000 from sales tax) that had already been absorbed, plus department heads were recommending a budget 17 per cent in excess of income.
- #2104 Ordinance No. 518 - Relating to Offenses Against Morals and Decency (Second Reading): Councilman Lyons suggested the deletion of "and on conviction thereof, such person shall be judged guilty of a misdemeanor" because it was a duplication of language in the penalty section. City Attorney Winn agreed. Councilman Alt moved that the Council approve the ordinance relating to offenses against morals and decency as presented to the Council. Councilman Lyons moved to amend by striking the following words under Indecent Looking, "and on conviction thereof, such person shall be judged guilty of a misdemeanor" for the reason that those are redundant to the penalty section; seconded by Councilman Alt. Motion carried. Ordinance No. 518 was adopted unanimously as amended.
- #2144 Ordinance No. 519 - Repealing a Section of Article 4, Chapter I (Second Reading): Councilman Alt explained this ordinance was to repeal a section of Article 4, Chapter I, to allow for Charter Ordinance No. 12 so there would be no redundancy, and moved for its adoption. Ordinance No. 519 was unanimously adopted.
- #2152 Charter Ordinance No. 12 - Making Provisions Relating to Qualifications of Officers, Oaths, and Bonds (Second Reading): Councilman Alt explained the change dealt with allowing officers of the City to live outside the city, retroactive to January 1, 1975. City Attorney Winn said the only change from the first reading was the addition of the provision that appointed officers shall be residents of the county. On motion by Councilman Alt, Charter Ordinance No. 12 was adopted unanimously as presented.
- #2180 Ordinance re Maximum Speed Limits Within the City of Leawood (First Reading): Councilman Alt explained the change being made was on 111th Street, from Roe Boulevard to Mall, to 45 miles per hour to correspond with other cities. The speed limit on Lee Boulevard near the park was discussed. Since the Public Safety Commission would not meet for two weeks, the Council decided to go ahead and act. Councilman Alt suggested that the speed limit on Lee Boulevard from 105th Street to the park entrance be 15 miles per hour. Chief Blume asked that the Council consider adding that the speed limit on I-435 Highway within the City be 55 miles per hour. It was agreed Chief Blume should order temporary enforcement and allow the ordinance to pass second reading in the normal manner. Councilman Alt moved that the ordinance be amended

for the second reading to read, "Lee Boulevard, 103rd St. to 105th St., 25 miles per hour; Lee Boulevard, 105th St. to park entrance, 15 miles per hour; I-435 within City limits, 55 miles per hour; and deletion of day and night from K-150, to read, K-150, within City limits, 55 miles per hour; seconded by Councilman Watts. Motion carried. Councilman Watts suggested the correct designation of 111th Street was now College Boulevard.

#2263

Plan Commission - Resolution No. 390 - Replatting of Lot 38, Leawood Estates, to Lot 1404, Leawood Estates: Councilman Crippin explained that the first time this replatting was before the Council, there was opposition to overhead utility lines adjacent to Mark Lane Subdivision. He further explained the plat had been misnamed by the engineering firm who drew the plat. Councilman Crippin reported he had met with the opposition and the developer, the matter came back before the Plan Commission, and the Plan Commission recommended approval of the plat of Lot 1404, Leawood Estates, which is a replat of Lot 38, Leawood Estates. He said the Meinholds had asked that the overhead wiring be placed underground and the Romsins had asked that the building restrictions on the lot be at least equal to those on Mark Lane. Mr. Sailors, the developer, had written a letter dated June 7 stating that they intended to run underground electrical service from the existing pole on the south property line, approximately in the center of the proposed lot, to a pole on the northeast corner of the Anderson property which was located on the north side of 93rd Street, and that they would also meet the requirements of the subdivision restrictions of Mark Lane or Leawood Estates, whichever was greater. Councilman Crippin stated in talking with Messrs. Meinhold and Romain it appeared they would not have any opposition as long as that wording was included in a letter with regard to the plat. Councilman Crippin displayed the plat. He moved that the plat of Leawood Estates, Lot 1404, be approved with the restriction that the utility restriction as stated in the letter would be placed on the plat; seconded by Councilman Alt. Resolution No. 390 approving the plat was unanimously adopted. A copy is attached hereto as part of the record.

The agenda was changed to discuss at this time the item concerning improvement over sewer line.

#2395

Improvement over Sewer Line: Mayor Eddy explained this involved a swimming pool apron to be over an eight inch sewer line; the people had been given a building permit. He asked the Council's wishes concerning his signing a covenant in general stating it would be at the property owner's expense if the City ever had to go in to repair the sewer line. City Attorney Winn explained the problem developed because sewer lines in the City of Leawood bear no semblance to the rear five feet of the property line and this particular line was up by the house. Following discussion, Councilman Alt moved that the Council authorize

the Mayor to enter into the covenant between the City of Leawood, Kansas, and Jerry L. Thompson and Doris S. Thompson; seconded by Councilman Wise. Motion carried.

#2488

Public Safety:

Resolution No. 391 - Street Light Installations: On motion by Councilman Hodes, seconded by Councilman Watts, the following resolution was adopted:

RESOLUTION NO. 391

BE IT RESOLVED that the Mayor be authorized to sign Resolutions No. 34 and No. 35 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. (Verona Gardens, 103rd Block of Howe)

#2498

Report Regarding the Republican National Convention: Chief Blume reported a lot of money and a lot of time had been spent gleaning through intelligence information by several agencies to find the best plan for fulfilling the law enforcement mission during the convention and do so in such a way that rights under the Constitution were preserved. He said his primary interest was what was good for the City of Leawood and insuring that its citizens were absolutely protected. He said at this time there was no definitive information indicating anything other than some semi-organized demonstrations should be anticipated. He said the only way to professionally plan for this type of operation was to have several contingency plans ^{of} ~~readied~~ ^{ready} ~~readied~~ to hopefully cope with various levels of operational needs. He said the Leawood Police Department had four operational plans ranging from the current everyday effort up to utilizing everyone on the department twenty-four hours a day and utilizing outside help. He said thinking was at this time that the Johnson County Tactical Unit would be called out during the days of the convention itself. He said the possibility existed that if serious problems developed, a portion of the Johnson County Tactical Unit might be requested by the Kansas City, Kansas, police department to assist them. He reported the plan he would anticipate utilizing involved working officers eight hours a day six days straight. Councilman Hodes reported Councilman Watts, Bill Judd, and he had attended a meeting in Mayor Wheeler's office concerning police protection during the convention. Mayor Eddy reported he had signed the inter-local agreement for tri-county police coordination.

#2599

Report on Reorganization of the Police Department: Chief Blume referred to a memorandum dated 2 June 1976 describing the reorganization which had been approved by the Public Safety Commission and the Mayor. The reorganization was discussed. Mayor Eddy noted it represented an increase of total people from 13 in 1972 to 24 now. He said now there would be more people and people on the street at all times.

There was discussion that the station still was not manned 24 hours a day. Chief Blume said he did not feel it would be in the department's direct best interests to pull an officer out to assign to the County Drug Squad.

Public Works:

#2750

Bids for Gasoline Storage Tank: Councilman Alt reported there were only two companies in town that could do this work and one company's bid man was out of town until the middle of June. The bid was from Double Check Co., Inc., for a 1,500 gallon tank (suggested because of minimum delivery quantities, \$814.00, plus necessary pipe, labor, and supervision of the installation. Councilman Hodes commented the bid on the labor, pipe, etc. was low, the bid on the tank would be the same anywhere, and he recommended approval of the request of Public Works for that amount of money. Councilman Alt moved that the Council authorize Public Works to go ahead and obtain from Double Check the 1,500 gallon tank not to exceed an expenditure of \$900.00, with the City doing the excavation work, etc.; seconded by Councilman Hodes. Motion carried.

#2847

Bids for Striping Machine: Councilman Alt reported he had two bids covering roughly the same machine except one was capable of painting a double line. He recommended the one painting the double line. The bids:

Victor L. Phillips Company, paint marker,	
5 horse power engine,	\$1,306.00 plus tax
Small Line Striper, Model 513, power	
propelled double line, 10 horse power	
engine,	\$2,075.00

Councilman Alt said \$2,000 was budgeted for the machine. Mayor Eddy noted a firm owned by a local resident sold that type equipment. The matter was deferred to the next meeting in order to seek a bid from the local resident.

Public Works Report: Councilman Alt reported asphaltting had been completed at the park, and started on Lee Boulevard. He said Union had agreed to do that at the same unit price as on the streets, \$15.54 per ton. Mayor Eddy suggested that the funds be taken from the City Administrator's budget. Councilman Alt said since this was asphaltted, he would much prefer to install concrete parking blocks, probable cost \$500 to \$1,000. Without objection, he will go ahead and look into it.

#2912

Recreation Commission Report: Councilman Wise referred to a report of receipts and expenditures of the Recreation Commission. She said the pool memberships had gone very well, 685 sold, and 895 tennis patches had been sold. She reported they were very pleased with the way the recreation staff got the pool open and it seemed to be running very well. She reviewed plans for the dedication ceremony to be Sunday, June 13, at 2:00 p.m., on the parking bay nearest

the swimming pool on a lowboy trailer. She discussed plans for parking stickers and a shuttle bus. Councilman Wise moved that the Council authorize the City Clerk to write a letter to whatever company Mayor Eddy arranges to provide the trailer, stating that the insurance coverage for any possible vandalism to the trailer or liability claims would be covered by the City; seconded by Councilman Alt. Mayor Eddy said his company had volunteered to provide the trailer. Councilman Lyons was asked to check with the City's insurance agent regarding the dedication and the vehicles to be used. Motion carried. Councilmen and their families were invited to meet Representative Winn at the Police and Court Building at 12:15 p.m. before the dedication.

#3086

Appointment to Recreation Commission: Councilman Wise reported the vacancy on the Recreation Commission was one to be filled by the other members of the Commission, and that they proposed to appoint Jim Morgan. There was discussion that on a Friday in October all eight of the tennis courts were set aside for a state high school girls tennis tournament. Councilman Crippin suggested that the Leawood Welcomers be notified of any women's night at the tennis courts.

MAYOR'S REPORT

#3150

Appointment to Ordinance Committee: Mayor Eddy proposed the appointment of Councilman Lyons to the Ordinance Committee, and explained through oversight this was not done at the organizational meeting. On motion by Councilman Hodes, seconded by Councilman Alt, the appointment was approved.

#3158

Legal Opinion on Increasing Street Light Franchise Fees: Mayor Eddy stated he would send councilmen copies of City Attorney Winn's affirmative opinion regarding increasing Kansas City Power and Light street light franchise fees.

#3182

Proclamation - Andy Cope Day: Mayor Eddy proclaimed Saturday, June 12, 1976, as ANDY COPE DAY in the City of Leawood in honor of his participation in the Kansas East-West Shrine Bowl Game.

Status Forms - Administration: Mayor Eddy presented the status form, and on motion by Councilman Hodes, seconded by Councilman Lyons, the following employment was approved:

Doris Ann Krambeck, Clerk 1, at \$500.00 per month.

#3220

League of Kansas Municipalities Meeting: Councilman Alt inquired about the League of Kansas Municipalities meeting June 14-16. Mayor Eddy said the notice had been sent to various people, and the City would pay the cost of meals.

NEW BUSINESS

#3235

Resolution No. 392 - Relating to Johnson County Theater in the Park: Mayor Eddy read the proposed resolution endorsing and supporting the Johnson County Theater in the Park. On motion by Councilman Crippin, seconded by Councilman Alt, Resolution No. 392 was unanimously adopted. A copy is attached hereto as part of the record. Councilman Lyons reported that it now appeared it would have to be built with private funds.

#3250

Status Forms - Public Works: On motion by Councilman Alt, seconded by Councilman Wise, the following employment was approved:

Michael Joseph Helton, part time laborer, Park Department, at the rate of \$2.90 per hour, effective May 26, 1976.

#3260

Councilman Alt reported termination of employment of Emery Ingram, Public Works mechanic, effective May 21, 1976.

#3272

Status Forms - Police Department: Councilman Hodes explained the following four status forms were in connection with the reorganization of the Police Department:

Royce Bounds, promotion to Detective, increase from \$944.00 to \$1,000.00 per month;

Sammy Tucker, promotion to Sergeant 1, from \$960.00 to \$1,040.00 per month;

Robert Becker, promotion to Captain, from \$1,273.00 to \$1,348.00 per month;

Linda Anderson, employment as Humane Officer, at the rate of \$700.00 per month, effective immediately.

On motion by Councilman Hodes, seconded by Councilman Alt, the four status forms were approved.

#3314

Status Forms - Recreation Commission: Councilman Wise presented the following status forms:

Susan Grieser, Lifeguard, at the rate of \$2.00 per hour;

Susan Copeland, Lifeguard, and/or Tennis Coordinator, at the rate of \$2.10 per hour;

Douglas Orloff, Lifeguard, at the rate of \$2.75 per hour, and as swim coach, at the rate of \$900.00 for the season;

Julie Ketcham, Playground Counselor, at the rate of \$2.25 per hour;

Ann Alexander, Arts and Crafts Counselor, at the rate of \$3.50 per hour;

June 7, 1976

Bobbie Sue O'Brien, Tennis Instructor and Coach, at the rate of \$1,500 for the 10-week season.

Following discussion, on motion by Councilman Wise, seconded by Councilman Hodes, the Recreation Commission status forms were approved.

#3407 Appropriation Ordinances: Nos. 355A and 342S in the amounts of \$203,266.20 (including \$110,000.00 in investments) and \$544,002.41 (including \$490,000.00 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.

#3480 Review of Zoning Code and Subdivision Regulations: Councilman Crippin reported the Plan Commission had reviewed the zoning code and subdivision regulations and requested that they be forwarded to the Ordinance Committee.

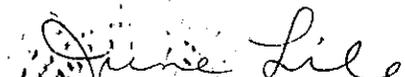
#3488 Public Works - 1977 Sewer Assessment: On recommendation of the Public Works Commission, Councilman Alt moved that the sewer assessment for the year 1977 remain at \$55.00; seconded by Councilman Hodes. He reported Kansas City, Missouri, officials had stated they would not increase the sewer assessments until May 1, if at all. Councilman Alt reviewed projected sewer revenue and expenditures. Motion carried.

#3532

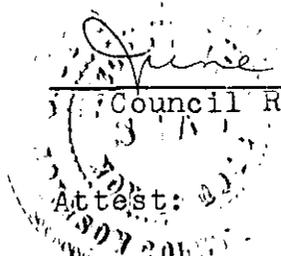
At 10:31 p.m., on motion by Councilman Lyons, seconded by Councilman Crippin, the meeting adjourned to Monday, June 21, 1976, 7:30 p.m.

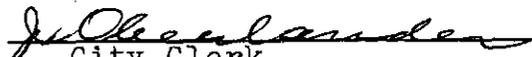


Mayor



Council Reporter

Attest: 



City Clerk

June 21, 1976

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 21, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Wise, Alt, Crippin, Watts, Lyons.

Others present were Fire Chief Toman, Police Captain Sellers, City Attorney Winn, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Alt, duly seconded, the minutes of the meeting of June 7, 1976, were approved with the following corrections: On page 2088, the last two lines of the first paragraph were changed to read, "Lyons commented that he believed a reduction of a d.w.i. charge came through the computer as a reckless driving conviction." On page 2089, June 21 was changed to June 14 in the sixth line of the last paragraph; and on page 2092, in the thirteenth line of Report Regarding the Republican National Convention, the word "radiated" was changed to "readied."

Councilman DeKinder entered the meeting at 7:31 p.m., during approval of the minutes.

Councilman Hodes entered the meeting at 7:34 p.m., as Mayor Eddy introduced Mike Dalen.

#20 Discussion - Johnson County Courts Program for Alcohol Related Cases - Mike Dalen: Mike Dalen, director of the Johnson County Courts Program for Alcohol Related Cases, distributed information and forms pertaining to the program. He said the program was under the jurisdiction of the district court and its objective was to help people keep from getting involved with future alcohol related problems with the law. Mr. Dalen reviewed statistics concerning referrals, especially from Leawood. He further explained the objective was to give some straight facts about drinking, it was not a treatment oriented program. He said it was self supported, every person coming through paying a \$30 fee. He said the program was used by the District Attorney as a first official diversionary program, that is, on first arrest for d.w.i., if a person participates in the program, the case is dismissed. He said each municipal court handled referrals a little bit differently. In Leawood, he believed most of the time persons went to court, to the program, and then back to court. The Council discussed the program with Mr. Dalen.

#130 Visitors: Brant D. Kennedy, Mike Dalen, Ernie Anselmi. Member of the Press: Colleen Smith.

Discussion of Skeet Shooting at Saddle and Sirloin Club: Ernie Anselmi appeared concerning disposition of trap shooting

at the Saddle and Sirloin Club. Councilman DeKinder reported the Police Department was discussing with the Saddle and Sirloin Club a couple of courses of action, and it appeared the Club was interested in having some sort of response from the neighbors, and they may be getting up a petition. He said the area they had been discussing was whether or not it would be physically possible to move the trap range south of the highway. He said Saddle and Sirloin Club seemed amenable to working something out. Mr. Anselmi emphasized that he had presented petitions signed by some 50 residents in the City that the shooting was a disturbance of the peace. Councilman DeKinder said they were trying to look at whether it was a fairly small number in relation to the total number of nearby property owners. Councilman Watts said apparently they did not shoot every Sunday. Mr. Anselmi said he believed their only recourse as citizens was filing a disturbance of the peace complaint every Sunday they shoot; he said the citizens who signed the petition were not in his immediate area, they were from various parts of the city. Mr. Anselmi said he felt that since the Saddle and Sirloin Club was now surrounded by homes, it was time for a change. He said he felt there was an inconsistency in the law when a youngster's BB gun can be confiscated and yet adults can stand several hundred yards away and fire shotguns. He said he was not concerned about safety, it was strictly the noise factor. Councilman DeKinder said he thought the Public Safety Commission would have a decision in the next couple of weeks and would report to the Council. The matter was discussed. Mayor Eddy stated (1) the Council could request the Club to abate on a temporary basis, (2) the Council could instruct the Police Chief to make the request, or (3) the Council could change the ordinance, or (4) work out some other arrangement as suggested by Councilman DeKinder. Mayor Eddy said he would expect hopefully that the Public Safety Commission would report at the next meeting and if they were recommending changing the ordinance, perhaps that ordinance could be prepared by the next meeting.

COMMITTEE AND COMMISSION REPORTS

#337

Budget and Finance: Mayor Eddy referred to a letter he had written to councilmen. He commented that a change in the intangible tax would not affect the City's income until 1978. Councilman Watts referred to a memo calling a meeting on July 1 for final review of the budget before asking the auditors to prepare the formal budget hearing forms which are published. He said any suggestions for change should be made by July 1. The Mayor stated the Budget and Finance Committee and the Administrative Committee had met with individual department heads on the budgets. Councilman Watts distributed copies of budget worksheets and stated every budget except the tax levy for bonds and interest was completed and balanced at this point. He explained he had estimated intangible tax revenue at \$270,000, service fees \$1,200, fines and fees \$100,000, sales tax \$220,000, special highway fund \$98,419. Councilman Watts stated the City's share of the intangible tax was 2.25 per cent of the 3 per cent tax and that the City may reduce this in .0025 increments. In

June 21, 1976

1978, if the City reduced the tax a minimum of .0025, it would cost the City \$30,000.

#485 Councilman Watts stated the primary thing he had changed in the budgets was to increase health insurance costs fifteen per cent and he had increased all salary levels by seven per cent which was not an official city position. Mayor Eddy emphasized that he did not want to hear any rumors going around the city about wage increases. Councilman Watts pointed out the City Administrator's budget included money for a city administrator but did not have in it as yet any contingency account. He said he had taken the new police vehicles account, \$25,200, and the police vehicle maintenance account of \$11,760, and put them in Federal revenue sharing because revenue sharing funds needed to be spent every two years. Also in Federal revenue sharing was fire station land acquisition, \$20,000, and \$40,000 as capital improvements and equipment (really unbudgeted). There was discussion that if the money for fire station land acquisition was available in the bond moneys the allowance in the budget would be carried over. Councilman DeKinder explained that the additional land for the fire station was needed because of the particular location of the fire station, it was physically impossible to turn large equipment into and use the drive-through bays. He said the City had the opportunity to purchase the lot immediately adjacent to the station. Councilman Watts stated the total street program for next year had been brought up to \$50,000. He said a full mill would be budgeted for parks, \$45,000.

City Attorney Winn left the meeting at 8:46 p.m.

Councilman Watts said the Recreation Commission submitted a budget of \$110,678 including some contingency funds. He said he had divided it into two parts: Section 1, operations, \$110,678, and Section 2, maintenance, including capital improvements (grounds) \$4,500, and grounds maintenance \$4,500, total \$119,678. He said the \$9,000 equalled 1.2 mills and would test the City's ability to levy more than one mill in that account. Councilman Watts suggested levying 1/4 mill for the Special Fire Equipment Fund. He explained the general fund, parks and fire equipment were within the tax lid and that would be in the area of 8.323 mills (general fund 7.073 mills). Other levies are outside the tax lid: Recreation, 1.2 mills, Social Security, 1.2 mills (up because employees are up, wages are up, and because there was no carryover), KPERS (6.7 per cent of wages of eligible employees), 1.1 mill. He said with addition of the bond account the levy would be about a full mill higher than last year mainly because of Social Security and KPERS.

#550 Councilman Watts reviewed the general fund balance: Projected 1977 revenues \$1,112,000, carryover from 1976, \$239,000, total available income in 1977, \$1,352,000; total budgets \$1,235,000, leaving an excess of \$116,782. He noted the budget included

hiring four dispatchers and keeping the police station open at night. He said the city was in good financial shape this year, but he cautioned that the proposed budget was eleven per cent above expected new revenue sources (not including 1976 carryover). He said the question for the Council was what to do with the \$116,000. Councilman Watts outlined three choices (1) put the \$116,000 in the City Administrator's budget as the capital expenditure fund and carry it over to the next year; (2) reduce ad valorem property taxes; however, one-half of the share of sales tax revenue the City receives is based on what is collected under the tax lid; therefore, if the ad valorem levy were cut one mill, it would cut taxes \$45,000 and probably another \$15,000 out of sales tax revenue; (3) reduce intangible tax. Mayor Eddy suggested further options: (4) make advance payments on some of the bonds, (5) put at least a portion into additional street resurfacing.

Mayor Eddy said he had information that the Council could reduce intangible tax for 1977 (affecting income for 1978) by passing an ordinance at this meeting. He said an ordinance had been prepared in case the Council desired to reduce the intangible tax. Councilman Hodes felt a 1/4 per cent reduction would not make enough difference to the taxpayers and was a waste of time. He favored the capital improvement fund. Mayor Eddy suggested putting at least another \$25,000 into the street program. Councilman Wise said she was against reducing the taxes because of the huge undeveloped area where the City was going to end up making major improvements. Councilman Watts commented that if the money were kept in the budget, he didn't think it would be accumulated. Councilman Alt questioned whether the Council should reduce taxes at all at this time based on some of the unknowns. Councilman DeKinder said he was opposed to reducing the intangible tax because of the small impact on the individual taxpayer. He favored putting the excess in a line item and developing a plan of priorities for using it; in effect, reducing the tax load in future years. Councilman Crippin said he felt it was important to take a practical and logical look at the matter rather than decreasing the intangible tax without knowing what it was going to do to the City in the next budget year. Councilman Watts suggested taking the 1.1 mills for retirement, putting it into the general fund, thereby still levying the full tax lid amount but not levying that fund outside the tax lid, resulting in an overall reduction of 1.1 mills and not losing the \$15,000 in sales tax revenue. He said he would be in favor of using \$50,000 from the general fund for KPERS and putting \$66,000 in the City Administrator's budget for carryover. He said he was in favor of cutting intangible tax 1/2 of one per cent, \$60,000, which would affect city revenue in 1978, and keeping ad valorem level for next year. Councilman Lyons felt the Council needed to look at possible reduction of intangible tax in more detail since the taxpayer did not gain much and there were a lot of things the Council just did not know about, such as possible loss of revenue sharing,

#709

#790

the amount of sales tax, etc. Councilman Hodes stated he was opposed to any reduction in intangible tax because of the amount involved and because the state legislature allowed cities to reduce the tax without offering a way of increasing taxes under the property tax lid. He said he was not entirely convinced that the police budget and some of the other budgets were practical, mainly in respect to the dispatcher situation. He urged that a committee be appointed to try to attract small business to take a look at Leewood. Mayor Eddy said he thought development under the comprehensive use plan was proceeding in an orderly fashion.

Councilman Alt said he would favor the suggestion by Councilman Watts to bring retirement under the general fund, retain intangibles tax at this time, and have a committee study the matter. No one introduced the ordinance reducing intangible tax. Mayor Eddy appointed the following committee to make a recommendation concerning the intangible tax: Councilman DeKinder, chairman; Councilman Hodes; Councilman Watts; and City Attorney Winn, ex officio. Mayor Eddy asked Councilman Watts to check out changing the retirement fund to come under the general fund to reduce the mill levy to approximately the same level as last year. Use of the remaining \$66,000 excess was discussed further, including its application to the street program. The Mayor reviewed that absorbing the 1.1 mills for KPERS into the general fund would keep taxes approximately the same as last year, 13.744 mills (which included 2.737 mills for bonds), would give approximately \$66,000 carryover, and the committee would discuss the intangible tax. There was discussion that the levy was going to be higher because of the added fire station bonds. Councilman Wise said she felt it would be more prudent to reduce bonded indebtedness so interest would be reduced. There was discussion that probably not all the bonds contained provision for prepayment, and whether or not retirement of the bonds would be the most economical. It was the consensus of the Council that Councilman Watts should proceed to bring the retirement into the general fund, in effect reducing the mill levy by 1.1 mills, and Councilman DeKinder should investigate prepaying the bonds.

#1111

#1254

Ordinance No. 520 - Speed Limits Within the City (Second Reading): Councilman Alt reviewed the changes incorporated as discussed at the first reading. Councilman Hodes suggested a reference to 111th Street be changed to College Boulevard. On motion by Councilman Alt, Ordinance No. 520 was adopted.

#1294

Public Works: Councilman Alt reported total asphaltting cost was \$57,835.00 assuming \$5,500 under the inter-local agreement with Overland Park, and including engineering supervision; actually \$43,300 was spent on streets. Mayor Eddy asked the Council to approve payment. On motion by Councilman Alt, seconded by Councilman Wise, \$32,836.34 was approved to be paid from the Motor Fuel Tax Fund and Street Department fund. On motion by Councilman Alt, seconded by Councilman Watts, \$3,885.00 was approved to be paid from the Park Department fund.

#1335

On motion by Councilman Alt, seconded by Councilman Wise, \$14,514.36 was approved to be paid from the City Administrator's budget. On motion by Councilman Watts, seconded by Councilman Hodes, \$1,193.00 was authorized to be paid to Shafer, Kline & Warren for work on street improvement areas for 1976, to be paid from Motor Fuel-Street Department funds.

#1356

Public Works - Purchase of Striping Machine and Gas Tank: Councilman Alt requested that purchase of a striping machine be deferred. As to the gas tank, Councilman Alt reported he had incorrectly interpreted the bid memorandum at the last meeting and discovered it would cost another \$600-- instead of \$900 as authorized by the Council, it would be \$1,493. Councilman Alt moved for authorization of another \$600, making a total of \$1,493.23 to accept the bid of Double Check Co., Inc. for a gas storage tank; seconded by Councilman Wise. Motion carried.

#1392

Status Form - Public Works: On motion by Councilman Alt, seconded by Councilman Hodes, the following increase was approved:

Kelly Graves, Park Foreman, increase to \$815 per month, effective July 1.

#1404

Public Works: Councilman Alt reported Phil Kline had assured him that Mission Road was under control as far as filling in the trench and striping.

MAYOR'S REPORT

#1415

Appointment of City Clerk: Since the ordinance permitting appointment of a non-resident had been adopted, Mayor Eddy proposed the appointment of Jinny Oberlander as City Clerk. On motion by Councilman Hodes, seconded by Councilman Wise, the appointment was approved.

#1421

Final Estimate on Recreation Complex: Mayor Eddy presented the final estimate for release of retained percentage from Holsinger Nursery in the amount of \$1,648. He noted a lien release should be obtained. On motion by Councilman Hodes, seconded by Councilman Wise, payment of the final estimate was approved.

#1432

Sewer Report: Mayor Eddy reported the public hearing on the Step 1 grant application would be held July 19 at 1:30 p.m. at City Hall. He said the facilities plan was completed to comply with the Step 1 area, now work was being done on an area where it was hoped the City would gain back some \$20,000 to \$30,000 of previously expended funds, and the application for Step 2 grant was being prepared. He said councilmen should also have had a copy of the report that Johnson County Sewer District and City of Kansas City, Missouri, had agreed to disagree concerning the Kansas City plan and the plan to expand the Indian Creek Sewage Treatment Plant.

#1451

Approval of 1976 Dues - Johnson County Human Relations Commission: Mayor Eddy reviewed that Jerry Rushfelt, Leawood, is chairman, Donna Thalblum is the other Leawood representative, dues are \$200. On motion by Councilman Wise, seconded by Councilman Hodes, payment of 1976 dues to Johnson County Human Relations Commission was approved.

#1468

Status Forms - Recreation Commission: Councilman Wise presented the following status forms:

Cheli Hicks, wading pool guard to 50-meter pool guard, \$2.10 to \$2.25 per hour;

Barbara Heimer, lifeguard to chief cashier, \$2.35 to \$2.75 per hour;

Lori Chambliss, half time cashier to full time cashier, \$2.20 to \$2.30 per hour;

Susan Wenner, cashier to part time life guard, \$2.20 to \$2.50 per hour.

On motion by Councilman Watts, seconded by Councilman Hodes, the four status forms were approved.

#1480

Councilman Wise stated copies of park dedication photographs could be ordered after the meeting for \$2.50 each. She requested that any suggestions for change in the ad copy for the bicentennial issue of The Sun be submitted to her.

#1485

Statement of Policy on Expenditures: Mayor Eddy stated the Administrative Committee had met and decided, without objection from the Council, that any expenditure up to \$500 may be approved by a department head; anything budgeted between \$500 and \$1,500 the Mayor may approve; anything over \$1,500 will require at least an informal bidding procedure and presentation to the Council for approval.

An item in the Recreation Commission minutes concerning authorization for purchase of a radio was discussed.

At 10:58 p.m., on motion by Councilman Lyons, seconded by Councilman Watts, the meeting adjourned to Tuesday, July 6, 1976, 7:30 p.m.

#1514

William Eddy

Mayor

June Lile

Council Reporter

Attest:
[Signature]

City Clerk

July 6, 1976

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, July 6, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Wise, Alt, DeKinder, Crippin, Watts, Lyons, Hodes.

Others present were Fire Chief Toman, Police Captain Sellers, City Attorney Winn, Will Gray, Bob Sirchia, Fred Krebs, the City Clerk, and the Council Reporter. Treasurer Pendleton arrived later.

Minutes: On motion by Councilman Alt, seconded by Councilman Watts, the minutes of the meeting of June 21, 1976, were approved as submitted.

#1519

Appointment and Oath of Office Administered to Councilman, Ward 1: Mayor Eddy reported the committee as established by ordinance had met, interviewed five candidates, and recommended the appointment of Edwin Haas as Councilman, Ward 1. On motion by Councilman Lyons, seconded by Councilman Watts, the appointment was approved. City Clerk Jinny Oberlander administered the Oath of Office to Mr. Haas.

#1533

Presentation of Tricentennial Savings Deposit: Otto Stueck, chairman of the Leawood American Revolution Bicentennial Committee, introduced David Ricker and George Strosnider of Anchor Savings, and presented to Mayor Eddy a Certificate of Deposit in the amount of \$1,000 along with a letter describing the 7 3/4 per cent, ten-year certificate of deposit which would be monitored by the Council. Mr. Stueck said it carried the condition that withdrawals could be made only by unanimous consent of the mayor, all council members, and the city treasurer, with the recommendation that it be invested for 100 years. Mr. Stueck said certificates of donation would be given to all who contributed.

#1557

Resolution No. 393 - Accepting Tricentennial Savings Certificate: Mayor Eddy read the resolution accepting the certificate of deposit bearing the title, "City of Leawood, Kansas, American Revolution Tricentennial Fund." Councilman Alt moved that the City Council approve Resolution No. 393 creating the tricentennial savings certificate, accepting it on the basis as outlined; seconded by Councilman Watts. Resolution No. 393 was unanimously adopted. A copy is attached hereto as part of the record.

#1584

Councilman Alt moved that the City Council formally thank the Bicentennial Committee for the fine job that it did for Leawood in celebration of the 200th birthday of our

nation; seconded by Councilman Watts. Motion carried unanimously. Mr. Stueck introduced members of the committee present and thanked Bill Gray and the Public Works Department for their help.

#1613

Visitors: Ernie Anselmi, G. Gordon Thomas, Joan Schaeffler, Bill and Helen Ermeling, Mr. and Mrs. T. E. Allen, Manuel Rabago, Roger and Melissa Shores, A. W. Doepke, Thomas and Joyce Devine, Alvin H. Fry, W. W. Schultz, Lynn V. Bowman, Mr. and Mrs. Edwin M. Chapline, Richard M. Nelson, Mr. and Mrs. R. L. Leeper, Richard K. Degenhardt, Larry C. Nye, T. C. and Dottie Llewellyn, Gene Shanks, Stuart and Lois Murdock, Tom Allen, Donald N. Goehausen, Otto Stueck, Pearl and Catherine Scott, James R. Groebe, Glenn A. Lichty, David B. Ricker, George Strosnider, Mr. and Mrs. Robert L. Browning. Members of the Press: Barbara Sniffen, Tom Drape, Max Kuidera.

#1629

Councilman Watts moved that the agenda be amended to consider the Public Safety report as the next item; seconded by Councilman Alt. Motion carried.

#1634

Public Safety Commission - Report re Skeet Shooting at Saddle and Sirloin Club: Councilman DeKinder reported the Public Safety Commission had been provided with information from the Saddle and Sirloin Club, and all members of the Commission had reviewed that material (consisting of a series of petitions covering the question of nuisance or disturbance in the area, information on sound engineers' study of the noise level). Based on that information and the overwhelming number of people in the area who felt that the present trap shooting activity was not objectionable, Councilman DeKinder said the unanimous recommendation of the Public Safety Commission was that there not be any change in the existing ordinance at this time. Councilman DeKinder summarized the noise report as saying basically the noise levels were commensurate with or less than a power lawnmower in the area. He said it was within the OSHA tolerances as to sound levels for a residential area. Coffeen-Anderson made the report. The noise check was made on Sunday, June 13, at a series of locations. Councilman DeKinder presented the signed petitions and displayed a map showing that the overwhelming majority of the people had said the activity was not objectionable. Tom Allen, attorney for Saddle and Sirloin Club, stated subsequent to preparation of the report additional people had been contacted, increasing the ratio. Mr. Allen said when they took the Saddle and Sirloin petition around, they visited with people and told them they had a long standing activity and asked if it bothered them. He said the results were 70 pro, 10 per cent against. Joan Schaeffler said they put up with the noise from the trap shooting but it really had bothered them; she said the petition they took around was not asking the Saddle and Sirloin to stop the skeet shooting, the petition was to approach the Club and ask

#1732

July 6, 1976

them if it would be possible to move the skeet shooting to the other side of I-435. Councilman DeKinder read from the minutes of the meeting of June 21 that, "Mr. Anselmi emphasized that he had presented petitions signed by some 50 residents in the City that the shooting was a disturbance of the peace." In answer to inquiry by Councilman Alt, Mr. Allen stated no duress was used. He pointed out the petition said in the first sentence, "to repeal paragraph (d) of the ordinance." He said there was no question but that the original petition was a petition to repeal the ordinance. G. Gordon Thomas, 10516 Mohawk, stated the trap shooting had never bothered his family. Stuart Murdock stated the question of the Saddle and Sirloin Club moving if they could not trap shoot had never been brought before the Board of Directors; he said there were as many if not more members of the Club who enjoyed trap shooting than rode horses. He said there were 270 residents in the area who said trap shooting did not bother, 40 were opposed. He said they had no intention of moving the Saddle and Sirloin Club.

#1842

Ernie Anselmi summarized that the first petition said stop it or move it. He reviewed that a police officer had heard the shots at 103rd and Lee. Mr. Anselmi asked the Council not to vote on this tonight. He said the Council and Larry Winn had suggested a petition and further that it only needed 10 or 15 other people who also felt the shooting was objectionable. Mr. Anselmi said he supported the Saddle and Sirloin Club, but he could not tolerate the shooting. He said the second petition that basically said we support the Saddle and Sirloin Club and their activities, including their support of the American Royal, was totally irrelevant, and was unethical and underhanded. Mr. Anselmi said on the first petition no concerted effort was made to canvass the entire area, they were relying on the Council's direction that 10 or 15 signatures would be sufficient. He said he had found that there was the implication of economic pressure and other pressures, such as if the Club could not continue shooting they were going to move. He said there was human and animal illness connected with noise pollution, and property values could be substantially affected by a progressive shooting or noise. He said citizens had the right either to a class action or a civil suit to bring this to a head. Mr. Anselmi asked the Council not to vote because of additional information that could be obtained. Councilman DeKinder pointed out the recommendation of the Public Safety Commission was neither a vote for nor a vote against, it was a recommendation that the current ordinance not be modified or repealed, which did not require a vote of the Council. Councilman Watts pointed out the Public Safety Commission unanimously decided not to immediately change the ordinance but the matter was not closed. He added that the noise was a lot less behind than across the field, and wondered if they would be willing to experiment shooting the other direction, flip-flopping the course; also, Mr. Watts wondered if they had seriously considered moving the course south of I-435. Mayor Eddy

said he respected Mr. Anselmi's situation and hoped an amiable settlement could be worked out. The Mayor remanded the matter to the Public Safety Commission for further study and possible amiable solution to the problem. Councilman DeKinder announced that the next regular Public Safety Commission meeting would be Wednesday evening, July 14.

There was a short recess as many of the visitors left the meeting.

REPORTS

#2045

Treasurer: No report. Mayor Eddy reported the treasurer and others had been working toward the combination savings-checking type accounts. Councilman Watts moved that Johnson County National Bank & Trust Company be the depository for the Leawood Sewer System Agency; Kansas National Bank, depository for Federal Revenue Sharing, Municipal Court Account, Special Fire Equipment Fund, and Workmen's Compensation; Southgate State Bank & Trust Company, depository for the Bond Account, General Operating Fund, Retirement Fund (KPERS), Recreation Commission, Social Security, Special Account-- Street Cuts, Special Highway Fund, State Withholding Tax; these to be combination savings-checking type accounts with the same signatures that have previously been authorized; seconded by Councilman Wise. Following discussion, motion carried.

#2104

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Wise, Councilman Hodes abstained. Councilman Hodes objected to amending all d.w.i. charges on first offenders to careless and reckless driving. Mayor Eddy said he felt if that were to be discussed, it should be in executive session. A motion by Councilman Hodes for an executive session failed by vote of 3 to 4. Councilman Crippin explained he voted against the motion because he did not think the Council could settle it tonight. City Attorney Winn said if it were to be discussed, he thought Mr. Reuter should be present.

#2205

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Watts, seconded by Councilman DeKinder. Chief Toman said three fires were related to fireworks. Mayor Eddy recommended rigid enforcement of the fireworks ordinance next year.

#2240

Police Department: Chief Blume's report was submitted and approved on motion by Councilman DeKinder, seconded by Councilman Watts. Captain Sellers reported the animal control program was one hundred per cent operational. He said the humane officer was responsible for identifying a suspect in an assault, and she had been very effective in identifying the dogs picked up.

#2267

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

Councilman Watts.

COMMITTEE AND COMMISSION REPORTS

#2273

Budget and Finance: Councilman Watts reported the Budget and Finance Committee met on July 1st with four councilmen and the mayor in attendance. Copies of the proposed budget as recommended by the Committee for approval by the Council had been distributed. He reported the committee also passed a resolution that one item in the bond and interest fund be checked with the auditors. Approval of the budget by the Council will be requested at the next Council meeting. Councilman Watts said the proposed mill levy for this year would be 14.7 mills, last year it was 13.7, when the bond levy was about one mill less. He reported \$56,000 for KPERS had been included in the general fund as a new line item and the balance of the excess put in capital expenditures for carryover.

#2367

Parks: No report.

#2370

Plan Commission - Approval of Plats for Dorset Manor, Starwood, and Leawood Country Manor: Councilman Crippin reported it had come to his attention that all of the council committees did not have opportunity to review the Dorset Manor plat, Starwood plat, and Leawood Country Manor plat; he therefore moved that the respective plats be removed from the agenda of this meeting; seconded by Councilman Wise. It was so ordered by the Mayor.

#2384

Public Safety - Report re Skeet Shooting at Saddle and Sirloin Club: Councilman DeKinder expressed concern that the Council was placed in the position of advising citizens in effect how to bring action against the City.

#2427

Public Works: Councilman Alt reported a storm drainage culvert north of 103rd on Mission had been cleaned with a Fire Department hose and nozzle, and he was preparing a letter to the developer telling him that henceforth he would be responsible for any such condition.

#2435

Public Works - Bids for Striping Machine: Councilman Alt referred to a tabulation of two bids and stated the Public Works Commission recommended the Mark-Rite machine. Councilman Hodes recommended that a bead dispenser should be added to make the striping more visible at night. Councilman Alt moved that the Council accept the bid for the line marker by Mark-Rite in the amount of \$1,966.00, and that Public Works also be authorized to purchase the bead dispenser and hopper not to exceed \$150.00; seconded by Councilman Lyons. Motion carried.

#2485

Recreation Commission: Councilman Wise reported 1,097 tennis memberships had been sold, 887 pool memberships, 204 adult memberships, 188 children's memberships, 50 I.D. memberships, 40 senior citizen patches, and a total of 3,142 patches. A list of expenditures and receipts by

the Recreation Commission was distributed, including a breakdown of salary expenses through the June 30 payroll. Councilman Hodes commended Fred Krebs on the job he had done at the recreation complex. Mr. Krebs stated he estimated the Recreation Commission would have a surplus of \$10,000 to \$15,000, and pointed out there was much equipment that would not have to be bought again. Councilman Wise said they had estimated revenue \$8,000 to \$10,000 too low. Councilman DeKinder said persons he knew who were members were overwhelmed at the low cost of the facility. Fred Krebs stated there was close to 25 per cent participation in the pool, double the national average for use of public swimming facilities. He said the support of the citizens was a key thing in its success so far and he hoped they could continue to enjoy it. Treasurer Pendleton suggested budgeting for replacement or maintenance should be considered. Mr. Krebs stated he was compiling a list for the consulting engineers as to the things that were not meeting the performance bond.

#2624

Special Fire Station Committee Progress Report: Councilman DeKinder commended the new council member, Ed Haas, for his dealings in purchase negotiations for the additional lot for the new fire station. Councilman DeKinder displayed a map showing the lot, purchase price \$14,916, or approximately 67¢ per square foot. He said the purchase would permit the station to be situated on the lots in such a way as to be able to use the drive-through bay for the large equipment. He noted the property also would provide an attractive buffer zone. Councilman DeKinder reported the committee recommended purchase of the lot, and moved that the City of Leawood purchase the lot adjacent to the lot for Fire Station No. 2, at a price of \$14,916; seconded by Councilman Watts. Motion carried. There was discussion that the money could come from the bond money or from revenue sharing funds. Mayor Eddy reported John Granstedt may be able to get bids on the new fire station later this month and perhaps come to the Council for approval of a contract on August 2nd. Councilman DeKinder commented that the City came off very well the way the renovation of the existing fire station was bid, and the committee's feeling to date was to give the same type of approach consideration on the building of the second fire station, at the same time submitting the entire job for bids.

MAYOR'S REPORT

#2779

Acceptance of Sanitary Sewers - Saddlewood Subdivision:
Deferred.

Appointment to Plan Commission: Mayor Eddy proposed the appointment of Ronald Bonjour to the Plan Commission for a term expiring in 1979. On motion by Councilman Watts, seconded by Councilman Alt, the appointment was approved.

Appointment to Public Works Commission: With the concurrence of the Public Works Commission, Mayor Eddy proposed the

appointment of Joseph Fitzpatrick to the Public Works Commission for a term to expire in 1978. On motion by Councilman Alt, seconded by Councilman Lyons, the appointment was approved.

#2797

Appropriation Ordinances: Nos. 356A and 343S in the amounts of \$504,643.10 (including \$370,000.00 in investments) and \$186,160.94 (including \$180,000.00 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 Wise.

#2898

Status Form - Police Department: Councilman DeKinder presented the resignation of Robert Paul McDaniel, patrolman.

Status Form - Public Works Department: Councilman Alt presented the resignation of Michael Helton.

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

Billy C. Hughes, Public Works mechanic, at the rate of \$4.75 per hour, effective June 24.

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

James O. Mohr, part time laborer, at the rate of \$2.90 per hour, effective July 6.

Status Form - Recreation Commission: Fred Krebs stated there had been a resignation. On motion by Councilman Watts, duly seconded, the following employment was approved:

Alison Kelley, lifeguard, at the rate of \$1.90 per hour.

#2978

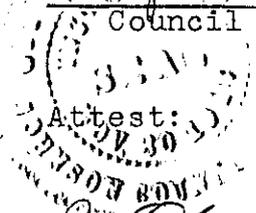
At 9:49 p.m., on motion by Councilman Lyons, duly seconded, the meeting adjourned to Monday, July 19, 1976, 7:30 p.m.

William F. Eddy

Mayor

Jane Lile

Council Reporter



J. Decker

City Clerk

July 19, 1976

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 19, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Wise, Alt, Crippin, Haas, Watts, Lyons. Councilmen Hodes and DeKinder arrived at 7:31 p.m.

Others present were Fire Chief Toman, Police Captain Sellers, City Attorney Winn, Will Gray, Bob Sirchia, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Watts, seconded by Councilman Wise, the minutes of the meeting of July 6, 1976, were approved as submitted.

Visitors: W. L. Fohey, Richard Sailors, Tom Masterson, Gary Corser, Mr. and Mrs. E. M. Douthat, Robert W. Sjolín, Scott Sjolín. Member of the Press: Max Kuidera.

COMMITTEE AND COMMISSION REPORTS

#2997

Budget and Finance: Councilman Watts referred to a distribution entitled, "Final Proposal, July 19, 1976." He reviewed minor accounting changes made in the budget since the last meeting. On page 2, the Social Security fund was changed from \$54,000 to \$54,152; Workmen's Compensation was changed from \$11,700 to \$12,140; Bond and Interest fund was changed from \$235,980 to \$239,470; and the budget total from \$3,061,918 to \$3,066,000. On page 4, upon advice of the auditors, \$152 carryover was added to Social Security; and \$440 for carryover was added to Workmen's Compensation. On the last page, in the Bond and Interest fund, "amounts remaining on cash basis" previously \$18,280, was changed to \$21,770 (ten per cent of bond principal and interest to be paid). On page 4, the unencumbered balance, January 1, was changed from \$45,000 to \$48,790 without changing the tax levy. Councilman Watts explained packets included a summary form and the form the Council would be asked to sign when the budget comes up for final approval after the public hearing. Councilman Watts moved that the budget entitled, "Final Proposal, July 19, 1976," be approved by the Leawood City Council as its 1977 budget; seconded by Councilman Lyons. Motion carried. Councilman Watts reviewed the remaining procedure on the budget.

#3096

Parks: No report.

#3097

Plan Commission - Approval of Plat for Dorset Manor:
On recommendation of the Plan Commission, Councilman

July 19, 1976

Crippin moved that the subdivision known as Dorset Manor located at approximately the southeast corner of 103rd and Mission Road be approved; seconded by Councilman Alt. Councilman DeKinder stated the Public Safety Commission had signed the plat, and the names of the streets would correspond to the standard street naming-numbering system throughout the City. There was discussion that a gate house with roof over the street was still anticipated. Councilman DeKinder reported it had been checked for height and width for public safety vehicles and it appeared to be more than adequate. Councilman DeKinder stated he understood certain agreements concerning access by police and fire vehicles would be worked out between their attorney and the City Attorney. Councilman DeKinder reported the developer had said if it could be worked out legally, he had no problem with providing blanket invitation to the police and fire departments, and basically any standard safety ordinance acceptable to the City would be acceptable and would become a part of the deed restrictions. The matter was discussed. The Mayor stated the City would not, if the street was to be a private street, do any checking at all when the street was being built, would have no control over the street, and would never accept the street without opportunity to inspect while the street was being built. Councilman Crippin said he was concerned about the provision that "the residential street shown on this plat as Howe Lane is reserved for private use and thereby is not dedicated herein to the public; provided, however, said private drive is hereby dedicated for full public utility easement including drainage." The meaning of the provision was discussed. City Attorney Winn suggested deleting from the plat all references to storm drainage. The second was withdrawn and Councilman Crippin amended his motion that the plat be approved contingent upon City Attorney Winn working with the developer to get the proper language so the City would be protected; seconded by Councilman Alt. City Attorney Winn confirmed that the areas he was to discuss with the developer were public safety considerations because of the private street, and storm drainage. Councilman Lyons stated he preferred to have the whole thing worked out, then brought back for Council approval. The matter was discussed. Tom Masterson, developer, said they wanted a brick cul de sac for esthetics and figured they would have problems getting approval as the City did not seem to have any specifications for a brick street (the rest of the street would be according to City specifications). He said also they wanted to back some lots up to Saddle and Sirloin property. Chief Toman commented that they thought the gate house and roof across the street would not be allowed on a public street, as well as the brick cul de sac, and the houses backing up to Saddle and Sirloin Club. Councilman Crippin said he felt the Plan Commission would rather have the street a public street and suggested approving the plat with deletion of any reference in the deed restrictions to private street. The matter was discussed further.

#3530

There was a short recess to change the recording tape.

Tape No. 42
Side 1
#0

Plan Commission - Approval of Plat for Dorset Manor (continued):

Councilman Alt withdrew his second to Councilman Crippin's motion. Councilman Hodes then seconded the motion, explaining that the developer wanted to get going the first part of August and if the detail on storm drainage could be worked out by the City Attorney, he would be in favor of passing the motion tonight so the developers could go ahead with their plans. Councilman Alt said he thought the whole thing revolved around whether or not this should be a public street or private street and that had not come up before. Councilman Hodes said one of the reasons they wanted a private street was that they wanted to name it as such and the Public Safety Commission had denied that request. Motion failed, one aye, seven nay votes.

#30

Councilman DeKinder then moved that the question of the Dorset Manor Plat be referred to the Leawood Plan Commission for resolving with the developer the question of public versus private street, any potential zoning or variance questions, the drainage on 103rd, and other appropriate matters; seconded by Councilman Alt. Councilman Lyons clarified that their attorney should talk with the City Attorney to get things straightened around. Councilman DeKinder commented he would like to see the questions resolved and the plat brought back to the Council at the next meeting. Motion carried.

#49

Plan Commission - Resolution No. 394 - Approving Plat for Starwood: On recommendation of the Plan Commission, Councilman Crippin moved that the City Council pass a resolution approving the plat of the property located at approximately 103rd and Ensley Lane, commonly known as the Starwood subdivision; seconded by Councilman Alt. Councilman Alt reported curbs and gutters across this property would match those presently to the east of this property in order to have uniform curb lines; from the Sutherland property west it would be wider. He added the City Engineer had verbally approved storm drainage. The Council inspected copies of the plat. Resolution No. 394 was adopted. A copy is attached hereto as part of the record.

#87

Plan Commission - Resolution No. 395 - Approving Plat for Leawood Country Manor: On recommendation of the Plan Commission, Councilman Crippin moved that a resolution approving the plat of Leawood Country Manor, located south of College Boulevard, between Roe and Nall, be approved; seconded by Councilman DeKinder. Copies of the plat were inspected by the Council. Upon inquiry by Councilman Alt, Mr. Corser, land planner and landscape architect, stated it was the intent that the $3\frac{1}{2}$ acre tract including a lake remain as part of, and be maintained by, the homes association. Resolution No. 395 was adopted. A copy is attached hereto as part of the record.

#135

Public Safety - Request for Street Lights, Leawood South, Second Plat; and Request for Permission to Keep Three Dogs: Councilman DeKinder requested that these two matters be deferred to the next Council meeting.

#140

Status Forms - Fire Department: On motion by Councilman DeKinder, seconded by Councilman Hodes, the following status form was approved:

Terry L. Hill, from Firefighter First Class to Firefighter First Class E.M.T., rate change from \$800 to \$850 per month.

On motion by Councilman DeKinder, seconded by Councilman Watts, the following status form was approved:

Nick L. Montee, from Firefighter First Class to Firefighter First Class E.M.T., rate change from \$825 to \$850 per month.

#150

Public Works - Annual County Road Maintenance Conference: Councilman Alt reported the County Road Maintenance Conference would be held on Wednesday, July 21, at 1:00 p.m. in the Northeast Johnson County Court House. On recommendation of the Public Works Commission, Councilman Alt moved that the representative of Leawood present a motion requesting \$1,200 per lane mile from the County Commissioners; seconded by Councilman Watts. This would bring the total to approximately \$24,000, presently \$16,000. Councilman Alt will attend or arrange for a representative. Motion carried.

#168

Public Works - Flood Insurance Report: Councilman Alt reviewed that on December 29, 1971, the Mayor of Leawood filled out an application for eligibility for flood insurance, and on September 19, 1972, the City formally accepted the program. Councilman Alt reviewed the timetable. He said the City was awaiting notification from HUD that final maps had been completed. He said HUD officials had indicated that if the City got some changes to them now, it was possible to have at least some of the changes incorporated on the map before it comes out in its final form. He said the City had already asked that all ponds be removed. Councilman Alt stated 20 homes may be in the flood plain in the City of Leawood. He said there was no way of proving this inasmuch as there was no base survey that referred to an accepted bench mark; therefore, the Public Works Commission felt that a survey was needed which would establish the elevation of these homes so the City could go back to HUD as soon as possible and try to get changes incorporated or be prepared technically to request the changes after the map comes out. Councilman Alt moved that the Council authorize a maximum of \$1,200 to permit the City Engineer to run the necessary survey to establish the levels of these homes; seconded by Councilman Wise. Councilman Lyons objected to placing the burden on the citizens for work which should have been done

by the Corps of Engineers. City Attorney Winn recommended that the next newsletter strongly encourage people to check if they have any question as to whether their homes are in a flood plain. Phil Kline stated he believed the Corps worked with the best information that was available ; that is, the five foot contour maps the City had made in the late 60's. He said he had no quarrel with the levels they established for the 100-year or the 500-year flood plain. He said they picked street elevations and assumed that the houses were close to the level of the street, not taking into consideration the fact that most of these houses were situated well above the street. Mayor Eddy thought the elevations could be proved by building permit, and that the time should be spent to see what information was in City files. Mr. Kline said the problem was that most of the applications for building permits had not been run in elevations from U.S.G.S. (often an elevation was established at a curb corner and everything else was related to that), so the Corps would have nothing to correlate. Mayor Eddy said he thought the City should be able to make that equation and come up with the actual figure from the information Mr. Granstedt has. He suggested the City Architect might certify that the buildings were at a certain elevation and transpose that to U.S.G.S. data. Mr. Kline wondered whether the elevation set by the City Architect was ever checked after construction. The matter was discussed, and the Council agreed to wait and see what the City Architect says about certifying. Motion and second were withdrawn. Mayor Eddy asked Bob Sirchia to check it and report at the next meeting. Mayor Eddy commented he objected to firms all over the country doing work in Kansas City, when we have some of the most competent people in Kansas City for this or any other kind of work.

MAYOR'S REPORT

#307

Request for Final Payment to Holsinger Nursery: Mayor Eddy stated the request submitted by Patty, Berkebile, Nelson had been approved by the Chairman of the Recreation Commission in the amount of \$1,648.00. On motion by Councilman Watts, seconded by Councilman Alt, payment to Holsinger Nursery in the amount of \$1,648.00 was approved. Councilman Wise said the agreement was to wait to see if some of the trees lived through the summer before replacing them.

#316

Public Hearing on Environmental Aspects of Facilities Plan for Renovation of Leawood Sewer System: Mayor Eddy announced that the public hearing had been held in the afternoon and there were no objections to the facilities plan. He added at the request of the Mid-America Regional Council, the City was pursuing with Kansas City, Missouri, some other possibilities. Mr. Kline said since the public hearing had now been held, he was ready to work on updating the request for additional funds under Step 1 and 2 grants due to funds which had been expended back to 1968. Mr. Kline said he had recommended that until there was some more definitive feedback on the Step 1 facilities plan, that no application be made for Step 2.

- #329 Report on Meeting at Topeka at Request of Special Committee on Local Government: Mayor Eddy had distributed a report on a meeting he had attended at Topeka with senators and representatives concerning problems of the cities.
- #334 Comments Concerning Dismissal of Police Officer: Mayor Eddy reported that after several conferences between himself, Lieutenant Becker, Captain Sellers, and the City Attorney, Officer David Thompson was discharged following discovery that an incident in the 120th and Nall area was a hoax. He said he met with the department explaining that he felt we had a fine police force and that the mistake of one officer did not necessarily reflect on the entire force. He said a misconduct report was filed, and the matter was now in the hands of the District Attorney.
- #352 League of Kansas Municipalities City Service Awards: Mayor Eddy said information on League city service awards would be distributed and asked councilmen to contact him if they felt the City should give such awards.
- NEW BUSINESS
- #358 Proclamation - Designating Constitution Week: Mayor Eddy read from the document which he signed proclaiming the week of September 17 through 23, 1976, as CONSTITUTION WEEK in the City of Leawood.
- #362 Application for Renewal - Occupation License - Ranch Mart Liquor Store: Captain Sellers stated there had been no problems. On motion by Councilman Watts, seconded by Councilman Alt, the application was approved.
- #368 Letter from Kansas City Power and Light Company Concerning Delivery of Bills: Councilman Watts inquired about a letter, in response to letter from the City that door to door delivery of bills was in violation of city ordinance, from the Kansas City Power and Light Company saying "if the company does decide to adopt hand delivery as a regular procedure, I will so advise you." Mayor Eddy stated he had asked the City Attorney to write a letter concerning the reply to the first letter. City Attorney Winn said he had written the letter advising that they would not be delivering bills either permanently or on an experimental basis under present city ordinances.
- #384 Proposed Johnson County Charter: Mayor Eddy referred to his letter to councilmen concerning questions by himself and the Johnson County Council of Mayors concerning provisions of the proposed Johnson County charter.
- #402 Franchise Agreement with Kansas City Power and Light Company: Mayor Eddy reported the City had received a new franchise agreement and it was being reviewed by the City Attorney.

July 19, 1976

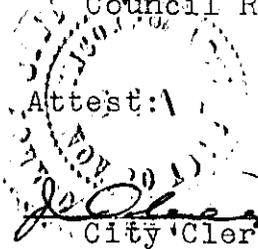
#410
At 9:10 p.m., on motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Monday, August 2, 1976, 7:30 p.m.

William J. Eddy

Mayor

June Lile

Council Reporter

Attest:
A circular seal of the City of Cleveland, featuring the text 'CITY OF CLEVELAND' around the perimeter and '1836' at the bottom. The seal is partially obscured by the signature of the City Clerk.

J. O. Chandler

City Clerk

August 2, 1976

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 2, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Alt, Crippin, Haas, Watts, Lyons, Hodes.

Others present were Fire Chief Toman, Police Chief Blume, Police Captain Sellers, City Attorney Winn, Will Gray, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Watts, seconded by Councilman Lyons, the minutes of the meeting of July 19, 1976, were approved as submitted.

Visitors: Phil Kline, Tom Masterson, R. E. Perkins, Gene Kroh. Member of the Press: Max Kuidera.

REPORTS

Treasurer: No report.

#423

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Alt, seconded by Councilman Hodes. Mayor Eddy reported that records had been researched and it was found that two people had gone through the City court twice on d.w.i. charges.

#429

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

#436

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

#440

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

COMMITTEE AND COMMISSION REPORTS

#442

Parks: Councilman Alt reported the department had embarked on a tree watering program. Councilman Hodes mentioned the water fountain problem. Mayor Eddy said he would like to see the Recreation Commission place ten-gallon water cans in the park for tennis players.

#457

Plan Commission - Resolution No. 396 - Approving Dorset Manor Plat: Councilman Crippin reported the Plan Commission had reviewed the plat of Dorset Manor and concluded that it was basically all right with the Plan Commission for the

August 2, 1976

subdivision to have a private street so long as the legal requirements or the correct language could be worked out. Councilman Crippin said he had a letter from the City Attorney with the attachment of a Declaration of Public Safety and a certified copy of Resolutions of Special Meeting of Board of Directors of Dorset Manor, Inc., basically resolving all of the problems regarding a private street with regard to public safety, storm drainage, etc. Councilman Crippin moved that the Council adopt a resolution approving the Dorset Manor subdivision located at approximately 103rd and Mission Road with the accompanying Declaration of Public Safety and certified copy of Resolutions of Special Meeting of Board of Directors of Dorset Manor, Inc.; seconded by Councilman Alt. Councilman Lyons stated Bob Simon had assured him the street would be built to specifications. Councilman Crippin reported he had voted no at the Plan Commission meeting but since receiving the City Attorney's letter and accompanying documents, he had no reservations about approving the plat. The Declaration of Public Safety was shown to Chief Blume. Phil Kline explained the area of the plat drained to an existing ditch in Mission Road, creating no problem with storm drainage in the surrounding area. Resolution No. 396 was adopted. A copy is attached hereto as part of the record.

#516

Plan Commission - Resolution No. 397 - Approving Leawood South Fifth Plat: On recommendation of the Plan Commission, Councilman Crippin moved that the Council adopt a resolution approving the request of Kroh-Moffitt Development Company for approval of the Fifth Plat of Leawood South subdivision; seconded by Councilman Hodes. Gene Kroh displayed the plat. He explained they were seeking approval of Blocks 1 and 2, including about 24 lots, of the Fifth Plat. He said the Fifth Plat encompassed all of the remaining part of the development. Resolution No. 397 was adopted. A copy is attached hereto as part of the record.

#562

Public Safety - Request for Permission to Keep Three Dogs - 8124 Lee Boulevard: Councilman Hodes explained the request was made by Sheldon W. Stahl who had presented the approval of George K. Pickler, 8125 Lee Boulevard, Rita H. Carrolla, 8120 Lee Boulevard, Otto F. Baumgartner, 8125 Meadow Lane, and Mrs. Leonard W. Davis, 8128 Lee Boulevard, and the request was approved by the Public Safety Commission. Councilman Hodes moved for approval; seconded by Councilman Watts. The matter was discussed. Councilman Haas asked whether there were any special circumstances other than what was included in the letter. Councilman Hodes said the letter was all the Commission had. The Council discussed that such permission could be revoked. Councilman Hodes withdrew his motion, and moved that the Council permit Mr. Stahl to have three dogs for a period of one year subject to prior revocation by the Council if a nuisance is created; seconded by Councilman Watts. Motion carried, Councilman Haas opposed.

#605

Public Works - Flood Insurance Report: Councilman Alt reported the City records which would have been of any value in establishing the levels of the homes included in the flood plain by the Corps of Engineers had been destroyed. He said Mr. Granstedt did have some items that would possibly help in the survey but nothing that could establish the type of information needed. Therefore, Councilman Alt moved that the Council authorize the expenditure of not more than \$1,200 to make the necessary surveys to establish the levels of these homes above the flood plain; seconded by Councilman Crippin. There was discussion that Shafer, Kline & Warren, City Engineers, would conduct the survey. Councilman Alt said Mr. Granstedt was fairly sure all of these homes were one foot above the flood plain, with the exception of one home where the builder did not conform. Motion carried.

#649

Public Works Report: Councilman Alt reported he had attended the County Road Conference and would have a proposal for the Council on recommendations he had made at the conference. He said the City would not get any more dollars than it received this year. He said his motion that cities get \$1,200 per lane mile was not seconded. Mr. Kline said the matter of how Mission Road was to be repaired had been decided between the sewer district and their consulting engineers, the contractor had been informed of what he was to do, and he had agreed to do it. Mayor Eddy asked Chief Blume to check and make a report concerning safety hazards on Mission Road.

MAYOR'S REPORT

#672

Mayor Eddy requested that the Police Department and the Fire Department prepare a schedule of employees in relation to pay grades, as to how many people were required in each slot, and review it with the Public Safety Commission.

#688

Acceptance of Sanitary Sewers - Saddlewood Subdivision: Mayor Eddy said he was informed the alternate city engineer had not had opportunity to look at the final installation. He requested that the matter be deferred. The Council discussed that the City should not accept the streets until a large part of the houses were built.

#722

Mayor Eddy requested an executive session at the end of the meeting to consider personnel matters.

#725

Study of Telephone Situation: Mayor Eddy reported he had asked Councilman Haas to study the telephone situation for the City, and make a recommendation to the Council.

NEW BUSINESS

#728

Application for Renewal of Occupation License - Martin's Liquor Store: Chief Blume stated there had been no problems

or disturbances. On motion by Councilman Lyons, seconded by Councilman Alt, the application was approved.

#732

Land Purchase Contract for Fire Station No. 2: City Attorney Winn reported a contract had been tentatively drawn, there were a couple of things to add, then it would be submitted to the Mayor.

#752

Appropriation Ordinances: Nos. 357A and 344S in the amounts of \$345,695.81 (including \$260,000.00 in investments) and \$95,695.69 (including \$87,000.00 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, with Warrant No. 1402 to Holsinger Nursery Co. for replacement of shrub in the amount of \$65.00, and Warrant No. 11550 to Reno Construction Co. for asphaltic concrete overlay in the amount of \$4,843.47, to be held and checked.

#825

Status Forms - Recreation Commission: Councilman Watts reported Alana McGuire had resigned. On motion by Councilman Watts, duly seconded, the following employment was approved:

Don Cundiff, tennis and recreation coordinator, at the rate of \$2.35 per hour.

Status Forms - Police Department: Councilman Hodes read from the letter of resignation of Linda Anderson, Humane Officer, as follows:

"I have enjoyed very much working with the department and contributing to setting up the humane officer position. You have a very fine department and I wish you continued success."

On motion by Councilman Hodes, seconded by Councilman Watts, the following employment transfer within the department was approved:

Susan Handley, from Clerk to Humane Officer.

Chief Blume stated Captain Sellers was unable to locate a suitable candidate, and the thinking was that it would be better to take an employee already with the city. There was discussion that Mrs. Handley would be trained, and that the former employee, Linda Anderson, might be hired on an hourly basis to help with the training.

#868

Reminder of Budget Hearing: Councilman Watts reminded the Council of the public hearing on the budget to be held on Tuesday, August 10, at 7:30 p.m., in the council chamber. Councilmen were encouraged to attend.

#879

The Council went into executive session at 8:38 p.m. to discuss personnel matters.

August 2, 1976

The Council returned to regular session at 9:42 p.m. The same councilmen were present.

Authorization of Signatures for Savings-Checking Trans-Accounts:

On motion by Councilman Watts, seconded by Councilman Lyons, the signatures of the Mayor, President of the Council, Treasurer, or City Clerk were authorized for the savings-checking trans-accounts of the City.

At 9:44 p.m., on motion by Councilman Alt, seconded by Councilman Crippin, the meeting adjourned to Monday, August 16, 1976, 7:30 p.m.

#890



Mayor



Council Reporter

Attest:



City Clerk

August 10, 1976

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

A hearing in connection with the proposed 1977 City budget was held at 7:30 p.m. on Tuesday, August 10, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Councilman John M. Watts presiding.

Councilman Alt was present, and Councilman Crippin arrived at 8:20 p.m. Others in attendance were Police Chief Blume, Fire Chief Toman, the City Clerk, and the Council Reporter.

Visitors: Mr. and Mrs. A. Blinston, Bob Bacon, Virginia Jordan, Therese Webb, Jeanette Harriman, Paul Selzer, Ann Lindgren.

Budget and Finance Committee Chairman Watts opened the hearing and welcomed the visitors. Budget booklets were distributed to those present. Councilman Watts explained the booklets were not the official budget forms but had the same totals and a lot more breakdown. He reviewed the booklet and explained some of the things done in the budget. He emphasized that the City could not spend more than it budgeted so the City tended to budget more than it intended to spend. He added department heads were very good about not spending all of their budgets and carrying it over to the next year. He said because an item was budgeted did not mean it was approved by the Council for expenditure.

Councilman Watts reviewed items in the general fund. He said estimated receipts from ad valorem property taxes were \$318,000 in the general fund out of a total from various sources of \$1,300,000. He said intangibles tax accounted for \$270,000.

Councilman Watts explained that in the sewer budget \$659,000 was being carried over, the total was nearly \$1,000,000 because \$690,000 was budgeted for new construction in case the renovation gets under way, and \$300,000 was the amount budgeted for normal operation of the sewer department.

He pointed out that the KPERS (retirement fund) account had been taken into the city administrator's budget in the general fund to use some surplus instead of making a separate and additional levy for it, and capital improvements of \$67,000 was the rest of the surplus (to be carried over to the following year). He said \$48,000 was budgeted for special fire equipment but the Council did not plan to spend any of it, but to build up the fund for future purchase of major equipment items.

#1061

Paul Selzer asked if it was good budgeting to "hide the coffee cans." Councilman Watts said he wanted contingency items clearly identified but he did not intend that they

be spent. Councilman Alt explained that while this was the budget, it was not necessarily what departments were permitted to spend because the Council retained control of expenditures.

Councilman Watts reviewed expenditures. He said the fire department budget was up because the City was staffing for the second fire station.

Paul Selzer asked if salaries were budgeted with a percent of increase. Councilman Watts explained a seven per cent increase was built into the budget but that did not mean employees would get an automatic across the board raise next year. Councilman Watts explained the motor fuel tax fund (which comes from state gasoline tax and must be spent on streets) and the street department fund both went for generally the same thing. He said total street contracts had been increased from approximately \$37,000 to \$50,000. Councilman Alt explained the street program. Councilman Watts stated the parks budget was now under the tax lid. Mrs. Harriman asked if the parks budget was mostly for Leawood Park. Councilman Watts said Leawood Park was under recreation. He went on to say the parks budget was put under the tax lid, recreation was not, and they had to be separated. Councilman Alt explained the park department supported recreation as far as doing grounds maintenance, street maintenance, etc.

#1226 Councilman Watts explained revenue sharing funds were budgeted to be spent for new police cars, police vehicle maintenance, and fire station land acquisition. He said that could be put in the bond money for the new fire station, but he felt the Federal revenue sharing cash should be used to save the taxpayers from paying interest. All those in the audience agreed. Councilman Watts said the capital improvements and equipment item of \$40,000 was a contingency fund which the Council did not intend to spend. He said he was not sure whether the City would continue to receive revenue sharing monies.

Councilman Watts said the recreation budget was a little higher for one more year than was expected to be spent because the Council needed a year's experience in running the complex to examine. He pointed out the recreation budget had its own revenue sources, own tax levy, and own budget. He said the division of capital improvements-grounds and grounds maintenance was an attempt to allocate \$9,000 to offset some of the cost of the parks department which was operating on a very tight budget. Mr. Selzer said as an unknown, the recreation budget probably should be a tighter budget because it was not a matter of public health, safety, etc. He said this was a place where the Council could become more conservative. Councilman Watts said he worried about having to shut things down if the money ran out. He said the budget would be carefully monitored. Mrs. Harriman asked if it was felt the recreation complex could be operated at a profit.

August 10, 1976

Councilman Watts said Mayor Eddy felt strongly that the recreation complex should operate at least on a break even point with no tax money. He said the Recreation Commission tended to disagree. He said personally he would like to see it operate on a break even basis.

Councilman Watts stated the sewer budget was also totally self-contained. Councilman Alt said \$690,000 budgeted for renovation had been built up over the years out of user fees and charges for sewer connections. He explained the people south of I-435 were in county sewer systems and north of I-435 the sewer system was financed by the users, no tax was levied in any way on the people of Leawood in general.

In answer to inquiry by Mr. Selzer, Councilman Watts explained funds could be shifted from one line item to another within a fund, but not from one fund to another.

Councilman Watts explained the bond and interest fund. He said there were \$1,600,000 in bonds outstanding. Accountants had advised that \$21,000 be added to make sure money was there to pay off the bonds.

Councilman Watts said on an assessed valuation of \$45,000,000 the levy for 1977 would be 14.770, compared with 13.744 for 1976. The subtotal inside the tax lid was 8.323 mills, almost identical to what it was last year. Recreation was up .2 mills (primarily to raise money to reimburse parks). Bonds and interest was up about a mill. Councilman Crippin emphasized that the mill levy to support the operating budget of the city remained substantially the same.

#1462

Councilman Watts said the city did not lower the intangibles tax for 1978 because there was a deadline to do it and the Council would have had to consider it very hastily. He said a committee was appointed to determine alternate revenue sources and see if the budget could be reduced. He said the problem with the intangibles tax was that while everyone would like to see it eliminated, it represented about twenty per cent of the City's budget. Mrs. Harriman asked how several cities around were able to reduce the intangibles tax. Councilman Watts explained very few cities did, but for those who did it was not a major part of their revenue as it was in Leawood. He added the City of Leawood had one of the lowest ad valorem property tax rates. Mrs. Harriman said Leawood was rather high according to an article which she had from the newspaper. Councilman Watts said the article compared general fund levies, not total budget levies. Councilman Watts said other cities inflated their budgets knowing the tax lid was going into effect, Leawood did not, and it had been under financial pressure until this year because it had not been able to raise property taxes. Mr. Blinston commented the tax structure was most favorable in Leawood compared with surrounding cities.

#1522

Mr. Selzer complimented Councilman Watts on the budget. He said he questioned though some of the latitude in over-

budgeting on some of the items, but he was sure it was better to go under a budget than to get to a place where you can't go any further.

Councilman Watts said hopefully something could be done about the intangibles tax, while holding the line on the property taxes.

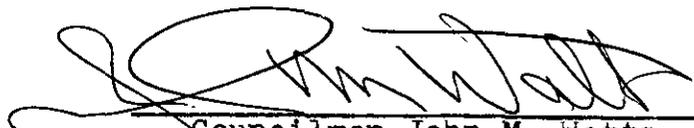
#1556

Mrs. Harriman asked if the city was going to run the park as a business and try to break even. Councilman Watts said in his own opinion he thought it was the general consensus of the Council to take a look at how the recreation complex operated in 1976, and at that point decide whether it should continue to be supported by tax dollars plus its own revenue, or whether it should try to operate as a business. Councilman Crippin said he personally felt the City had some obligation to the people of the City to provide them with some park area, some recreation facilities. He said there would probably never be a time when the revenue produced at the Leawood City Park would fund the total park and recreation budget, but the Council would like to see at least those recreational facilities that produce an income pay for their maintenance, repairs, etc. Councilman Watts stated the Council would like to see it break even, but no one was going to hamstring the operation and make it a second class operation just to reduce the tax levy one mill.

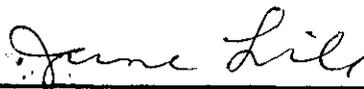
A lady asked how the City could add to the levy for recreation to go to parks when parks was a separate budget. Councilman Watts said they would be treated as two separate entities, recreation would be billed for park department services. Councilman Crippin added that the money was put in the recreation budget because recreation did not fall inside the tax lid and the park levy did.

#1644

There being no further questions or comments, Councilman Watts declared the public hearing adjourned at 9:04 p.m.

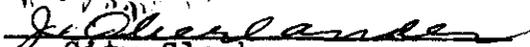


Councilman John M. Watts
Budget & Finance Committee Chairman



Council Reporter

Attest:



City Clerk

August 16, 1976

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 16, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Wise, Alt, Haas, Watts, Lyons.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, City Treasurer Pendleton, Will Gray, Bob Sirchia, John Granstedt, the City Clerk, and the Council Reporter.

Minutes - Meeting of August 2, 1976: On motion by Councilman Alt, seconded by Councilman Watts, the minutes of the meeting of August 2, 1976, were approved as submitted.

Minutes - Budget Hearing: On motion by Councilman Alt, seconded by Councilman Watts, the minutes of the budget hearing held on August 10, 1976, were approved as submitted.

Visitor: Joseph S. Davis, Jr.

COMMITTEE AND COMMISSION REPORTS

#1655

Budget and Finance: Councilman Watts reported the public hearing on the 1977 City budget had been held. He said he was pleased that several persons showed up and there were some constructive comments. He said nothing indicated strongly that any changes should be made. Councilman Watts moved that the budget as approved by the Council on July 19, 1976, and as represented on the State of Kansas Budget Form No. 5, be hereby approved by the Leawood City Council as the official budget for 1977; seconded by Councilman Alt. Motion carried. Mayor Eddy complimented Councilman Watts for an excellent job on the budget.

#1687

Parks: Councilman Alt reported the sign at the end of Lee Boulevard would be taken down until such time as an appropriate sign could be erected. He said some grading and seeding would be done along the creek.

#1689

Public Works: Councilman Alt, on recommendation of the Public Works Commission and the Plan Commission, moved that the Mayor be authorized to write the Board of County Commissioners that Leawood had selected certain streets to be improved with the assistance of county funds, as follows: The reconstruction of the intersection of Somerset and Lee Boulevard; preliminary engineering study to be conducted on 119th Street between State Line and Nall; Mission Road from 103rd to 151st; and Roe Avenue from College Boulevard to 135th Street; seconded by Councilman Watts. Motion carried.

NEW BUSINESS

#1712

Petitions for Dissolution of Lateral Sewer Districts and Creation of New Sewer District Within Tomahawk Creek Sewer Sub-District No. 1: City Attorney Winn explained the procedure was for the benefit of the Johnson County Sewer District to dissolve two districts and merge that property into a new district. He said the City was involved in a double capacity, to consent as a City and as owner of the lot for the second fire station within one of the districts. Joe Davis explained two separate districts had been created because of the desire to develop the property in stages, but when the sewer district got into the engineering it was determined that sewers should be installed in the whole thing at one time, which meant they needed to be re-created into one district rather than two lateral districts.

#1746

Petition for Dissolution of Lateral Sewer District No. 3 Within Tomahawk Creek Sewer Sub-District No. 1: On motion by Councilman Alt, seconded by Councilman Lyons, the petition for dissolution was approved.

#1748

Petition for Dissolution of Lateral Sewer District No. 4 Within Tomahawk Creek Sewer Sub-District No. 1: On motion by Councilman Alt, seconded by Councilman Lyons, the petition for dissolution was approved.

#1751

Resolution No. 398 - Consenting to Creation of Lateral Sewer District No. 3 Within Tomahawk Creek Sewer Sub-District No. 1: Mayor Eddy read the proposed resolution. On motion by Councilman Alt, seconded by Councilman Wise, Resolution No. 398 consenting to creation of Lateral Sewer District No. 3 within Tomahawk Creek Sewer Sub-District No. 1 was approved. A copy is attached hereto as part of the record.

#1761

Petition for Creation of Lateral Sewer District No. 3 Within Tomahawk Creek Sewer Sub-District No. 1: On motion by Councilman Wise, seconded by Councilman Lyons, the petition for creation of lateral sewer district was approved.

#1768

Compensatory Time: Mayor Eddy reported it was the consensus of the Council that department heads, including the Public Works Superintendent, do not accrue compensatory time. He asked the Ordinance Committee, together with the City Attorney, to bring forth a suggested clarification or revision of the ordinance to that effect. ~~in line with a memorandum distributed to the Council.~~ *yo*

#1794

Approval of Appointment of Councilman Haas to the Public Safety Commission: Mayor Eddy proposed the appointment, and on motion by Councilman Lyons, seconded by Councilman Alt, the appointment of Councilman Haas to the Public Safety Commission was approved.

#1799

Proclamation - Women in Construction Week: Mayor Eddy proclaimed September 5 through 11, 1976, as WOMEN IN CONSTRUCTION WEEK.

#1807

Status Forms - Administrative and Public Works Departments: Mayor Eddy reported wages in various departments had been reviewed. On motion by Councilman Watts, seconded by Councilman Alt, the following increases in salary, effective August 1 unless otherwise indicated, were approved:

Frances Farrar, increase of \$25, to \$785 per month;

Dorothy Holtsclaw, increase of \$53, to \$900 per month;

Robert J. Sirchia, increase from \$810 to \$835 per month;

Kelly Graves, Public Works, increase from \$815 to \$825 per month, effective October 1, 1976;

James O. Mohr, increase from \$871 to \$895 per month;

Billy C. Hughes, mechanic, increase from \$4.75 to \$4.90 per hour, effective September 24, 1976;

James Stutts, machine operator, increase from \$4.35 to \$4.45 per hour;

Sherrell Blakey, laborer, increase from \$4.25 to \$4.30 per hour;

Elza Hermanson, increase to \$4.10 per hour, effective August 18, 1976;

William Stagner, increase from \$4.15 to \$4.20.

#1849

Status Forms - Police Department: On motion by Councilman Watts, seconded by Councilman Wise, the following increases, effective August 1, 1976, were approved:

Maurice P. McCarthy, from \$857 to \$915 per month;

Craig E. Hill, from \$940 to \$965 per month;

Ronald Gilliland, from \$908 to \$933 per month;

Ronald L. Anderson, from \$924 to \$949 per month;

Sidney Mitchell, from \$825 to \$850 per month;

Deborah Lewis, from \$825 to \$850 per month;

Wayne L. Sharp, from \$1,164 to \$1,189 per month;

Robert H. Wells, from \$1,127 to \$1,152 per month;

Margaret L. Hamer, from \$555 to \$565 per month;

Ruth M. Blauw, from \$520 to \$530 per month.

On motion by Councilman Watts, seconded by Councilman Haas, the following employment was approved:

August 16, 1976

Bobby Clyde Carr, Police Officer Probationary, at the rate of \$800 per month.

On motion by Councilman Watts, seconded by Councilman Wise, the following employment was approved:

Edwin Keith Hughes, II, Police Officer Probationary, at the rate of \$800 per month.

#1892

Status Form - Fire Department: On motion by Councilman Watts, seconded by Councilman Haas, the following employment was approved:

Joseph A. Meyer, Firefighter Probationary, at the rate of \$750 per month, effective September 1.

Chief Toman explained this was one of the three positions left in the staffing of the new fire station. He said the staff would be trained and used in the present fire station. Mayor Eddy said the Council had discussed delaying the hirings because the building would not be completed as early as originally anticipated. Councilman Watts stated the hiring process had been slowed down. Mayor Eddy asked the Public Safety Commission to consider the hiring schedule in line with the construction schedule for the new fire station. Chief Toman stated the training period was six to nine months.

#1940

Request for Permission to Solicit Funds for Muscular Dystrophy by Leawood Fire Department: On motion by Councilman Watts, seconded by Councilman Alt, the request for permission to solicit on September 4 was approved.

#1955

Schedule of Employees in Relation to Pay Grades: Chief Blume asked if the Mayor wanted a table of organization as the department was presently constructed or an all-encompassing one even though not all slots were filled at the present time. Mayor Eddy said he didn't think it should go beyond budgetary requests. Chief Blume suggested establishing formalized criteria for qualifying for a position.

#2005

Pay Estimate on Swimming Pool: Mayor Eddy presented an interim pay estimate from Larkin and Associates for Mid-Western Construction Company on the swimming pool. Mayor Eddy asked the Council to approve payment to the contractor not in excess of \$36,534.00, leaving the City still holding \$24,213.00. On motion by Councilman Lyons, seconded by Councilman Wise, the Council authorized payment to Mid-Western Construction Company not to exceed \$36,534.00.

#2033

Recommendation of Special Building Committee to Enter Into Contract for Fire Station No. 2: On behalf of the Special Fire Station Committee, Councilman Haas moved that approval be given to enter into a cost plus five per cent fixed fee contract with Pitman Building Corporation to act as general contractor for the construction of Fire Station No. 2;

August 16, 1976

seconded by Councilman Wise. There was discussion as to whether the City should have bids from other contractors on the project. John Granstedt said he felt that going with Pitman Building Corporation was the best solution in that the City could control the subcontractors to insure that competent people would build it. Mr. Granstedt said he thought five per cent was fair. Councilman Haas noted that the City had been pleased with the quality of the work and the way the renovation of the present fire station was done by Pitman. Mayor Eddy stated the City would approve subcontractors in any event. He said in his mind the remodeling job and the construction of the new fire station were two separate types of projects. Mayor Eddy said his personal feeling was that he was disappointed that the City did not take competitive bids and compare.

Mr. Granstedt explained the motion before the Council was just the instrument for advertisement for sub bids; on September 7th the contract documents would come to the Council. There was discussion that what the committee was asking was to enter into this type of procedure, it was not approval of a contract. At the suggestion of Mayor Eddy, the motion was withdrawn and Councilman Haas moved that the Council approve the recommendation of the Special Building Committee to enter into a cost plus five per cent fixed fee contract with Pitman Building Corporation for Fire Station No. 2, subject to approval of the contract documents by the Council. The motion was duly seconded and carried.

#2347

Authorization for Advertisement for Subcontract Bids for Fire Station No. 2: On motion by Councilman Lyons, seconded by Councilman Alt, advertisement for subcontract bids by the Special Building Committee for Fire Station No. 2 was authorized.

#2354

Condolences Upon the Death of County Commissioner William B. Springer: Councilman Alt moved that on behalf of the Mayor and City Council a letter be sent expressing condolences to the family of Commissioner Springer; seconded by Councilman Lyons. Motion carried.

#2371

At 8:43 p.m., on motion by Councilman Alt, seconded by Councilman Lyons, the meeting adjourned to Tuesday, September 7, 1976, 7:30 p.m.

Jane Lile
Council Reporter

William W. Eddy
Mayor

Attest:

J. Olsen
City Clerk

2131

September 7, 1976

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 7, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Wise, Alt, DeKinder, Crippin, Haas, Lyons, Hodes. Councilman Watts entered the meeting at 7:35 p.m.

Others present were Police Chief Blume, Fire Chief Toman, Will Gray, John Granstedt, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: At the suggestion of Mayor Eddy, the minutes of August 16 were corrected by deleting that portion of the last sentence of the sixth paragraph on page 2128 following the word "effect." Councilman Lyons moved that the minutes of the meeting of August 16, 1976, be approved with the suggested deletion; seconded by Councilman Haas. Motion carried.

Visitors: Mrs. Gordon L. Brubaker, Mrs. Jimmy Tucker, Lyda H. Browning, Ruth Davis, Dorothy Lewis, Marie Cochran, Katie Leamon, J. R. Anderson, W. R. Judd, Jim Dierks, Tom Ruzicka, Tom M. Frey, Saul Ellis, Mr. and Mrs. Vic Regnier, J. W. Putsch, E. B. Levens, William L. Waite. Member of the Press: Max Kuidera.

#2400

Recognition of Leawood Woman's Club Gift to Fire Department: Mrs. Jimmy Tucker, president of the Leawood Woman's Club for 1976-77, said she was representing last year's club officers (Mickey Gersh, president) who gave the Fire Department a quick fit chest compressor and a stop watch, total value \$210. Fire Chief Toman displayed and demonstrated the gifts and expressed his thanks. Councilman Alt moved that the City Council of Leawood go on record as thanking the Leawood Woman's Club for their donation to the life-saving apparatus of the City Fire Department; seconded by Councilman Lyons. Motion carried. Mayor Eddy suggested that thanks be conveyed to Mrs. Gersh.

#2437

Presentation of Certificates of Appreciation and Keys to the City: Mayor Eddy presented certificates of appreciation and expressed his thanks to J. R. Anderson, member of the Board of Zoning Appeals from 1961 to 1976; to Jim Dierks, member of the Plan Commission from 1972 to 1976, and posthumously to B. Hal Griffin, member of the Board of Zoning Appeals from 1973 to 1976. Mayor Eddy stated certificates of appreciation and keys to the city would be awarded to Spencer Henry, councilman from 1974 to 1976, and to D. A. N. Chase, councilman from 1973 to 1976, neither of whom could be present.

REPORTS

#2479

Treasurer: No report.

Mayor Eddy noted he was in the process of writing department heads that the Council would examine the reports at the second meeting of the month to give clerical help time for their preparation when the first council meeting falls on the first day or so of the month.

#2486

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Alt. Mayor Eddy stated a meeting had been set with the Judge, the Mayor, Councilman DeKinder, and Chief Blume.

#2553

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

#2562

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

COMMITTEE AND COMMISSION REPORTS

#2569

Ordinance Committee:

Ordinance Relating to Duties of City Attorney (First Reading): Councilman Alt stated the ordinance re-defined the City Attorney's duties, adding "to serve as the Public Officer as designated in Section 5-801 C of Ordinance No. 510," and "and such other duties as may from time to time be assigned by the Governing Body."

#2592

Ordinance Relating to Wages and Salaries for Recreation Department Employees (First Reading): Councilman Alt presented the ordinance for first reading. Councilman Wise explained the ranges were taken from a job description sheet drawn up by Mr. Krebs last year. Councilman Wise indicated that Section a, Recreation Director, should be amended by adding "per year," Section b by adding "per season," and Section m, Tennis Instructor, by adding "per season." Councilman Wise said operating figures for the recreation complex would be available at the next meeting. Councilman Hodes suggested the word "lesson" be added before "fees" in Section m. He said he would rather the fee for tennis instructor be stated on a weekly or daily basis rather than a seasonal basis. Councilman Wise moved that the ordinance be amended so that the fee for the tennis instructor be stated as a minimum of \$150.00 per week, maximum \$1,500.00 per season plus 50% of the lesson fees collected above \$1,500.00.

#2684

Parks: Councilman Alt reported they were looking at seeding and fertilizing and had put up some posts and

cables to keep people from driving out on the grass by the west soccer field, at corners, etc.

#2691

Plan Commission:

Permanent Sign - Office Park - 89th and State Line Road: Councilman Crippin stated this was a request for an office park sign to be located at approximately 89th and State Line. Attorney Tom Ruzicka was present on behalf of the request. Councilman Crippin reported approval of the sign was brought to the Plan Commission; however, members of the Commission felt they did not have authority to approve the sign but indicated that they had no objection to it as designed. Councilman Crippin reviewed that the Council had approved the Commodity News Services building in the spring. He stated the proposed sign met ordinance requirements in the entrance marker category. Mr. Ruzicka said the sign was about two or three feet off the ground, had a stone base, was about 24 feet long, and was the same type as the sign at the entrance to the Kroh Brothers building at 89th and Ward Parkway. Councilman Crippin stated the Plan Commission felt it was the responsibility of the Council to approve signs. Councilman Crippin moved that the sign be approved; seconded by Councilman Lyons. Motion carried.

#2782

Resolution No. 399 - Approving Huntington Farms Third Plat: On recommendation of the Plan Commission, Councilman Crippin moved that a resolution be adopted approving the Huntington Farms Third Plat as submitted; seconded by Councilman Wise. Mr. Sirchia displayed the plat. Mr. Saul Ellis, developer, stated this was the last phase of the development and included 30 to 40 homes. He said the total development would have 101 homes, whereas 114 were originally requested. There was discussion that the plat had been before Public Safety but had not been signed because the final copy had not been delivered; it had not been before Public Works for formal recommendation. Councilman Alt said he had a letter stating the Assistant City Engineer had reviewed it. Chief Toman confirmed with Mr. Ellis that between this area and Roe there would be an access to the parking lot.

There was discussion that procedure had been established for plans such as these to be signed by Public Safety, Public Works, etc. before they came to the Council. Councilman DeKinder moved to amend the motion by adding "at such time as the Public Works Commission and Public Safety Commission have approved the plan"; seconded by Councilman Watts. Amendment carried. Resolution No. 399 was adopted as amended. A copy is attached hereto as part of the record. Councilman DeKinder expressed appreciation for the cooperation of Mr. Ellis' organization.

#2949

Special Use Permit - Putsch's Coffee House - Ranch Mart Shopping Center: Councilman Crippin explained that the property in question was located just west of the Post

Office and adjacent to the cemetery. He displayed a map of the area. He said the matter came before the Plan Commission for rezoning of the property into commercial classification for the restaurant property which comprised a little over one-half acre. He said Leawood zoning did not have a commercial classification for any property less than five acres. The report of the Planning and Zoning Committee was that there was not an appropriate zoning classification; therefore, they referred it to the City Attorney for his review. Councilman Crippin stated when the plan was presented to the Plan Commission, Mr. Regnier (the applicant) and his group were under the impression that the property was already zoned. It was determined by Mr. Sirchia in searching City records that the property was not zoned. In 1963, there was discussion related in The Kansas City Star indicating that the property was zoned. It had been suggested that this request be done under the issuance of special permit by the City Council. Councilman Crippin said it was recognized that there was a new zoning ordinance presently under review by the Ordinance Committee; when that ordinance is approved and adopted there will be a new zoning map with shopping center property in the appropriate classification for its use. Councilman Crippin said at the Plan Commission meeting no objection was voiced to the property being used for commercial purposes and no objection to the restaurant.

Councilman Crippin said the plan as presently drawn had about eight zoning violations and if a special permit were issued, in order to conform to requirements of the zoning ordinance the plan would have to be revised.

Mr. Regnier and Mr. Putsch were present. Mayor Eddy explained that the City Attorney had written an opinion in 1973 which indicated that the property had been previously zoned for the purpose for which they were now seeking a special use permit. Mr. Sirchia said according to the Mission Township zoning map on file, the area from the western boundary of the cemetery on east was not zoned; according to the City ordinances and City map since the incorporation of the City, the City of Leawood had not zoned that area except for the land for the Post Office.

Councilman Lyons suggested that the eight zoning violations be spelled out. Mr. Regnier explained as far as the descendants of the people buried in the cemetery were concerned, nothing would be changed to infringe upon them. Mr. Putsch said it would be screened so that the rear of the restaurant would hardly be seen from the cemetery. He said the building would be identical to the one at 104th and Metcalf with no free-standing signs. Councilman Crippin said patrons would enter the Post Office drive or the drive west of the cemetery. He said potentially there would be a drive in front of the restaurant. He said twelve 90-degree spaces would have to be taken out because of a ten foot setback from the property line. The traffic hazard of the left turn traffic off of 95th Street was

discussed. Councilman Hodes said he felt a traffic signal was needed either at the main entrance to the shopping center or at the Post Office. Councilman Lyons also expressed concern about the traffic. Councilman DeKinder said he felt the Public Safety Commission had to continue to study the whole traffic problem around 95th and Mission Road. Councilman Crippin stated if the through drive parallel to 95th Street were eliminated, ninety-five per cent of the conflict of traffic movement would be resolved. Councilman Haas asked that it be kept in mind that anything possible be done to discourage additional traffic into the driveway in front of the Post Office. Mr. Putsch said it was important in the restaurant business to make parking obvious to passersby.

#3438

Councilman Crippin said if the site were approached as a single parcel it was in conflict. However, if a special use permit were obtained for the location of a restaurant at the southeast corner of the Ranch Mart Shopping Center in accordance with revision to the plans presented, it would be considered a part of the entire Ranch Mart Shopping Center project and that would eliminate seven of the eight violations. Only the 10-foot setback from the property line for the parking spaces would remain.

#3510

There was a short recess to reverse the recording tape.

Side 2

#0

Special Use Permit - Putsch's Coffee House - Ranch Mart Shopping Center (continued): Mr. Putsch said hours of operation of the coffee house would be 6:00 or 6:30 a.m. to midnight during the week and probably 1:00 a.m. Friday and Saturday. He said it would be a family type restaurant and at the same time a coffee shop type operation. There was discussion as to the best way to proceed. Mayor Eddy said he thought there was a time situation and he hated to see the applicants held up. He said the parties involved proceeded in good faith on a previous opinion of the City Attorney and it was up to the City to stand behind some of that previous information, and the Plan Commission had in effect discussed it and agreed with use for this purpose. Councilman DeKinder agreed. It was discussed that John Granstedt might meet with the Public Safety Commission concerning the matter.

#47

Councilman Crippin moved that the Council grant a special use permit for the location of the Putsch's restaurant at the southeast corner of the Ranch Mart shopping center directly east and adjacent to the existing cemetery, provided the plans are revised to include a minimum ten foot setback from the property line along 95th Street and that the plans are revised in accordance with requirements of the Public Safety Commission and the City Architect; seconded by Councilman DeKinder. Mr. Granstedt said this would not interfere with commitments made on parking and to residents to the east. Motion carried unanimously.

NEW BUSINESS

#88

Request for Permission to Sell Horse Trailers on Premises - Indian Valley Stables - 3504 College Boulevard: Tom Frey stated the stable had been there twenty-two years and they now wanted to sell horse trailers on a special order basis in addition to what they are now doing. He said they probably would not have more than two trailers there for display models behind the barn. Mr. Frey said in order to get a dealer's number they needed a letter signed by the zoning agent to say it was all right. He said there would be no additional signs. Mr. Frey said there were trailers already there which belonged to customers of the stable. He said the maximum number of trailers, new and used, would be five. Councilman DeKinder moved that the Mayor be authorized to sign the letter to the Department of Revenue indicating that the H & L Sales Company, 3504 College Boulevard, was in compliance with existing zoning of the City of Leawood, subject to the approval of the City Attorney; seconded by Councilman Hodes. Motion carried.

#130

COMMITTEE AND COMMISSION REPORTS (continued)

#141

Public Safety - Contract for Fire Station No. 2: Councilman DeKinder presented a tabulation of all the sub-contractor bids received. He said he also had from Pitman Building Corporation a letter containing various bonds, insurance binders, and copies of the actual contract for the total project. Mr. Waite was present to answer questions. Councilman DeKinder reviewed the tabulation of bids. He said the bids were all very close on the major items and yet most of them were from well-known bidders who had previously done work for the City. One exception was electrical where there was a difference of \$12,670. He said the total bid of the fire station, including five per cent payment to Pitman Building Corporation and the estimated contingency, would be \$412,926.00; the actual bid total was \$392,926.00. Mr. Granstedt said the contingency was a safety factor in case of catastrophe. The City Architect's estimated cost with contingency was \$415,869.59; without contingency, \$396,066.28. Mr. Granstedt said the parking lot, driveways and sidewalk were outside the contract because the City could do that cheaper. The total additional cost would be \$5,060.50. There was discussion that the cost should be \$50,000 under the bond issue. Chief Toman stated in the bond issue there was \$50,000 allotted to equip and furnish the building and \$25,000 for a new rescue car. Mr. Granstedt said amounts included for sewers and water would not now have to be spent.

Councilman DeKinder reviewed instances where the lowest bid was not accepted: The bids of Pacific Mutual for millwork and miscellaneous cabinets were combined and accepted as the lowest for the two items. Painting and

decorating to go to Theo. Lawrence Painting Co. as the low bidder could not be located. On roofing and insulation Earl Hankins Roofing bid the proper specifications, but need to check with Porter Roofing Co. to find out if the material it bid would meet the insurance specifications; if so, the two would rebid. Resilient floor covering and accoustical ceiling to go to E. J. Cody because they specified all material on which they were bidding. Miscellaneous bids awarded to Whelan's for they were furnishing all the material for the truss framing. Mr. Waite stated the work which his company itself did included all of the concrete work and carpentry.

#283

#308

Councilman DeKinder moved that the Council approve a standard form agreement between owner and contractor specifically between Pitman Building Corporation, general contractor, and the City of Leawood, to construct the new Leawood fire station, for a total amount not to exceed \$412,926.00, subject to approval of the contract by the City Attorney; seconded by Councilman Alt. Mr. Waite outlined his company's procedure for billing on cost-plus contracts. He said completion time was June 1st. Mayor Eddy said he did not think the City should approve a contract without liquidated damages included. Mr. Waite stated normally if a job were bid with liquidated damages, the contractor would try to anticipate what might happen and add so much money for liquidated damages coverage if the time was very limited. Mr. Waite said also it was normal if there were liquidated damages and the contractor beat the time he would be compensated a certain percentage. Mr. Waite stated the time allowed in a contract was subject to extensions covered under general conditions for delays due to weather, strikes, acts of God, etc. The question of whether or not to include liquidated damages was discussed at some length. Councilman DeKinder moved to amend his motion to have the City Attorney draft an agreeable liquidated damages clause and make it a part of this contract; seconded by Councilman Alt. Amendment carried. Motion as amended carried.

#450

Mr. Waite said he needed to have the reinforcing steel released for Carter-Waters; if they could furnish it by the first of October; if not, then for Ceco; and the bar joists released under the Builders Steel contract.

#551

Councilman Hodes said he thought it should be a matter of city ordinance or policy that any time taxpayers' money was used to build something, the City should have liquidated damages provision in the contract. Following further discussion, Councilman DeKinder moved to rescind the previous motion dealing with the contract with Pitman Building Corporation; seconded by Councilman Watts. Motion carried. Councilman DeKinder then moved that the contract between Pitman Building Corporation and the City of Leawood on the new Leawood fire station at 12701 Mission Road be approved subject to review and approval by the City Attorney, maximum cost to the owner not to exceed the sum

#563

of \$412,926.00; seconded by Councilman Alt. Motion carried. Councilman DeKinder then moved that Mr. Waite be authorized to release reinforcing steel necessary to begin construction on the new Leawood fire station with either of two bidders, Carter-Waters or Ceco Corporation, determined by delivery times, and that he be authorized to release the bar joists for Builders Steel, the low bidder on structural steel and miscellaneous iron; seconded by Mr. Haas. Motion carried. Mr. Waite thanked the Mayor and the Council for honoring his company with this contract, and assured that they would build a building to be proud of and would make every effort to end up with some money for fire equipment.

Public Works:

#572

Resolution No. 400 - Acceptance of Sanitary Sewers - Saddlewood Subdivision: Councilman Alt stated the Public Works Commission had passed a resolution recommending acceptance of the sanitary sewers in the Saddlewood Subdivision, and moved that the resolution as submitted to the Council accepting the sanitary sewers be approved; seconded by Councilman Crippin. Resolution No. 400 was unanimously adopted. A copy is attached hereto as part of the record.

#578

Resolution No. 401 - Acceptance of Streets - Saddlewood Subdivision: On recommendation of the Public Works Commission, Councilman Alt moved the adoption of a resolution recommending acceptance of streets in the Saddlewood Subdivision, with the following three exceptions: (1) that the puddling of water at the intersection of 101st Terrace and Mission Road be looked at; (2) that the asphalt curbs be acceptable to the City; and (3) that the two dead trees between the sidewalk and the curb on 103rd Street be removed, the acceptance to become effective when the developer has complied to the City's satisfaction; seconded by Councilman DeKinder. Resolution No. 401 was unanimously adopted. A copy is attached hereto as part of the record.

#597

MAYOR'S REPORT

Appointment of Special Committee to Interview for a City Administrator: Mayor Eddy proposed the appointment of the following committee to interview for a City Administrator: Councilman Crippin, chairman; Councilman DeKinder; Councilman Alt; and the Mayor. On motion by Councilman Hodes, seconded by Councilman Watts, the appointments were approved.

Appointment to Board of Zoning Appeals: Mayor Eddy proposed the appointment of Eldred Evans, 10328 Wenonga, to the Board of Zoning Appeals. On motion by Councilman Lyons, seconded by Councilman DeKinder, the appointment was approved.

#632

Appointment of Special Committee to Study New Election Laws: Mayor Eddy appointed Councilman Wise and Councilman Haas as a special committee to study new election laws, possible alternative election dates, and report to the Council.

#643

Appointment of Delegates to League Cities Convention: Councilman DeKinder and Councilman Alt were appointed delegates to the League Cities Convention in Topeka on October 3, 4 and 5, with Bob Sirchia as an alternate, another alternate to be designated.

#669

Recreation Commission Report: Councilman Wise stated the report was being postponed until such time as the final figures for the season just ended could be compiled. She added quite a lot of information would be sent to the commission and to councilmen.

#690

Appropriation Ordinances: Nos. 358A and 345S in the amounts of \$528,336.76 (including \$440,000.00 in investments) and \$782,663.87 (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 Alt.

Councilman DeKinder moved that the Council go into executive session to consider some matters pertaining to personnel directly relating to public safety; seconded by Councilman Watts. Motion carried.

#744

The Council went into executive session at 10:45 p.m.

The Council returned to regular session at 12:00 midnight. The same councilmen were present.

Resolution No. 402 - Dealing with Appellate Review for City Employee Terminations: Councilman DeKinder read the resolution dealing with employee termination review and moved for its adoption; seconded by Councilman Watts. Resolution No. 402 was adopted unanimously. A copy is attached hereto as part of the record.

#758

Sick Leave for Chief Blume: On recommendation of the Public Safety Commission, Councilman DeKinder moved that Chief Blume be provided with sick leave from August 16, 1976, to the date of October 19, 1976 (date of the council meeting following his next appointment with his doctor); seconded by Councilman Lyons. Motion carried.

At 12:05 a.m., on motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Monday, September 20, 1976, 7:30 p.m.

#771

June Lile
Council Reporter

William W. Eddy
Mayor

Attest:

J. O. Lands
City Clerk 2140

September 20, 1976

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 20, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Wise, Alt, Crippin, Watts, Lyons, Hodes.

Others present were Fire Chief Toman, Police Captain Sellers, City Attorney Winn, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Watts, seconded by Councilman Wise, the minutes of the meeting of September 7, 1976, were approved as submitted.

Visitors: E. D. Levens, R. Bruce McMullan, Mr. and Mrs. Vic Regnier, Bill Judd, Dana Dowd, Sharon Soper. Member of the Press: Max Kuidera.

REPORT

#786

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

COMMITTEE AND COMMISSION REPORTS

#791

Newsletter: Councilman Lyons reported copy for the fall issue of the newsletter had been distributed. Material on two questions which will be on the November ballot was included. Councilman Hodes suggested that the location of the new fire station be inserted. The Mayor suggested that, if possible, the ground-breaking date for the fire station be included. Councilman Wise said the Committee had some new art work for the newsletter to replace what had been used from the Recreation Commission. On motion by Councilman Lyons, seconded by Councilman Watts, copy for the newsletter was approved.

#857

Councilman Watts moved that the report on the proposed coffee house at the Ranch Mart Shopping Center be included on the agenda and considered at this time; seconded by Councilman Hodes. Motion carried.

#859

Public Safety - Proposed Coffee House - Ranch Mart Shopping Center: Councilman Watts reported the Public Safety Commission had met concerning this project. He read from a letter dated September 20 from Councilman DeKinder, chairman, that the Public Safety Commission had reviewed the plans in regard to parking, ingress, egress, and traffic flow, and had approved a set of plans for the facility with the condition that no other changes would be made in the plans. Mr. Regnier

displayed the plan and explained the traffic flow and parking. He said there would be a certain amount of dovetailing between the operation of the post office and that of the coffee house. He pointed out the exit with no left turn onto 95th Street, and explained the traffic pattern in the parking lot south of the coffee house which was extremely important to Mr. Putsch, with two way cross traffic and parking spaces in front. Councilman Watts reported the Public Safety Commission did not feel it was within its authority to make an official opinion one way or the other on the ten foot setback, but the plan approved showed the same setback as the rest of the Ranch Mart Shopping Center. Councilman DeKinder had written a letter to the Mayor expressing his personal opinion that it would fit in with the rest of the Ranch Mart area and that the traffic flow situation would be better without the ten foot setback. Councilman Watts added that he agreed but he felt it was a decision for the entire council to make. On motion by Councilman Watts, seconded by Councilman Hodes, the report of the Public Safety Commission was approved.

#962

Ordinance No. 521 - Relating to the Granting of a Special Use Permit for a Restaurant Facility in the Ranch Mart Shopping Center: City Attorney Winn stated he felt the Council should consider an ordinance granting a special use permit with reference to the property, rather than by motion alone. He explained that the proposed ordinance provided that the described property be granted a special use permit for use of a restaurant facility, restricting it to an indoor restaurant with no drive-in or window facilities. The location of the property line on 95th Street was discussed in relation to the provision in the proposed ordinance for a setback of not less than ten feet. Councilman Crippin explained that the Public Safety Commission was requesting that the ten foot setback from the street right-of-way line be waived. There was discussion that the green space would be about ten feet, presently it was twenty feet but ten feet were in the right-of-way. Councilman Crippin stated the parking lot of the entire Ranch Mart Shopping Center sets right on the property line, the ten foot setback not having been required in the past since the parking lot was developed prior to Leawood having the zoning ordinance, consequently, by waiving the ten foot setback the council would be allowing that line to extend further to the east.

City Attorney Winn observed that there was not another comparable situation in the City of Leawood. Councilman Watts moved that the Council consider the ordinance on an emergency basis; seconded by Councilman Hodes. Councilman Lyons objected to adopting the ordinance under emergency provisions. Bruce McMullan, president of Putsch's, stated they would like to get in the ground at that location before bad weather. Councilman Watts said the basis of his motion to consider it on an emergency basis was due to the fact that it had been before the Council twice, it had been to the Plan Commission, and two meetings of the Public Safety

Commission. Councilman Hodes said the understanding had been that they could get final determination at tonight's meeting if they got all the things ironed out with the Public Safety Commission. He urged that the Council pass it as an emergency matter. Motion carried, 4 votes for, 2 against.

#1117 Councilman Alt moved that the Council adopt the ordinance with limit 2 to read as follows: "The requirement that the parking area for said restaurant facility shall set back not less than 10 feet from the right-of-way of 95th Street is hereby waived." Ordinance No. 521 was adopted unanimously. Mr. McMullan expressed appreciation to members of the Council and all of the City agencies with which they had worked.

At the request of Councilman Alt, the order of the agenda was changed.

#1146 Public Works: Councilman Alt reported the gasoline tank for regular gasoline was installed and operating.

#1150 Parks: Councilman Alt reported the Parks Commission was considering hiring another full time employee because the maintenance was almost outside the limits of one man's capacity.

#1156 Ordinance No. 522 - Relating to Duties of City Attorney (Second Reading): On motion by Councilman Alt, Ordinance No. 522 was unanimously adopted as distributed.

#1161 Ordinance No. 523 - Relating to Wages and Salaries for Recreation Department Employees (Second Reading): Councilman Alt stated the revisions agreed upon at the last meeting had been made. On motion by Councilman Alt, Ordinance No. 523 was unanimously adopted.

#1171 Ordinance No. 524 - Incorporating by Reference the "Standard Traffic Ordinance for Kansas Cities": Councilman Alt stated this was to correct an omission in the existing ordinance. On motion by Councilman Alt, seconded by Councilman Watts, an emergency was declared for adoption of the traffic ordinance. On motion by Councilman Alt, Ordinance No. 524 was adopted as presented.

#1189 Ordinance Relating to Detached Structures: Mayor Eddy requested that this ordinance be referred to the Plan Commission for public hearing and recommendation to the Council.

Councilman Alt asked to be excused from the meeting at 8:25 p.m.

#1202 Public Safety - Request for Permission to Solicit - Camp Fire Girls, Inc., Sunflower Council: On motion by Councilman Watts, seconded by Councilman Lyons, the request of the Camp Fire Girls for permission to solicit was approved as presented with the stipulation that the solicitation be

limited to weekdays only until 5:30 p.m. and weekends only from 11:00 a.m. until 5:30 p.m.; seconded by Councilman Lyons. Motion carried.

#1257

Animal Haven Agreement: Councilman Watts reported the Public Safety Commission had recommended approval of a contract with Animal Haven, Inc. of 9800 West 67th Street concerning the detention of stray animals picked up by the humane officer. Councilman Watts moved for approval of the contract; seconded by Councilman Hodes. Councilman Watts stated this was brought up in order to have a definite agreement with a specific organization concerning disposition, retention and care of animals picked up by the humane officer. City Attorney Winn said essentially Animal Haven was just going to take the dogs for so much per dog and he felt that agreement could be in a letter form. Mayor Eddy said he objected to having the document before the Council called a contract. If there was to be a contract, the City Attorney should prepare it. He said he would prefer to go the letter agreement route because many times all of a sudden humane hospitals are just not doing anything. Captain Sellers said that Animal Haven was not willing to accept the animals without some type of agreement. The matter was discussed. Councilman Watts moved that the matter be referred to the City Attorney for report at the next Council meeting as to a more appropriate form for its approval; seconded by Councilman Lyons. Motion carried.

#1308

Recommendation of Public Safety Commission re Personnel Assistance for City-County Drug Squad: Councilman Watts stated since the drug squad was initiated, the City of Leawood had donated one of its officers to that squad, the City paying only fringe benefits and retirement. He said the Public Safety Commission was requested to donate another officer because on July 1st Patrolman Michael Stewart was returned to the Leawood Police Department. The Public Safety Commission recommended that this not be filled again at this time primarily because when the City lends an officer to the squad, Leawood has to replace that officer; when the officer is returned in eighteen months, that adds another officer to the payroll. The Public Safety Commission did not want to be in a position of having to either dismiss someone or be put in a budget crunch to bring that officer back in May of 1978. The matter was discussed. There was discussion that Chief Blume had requested permission to transfer one officer to the Johnson County Training Squad for Drug Enforcement, but that he had also been present at the Public Safety meeting where the matter was discussed. Captain Sellers said Leawood had supported the squad very well but there were larger departments in the county that had not contributed. Councilman Watts stated the Public Safety Commission did not go counter to Chief Blume's recommendations, they were all there and it was a unanimous opinion. Councilman Watts said Public Safety was very supportive of this program and deciding not to participate at this time was no reflection on the program or the Commission's admiration

#1355

and respect for the program.

#1463

Resolution No. 403 - Prohibiting Parking on the South Side of 89th Street from State Line West to Dykes Branch:

Councilman Watts stated a letter had been received from Kroh Brothers requesting that this be done not only for esthetical reasons but because of the winding road and the fact that there was some blockage with trucks going to and from the construction site of the Commodity News Services office building. He said the Police Department felt there should be no parking on the south side of 89th Street. Councilman Watts moved approval of the resolution prohibiting parking on the south side of 89th Street from State Line Road west to the Dykes Branch as distributed; seconded by Councilman Hodes. Resolution No. 403 was unanimously adopted. A copy is attached hereto as part of the record.

#1478

Purchase of Portable Police Radios: Councilman Watts stated a distribution explained that the Public Safety Commission had recommended that the Council approve the purchase from General Electric of ten portable radios at \$5,736.00, one 10-unit charger at \$336.00, and five spare batteries at \$176.00, total \$6,248.00. Councilman Watts moved approval of the purchase; seconded by Councilman Hodes. Councilman Watts explained approximately \$4,000 of this was budgeted in the 1977 budget. Because of the fact that some of the units presently in use were in unserviceable condition, the Public Safety Commission felt that the purchase of ten portable radios was important for the safety of the officers and should be approved at this time. Councilman Watts said another reason was the radios were ordered for use during the Republican convention and were being offered at approximately half price. Captain Sellers said ten would serve the department's needs for the next five years. Chief Toman said the Fire Department might benefit by the leftovers. Captain Sellers said he was not sure all of the old units were economically repairable. Councilman Watts said one potential disadvantage was that should the council decide to hire the four dispatchers to operate full time, that would be UHF equipment and these could not be used to communicate with the building system. Captain Sellers said he felt it would be beneficial to have radio contact with the sheriff even if the City had its own dispatchers. Councilman Crippin mentioned it would also allow men in the field to communicate with one another when they are not in their cars. The number of units needed was discussed. Captain Sellers said with ten there would be two spare units. Councilman Hodes said he felt ten was too many units to consider. Following further discussion, Councilman Hodes withdrew his second to the motion to purchase ten radios. Councilman Wise then seconded the motion. Upon inquiry by Councilman Wise, Captain Sellers said the units would never be obsolete because he felt the department would be using VHF for a long time, until the sheriff's office went to UHF, and there was nothing to indicate that would happen within the next ten years. Even if the City had dispatchers, he would recommend the purchase of these VHF portables. Motion carried.

#1673

#1718

Resolution No. 404 - Installation of Permanent Traffic Signals - 103rd and State Line: Councilman Watts stated the Public Safety Commission was recommending to the Council that permanent signalization be installed at 103rd and State Line with more than just one light hanging in the middle of the street. The increase in cost would be \$192.35 per month. He moved adoption of the following resolution:

RESOLUTION NO. 404

BE IT RESOLVED that the Mayor be authorized to sign Work Order No. 5 under Ordinance No. 423 providing for installation of additional traffic signal equipment in the City of Leawood, Kansas, to be paid for from the City's reserve fund with the Kansas City Power and Light Co. (103rd and State Line)

Seconded by Councilman Hodes. There was discussion that the accident rate was high at the intersection; that at the present time there was a temporary hanging light with a left turn arrow that goes off with no warning and in the evening it was hard for westbound traffic to see. Mayor Eddy suggested the Public Safety Commission consider putting the intersection on the list as a Federal project. Resolution No. 404 was unanimously adopted.

#1791

False Arrest Insurance: Councilman Watts stated the rate for this insurance was going to be raised by the present carrier from \$1,439 to \$4,863 per year, so other departments were polled and the consensus seemed to be that most were going back to the National Sheriff's Association for this coverage. They will provide it for \$2,325 per year. He said the Public Safety Commission and the City Attorney had agreed this was important coverage for the officers. There was discussion that it was unfortunate that Leawood had to fall within the same rate classification as large cities where the risk was much higher. Captain Sellers said it was a flat rate with no consideration of record. Mayor Eddy asked that next time Public Safety try to give the Insurance Committee time to study the matter. Councilman Watts moved that the Police Department be authorized to purchase false arrest insurance through the proposal offered by the National Sheriff's Association, subject to the approval of the Insurance Committee; furthermore, should the Insurance Committee come up with an alternate plan prior to the next Council meeting which was mutually acceptable to that committee and the Police Department, that such alternate plan be authorized for adoption; seconded by Councilman Hodes. Motion carried.

#1838

Status Form - Fire Department: On motion by Councilman Watts, seconded by Councilman Hodes, the following employment was approved:

#1873

Michael James Cohee, Firefighter Probationary, at the rate of \$750 per month, effective November 1, 1976.

Councilman Watts explained this was the second from the last firefighter to be hired for staffing the new fire station. He said it was anticipated the hiring would be completed near the end of the year.

#1893

Fire Study Plan: Mayor Eddy said the Council could request a presentation concerning the fire study plan as it had been put forth to the Johnson County Council of Mayors. He said Chief Toman and he felt that the results of the fire study were somewhat misleading. Approval of a radical change in fire coverage in the county at this time, in his opinion, was impossible due to varying laws, varying departments, and some of the financial figures were made on the supposition of certain things that may or may not be accurate. Mayor Eddy stated for the benefit of its citizens, the City of Leawood intends to continue to operate the fire station and the new station; that the City wanted to cooperate with the county in any way possible, but he did not intend to accept a recommendation to close this station and use the station farther away because of a computer print out.

#1924

Grant for Civil Defense Generator: Mayor Eddy said he had checked with Civil Defense and determined that the City could get a grant from them to cover fifty per cent of the cost of bringing the City up to date in its emergency generator situation, to knock the wall out, pull out the old generator, and put in a new unit. He said the old generator had roughly $2\frac{1}{2}$ times the needed capacity, and the person who took care of it had been transferred or retired. He said he had not been able to find anyone who could take care of the generator. Mayor Eddy said he had gone ahead with the processing of the paper work for the grant and it had been approved. The next step would be for the City to accept the grant when it is available, total figure not over \$8,000 for the City's part. The matter was discussed. There were no objections.

#2057

Recreation Commission Report: Councilman Wise stated the complete report on the 1976 recreation season had been distributed to councilmen. She said they were very pleased with the membership response, approximately 25 per cent of residents joined the pool, almost ten per cent joined the tennis courts. The report included a breakdown of expenditures and revenues on the various parts of the park, a breakdown of where the people live in Leawood who joined the facilities, and a list of the questions the Recreation Commission will be addressing over the next few months. The information was given so that if councilmen would like to express an opinion on any of the policy matters they might do so. The Mayor and councilmen complimented Councilman Wise for a job well done on the complex and its operation.

MAYOR'S REPORT

#2104

Resolution No. 405 - Opposing the Application for Special

Use Permit to Allow a Fruit and Flower Stand at the Northeast Corner of 85th and State Line: Mayor Eddy read the proposed resolution requesting that the Board of Zoning Adjustment of Kansas City, Missouri, deny the application for special use permit as it was not compatible with Leawood's single family residential housing in the area. On motion by Councilman Hodes, seconded by Councilman Lyons, Resolution No. 405 was unanimously adopted. A copy is attached hereto as part of the record.

NEW BUSINESS

#2139

Discussion Regarding Payment for Damages: Mayor Eddy reviewed a claim for \$34.82 by Mrs. James E. Young, 9700 Overbrook, for replacement of a fuel pump on her automobile evidently damaged when the undercarriage of her car struck a manhole cover in the street because the ground had settled severely around it. City Attorney Winn stated the car was somehow damaged by going over the manhole cover, the manhole was sticking up an abnormal amount and had since been repaired by the City. It was his recommendation that the City pay the claim. On motion by Councilman Watts, seconded by Councilman Crippin, the claim of Mrs. James E. Young in the amount of \$34.82 was approved by a vote of three for, two against.

#2229

Prosecution of D.W.I. Citations: Mayor Eddy reported after some discussion it was the opinion of people who had been involved that d.w.i. charges should be strictly prosecuted in the City. Councilman Lyons stated he felt the Council should not impinge upon the prosecutor's duty to look at each case as it comes along. City Attorney Winn said he felt the Governing Body should have some input as to general philosophy on those types of cases. He said there had been a huge increase in drunk driving cases, that what was currently being done did not appear to be a deterrent. Mayor Eddy said he felt the responsibility for prosecution of the laws of the City resided in the Governing Body.

#2302

Constitutional Amendment Regarding Re-Evaluating Farm Land: Councilman Lyons stated it was his opinion that the proposed amendment if passed would not be in the best interests of the City of Leawood. He said he felt it could deter the growth of the City. Mayor Eddy asked Councilman Lyons to prepare a resolution on the matter for consideration at the next meeting.

#2379

Request to Change the Date of the Next Council Meeting: Councilman Wise stated the next meeting fell on Yom Kippur, a soleum holiday of the Jewish faith. Since there were two councilmen affected by this and would not be able to attend, she wondered if it would be inconvenient for anybody if the Council met on Tuesday instead. Councilman Crippin said he would be out of town on that Tuesday and would not be able to attend. Mayor Eddy said that Monday was a business day, this was a business meeting, he did not mean any disrespect, but the ordinance stated meetings

RESOLUTION NO. 405

The Leawood City Council has considered the location of the fruit and flower stand at the Northeast corner of State Line Road and 85th Street; and

WHEREAS, the zoning in the City of Leawood adjacent to the above property is exclusively single family residential; and

WHEREAS, the location of the state line is approximately 30 feet east of the east curb line of State Line Road at 85th Street; and

WHEREAS, the fruit and flower vendor has consistently encroached his area of sales and display into the City of Leawood; and

WHEREAS, the existence of a fruit stand is prohibited in the area into which it has encroached;

NOW, THEREFORE, BE IT RESOLVED that the Leawood City Council does respectfully request that the Board of Zoning Adjustment of the City of Kansas City, Missouri deny application number 7257-A submitted by Carl Vitale for a special permit to operate a fruit and flower stand at the corner of State Line Road and 85th Street, as it is not compatible with the single family residential housing zone in the City of Leawood.

Adopted by the Governing Body this 20th day of September, 1976.

Attest:


William M. Eddy Mayor


J. Oberlander City Clerk



would be held on the first and third Mondays of the month and he thought that was when they should be held. Councilman Wise said the Shawnee Mission Advisory Board meeting had been changed. Councilman Crippin pointed out three other council members were not present to express themselves and he had planned his business week around the regular council meeting on Monday night. Mayor Eddy said the citizenry expected the council meetings to be on the first and third Mondays. Councilman Wise said she thought there was a significant number of Jewish people in the City and that it was worthy of consideration. The matter was discussed. Councilman Crippin noted that this was short notice for a change with the council meeting two weeks away.

At 10:40 p.m., on motion by Councilman Lyons, seconded by Councilman Watts, the meeting adjourned to Monday, October 4, 1976, 7:30 p.m.

#2457

William W. Eddy

Mayor

Jane Lile

Council Reporter

Attest:
J. Oberlander

City Clerk

October 4, 1976

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 4, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Wise, Alt, DeKinder, Crippin, Haas, Watts.

Others present were Police Chief Blume, Fire Chief Toman, Police Captain Sellers, City Attorney Winn, Will Gray, Bob. Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Watts, seconded by Councilman Alt, the minutes of the meeting of September 20, 1976, were approved as submitted.

Visitors: George H. Anderson, John H. Moffitt, Mrs. Vernon A. Strahm, Jean Strahm, Phil Kline, W. R. Judd, Charles W. Duval, H. L. Roberts, W. L. Mowrey, V. C. Thomas, John J. Bondank.
Member of the Press: Jim Durlin.

The agenda was changed to take up the item of the parking lot in Leawood South at this time.

#2483

Discussion Regarding Parking Lot in Leawood South: Mayor Eddy stated a telegram had been sent to the people involved. Bob Sirchia stated there was a solar energy home in Leawood South which would go on display in the Parade of Homes. He said the lot next door had been paved, but no approval had been sought. City Attorney Winn stated the property was zoned residential and parking lots were not a permitted use in that zoning. John Moffitt said he had not seen the telegram until this morning. He said they had participated in the Parade of Homes for 29 successive years. He said this was the only solar home in six states, 10,000 publications had been put out with Leawood South being plugged, and radio broadcasts were contemplated from the solar home. He said in the past during the Parade of Homes, they had parked in lots, no-parking signs were put on one side of the street, and they had hired high school boys to get people off the street so as not to block driveways and cause a chaos in traffic. He said he didn't realize he needed a permit for the parking lot. He said he was trying to help the people who live out there by not having their driveways blocked and by not having the police department ticketing cars.

A plat of the area was displayed. The parking lot was on Lot 19. John J. Bondank said residents wanted to be assured the asphalt would be removed and that a date be set for its removal. W. L. Mowry said he thought the solar home would be an asset to Leawood South. H. L. Roberts said the situation there was bad enough with normal traffic;

with no sidewalks and no playgrounds children played in the street; he said he was concerned for the children. If there was assurance the parking lot would be taken out by a reasonable date, he would be satisfied. Mayor Eddy stated it was his intention to recommend to the Council that a temporary permit be issued which would be valid for five normal working days after the two-week period of the Parade of Homes, October 10 to 24. He said he would recommend that the permit contain the stipulation that the sponsors of the solar home meet with the Fire Chief and Police Chief to discuss traffic control. City Attorney Winn said there should be a contingency plan on overload parking. Mr. Moffitt said on Sunday there would probably be 3,000 cars. Councilman Watts moved that a temporary permit be written on the basis of leaving the lot in from now until five working days after the 24th of October, subject to the grantee satisfying the requests of the Fire Chief and the Police Chief in regard to the safety aspects; duly seconded. Motion carried.

#2738

#2751

Request for Permission for Sign for Solar Home During Parade of Homes - Leawood South: Charles W. Duval said they would like some identification on a temporary basis of the solar home since there would be a considerable number of press and people from several states around. He requested permission for a temporary 4 ft. by 8 ft. identification sign on the lot or adjacent lot for the two-week period of the Parade of Homes. Mayor Eddy said he did not believe such a sign had ever been allowed in a residential area. Councilman DeKinder mentioned that Mr. Duval had worked long and hard for solar heating in the new fire station, but the City had been very reluctant to put up any commercial signs. Mr. Duval stated this home would get national attention and it would be good advertising for the City. He said they would be collecting data on the solar heating through the winter. Mr. Duval said they also would like some small signs with arrows directing traffic to the home. Councilman Alt commented that maps were published identifying each house by number with a description, and he questioned whether a number of little signs leading to it would be desirable. Mayor Eddy said he had a problem with the idea of allowing signs for one particular home; he said signs had never been allowed for Parade of Homes houses in the City. Councilman Crippin said he had had calls from various developers within the last six weeks regarding signs for the Parade of Homes, and he felt if consideration were given for this, it should not be just for the solar home but for the total City. Councilman Alt said he felt granting the permission requested would be establishing a precedent. City Attorney Winn noted the City had granted permission for temporary signs advertising special events to be placed in commercial type areas, and asked if they would be interested in placing the sign at the entrance to the development on property pending zoning for commercial use. Mr. Moffitt said he did not think a sign at that location would do any good. Councilman DeKinder suggested a portable sign

#2978 which could be placed in the garage overnight. Councilman Wise said she thought anyone interested could find the home, and it would not necessarily attract passersby. Councilman Haas commented that realtors could not even have signs on Sundays. Mr. Moffitt said the house was not for sale. Mayor Eddy said it was still a commercial enterprise, and the Council had to make a policy decision in regard to signs for the Parade of Homes. Councilman Crippin stated in consideration of the Parade of Homes and its purpose, perhaps the Ordinance Committee for the next Parade of Homes might prepare an ordinance which would allow the advertisement of the homes with appropriate regulations. There was discussion that there were two homes in Leawood South and three in Verona Gardens on the parade.

#3028

For the sake of consistency, Councilman Wise moved that permission for the sign be denied; seconded by Councilman Alt. Councilman Crippin said he would not object to permission being granted for three weeks per year for the two parades of homes. Councilman Haas then said since it was a temporary thing for the Parade of Homes and would not set a precedent, he would withdraw the concerns he had related to the situation of the realtors, and felt some consideration should be given for temporary permission during the Parade of Homes. Councilman Wise stated there was no guarantee that there would not be more and more parades of homes, and she felt approving the request would be setting a pattern for more and more exceptions. Councilman DeKinder said because of the concern for the tax base, perhaps more consideration should be given to encouraging more building activity in the City, and he thought the exception would be reasonable for this parade of homes. Councilman Crippin said he hoped it would be appropriate for the Mayor to request the Plan Commission and the Ordinance Committee to draft an ordinance to permit small signs for the parade of homes. Mayor Eddy said such a request had been made in September, 1975. Motion carried, Councilmen Wise, Alt, and Watts voting for, Councilmen Haas, DeKinder, and Crippin voting against, and Mayor Eddy casting the deciding vote in favor of the motion to deny the request.

COMMITTEE AND COMMISSION REPORTS

#3121

Newsletter - Resolution No. 406 - Regarding Proposed Constitutional Amendment: Mayor Eddy reviewed that in view of action by the State Legislature to put on the ballot an amendment which would enable the next legislature to change the method of taxation of agricultural land, the publication of the newsletter was delayed so that the Council might consider the proposed resolution opposing passage of the amendment. Mayor Eddy suggested that words be stricken from the third paragraph, and read the resolution. Councilman Alt suggested insertion of the words "method of" in the second paragraph. Councilman Alt stated there was no assurance of what kind of tax bill would come out of the legislature because it would

be written later. Councilman Alt moved that the resolution be adopted with the addition of "method of" after the word "alter," in the second paragraph, and the third paragraph to read, "Whereas the City of Leawood relies upon the real estate which comprises said City for its tax base; and"; seconded by Councilman Wise. Resolution No. 406 was adopted as amended. A copy is attached hereto as part of the record.

#3231

Ordinance - Kansas City Power & Light Company Street Light Franchise Ordinance: Councilman Alt said he did not believe the ordinance was ready for a first reading. Mayor Eddy said the contract this year did not get to the City until after the old contract expired; it needed to be considered relatively soon. He asked the Council to consider the comments of the City Attorney in his letter of July 27. Councilman Alt stated he thought the reference to Section 21-203 should be 21-206. Councilman Alt observed that the Power and Light Company paid the City twice a year and the City paid them once a month. He said why not pay them twice a year for traffic signals, etc. and have them subtract that from what they owe us? City Attorney Winn stated he would discuss changes in the contract, rate, and payment with them. Councilman Watts will confer with the Financial Clerk concerning the billing. Councilman Alt said it would be important to know how they set up their depreciation rate and what kind of depreciation credit the City received. Mayor Eddy requested that councilmen get any suggestions to the City Attorney within the week.

#3368

Parks: Councilman Alt reported the department had been fertilizing and seeding.

#3376

Plan Commission - Approval of Plat - Merry Lea Farms: Councilman Crippin requested that the matter be removed from the agenda because the plat had not yet been reviewed by Public Works and Public Safety.

#3383

Public Safety - Animal Haven Agreement: City Attorney Winn said he would prefer having a looser arrangement to see how they are doing before being tied down for a year. He submitted a letter agreement to the Council. A copy of the ordinance would be attached. The matter was discussed. Councilman Watts moved that the Council approve the letter to Animal Haven dated October 4 and authorize the Mayor to sign it and send it to Animal Haven, Inc.; seconded by Councilman Alt. Motion carried.

#3503

There was a short recess to change the recording tape.

Tape No. 43

Side 1

#11

Public Safety - Request for Permission to Solicit Ticket Sales - Leawood Lions Club Pancake Day: On motion by Councilman DeKinder, seconded by Councilman Alt, the request by Leawood Lions Club for permission to solicit ticket sales was approved.

Groundbreaking for New Fire Station: Councilman DeKinder reminded the Council of the groundbreaking for Fire Station

October 4, 1976

No. 2 to be held on Friday afternoon at 3:30 p.m.

Councilman DeKinder moved that the Council go into executive session to consider personnel matters; seconded by Councilman Alt. Motion carried.

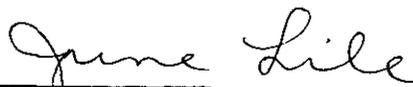
The Council went into executive session at 8:55 p.m. Councilman Lyons arrived at the beginning of the executive session.

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

Committee for Wage and Salary Review: Councilman DeKinder moved that a committee for wage and salary review be formed; seconded by Councilman Haas. Mayor Eddy said in addition to the work being done by the Public Safety Commission, the Council felt there should be a committee of wage and salary review. He appointed Kent Crippin, chairman; Jean Wise and Phil Hodes as members. On motion by Councilman Alt, seconded by Councilman Lyons, the committee was approved.

At 11:02 p.m., on motion by Councilman Alt, seconded by Councilman Lyons, the meeting adjourned to Monday, October 18, 1976, 7:30 p.m.


Acting President of Council


Council Reporter

Attest:


City Clerk

October 18, 1976

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 18, 1976, in the Police and Court Building, 9617 Lee Boulevard. Roll call was answered by Councilmen Wise, DeKinder, Haas, Watts, Lyons, Hodes. Since both the Mayor and the President of the Council were absent, Councilman DeKinder moved that Councilman Watts be elected Acting President of the Council; seconded by Councilman Lyons. Motion carried. Councilman Watts then presided.

Others present were Fire Chief Toman, Police Captain Sellers, City Attorney Winn, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Visitors: Sharon Soper, Gary L. Corser, Richard Sailors, Gene Kroh, Phil Kline, John Granstedt. Members of the Press: Jim Durlin, Max Kuidera.

#50

Minutes: On motion by Councilman Lyons, seconded by Councilman DeKinder, the minutes of the meeting of October 4, 1976, were approved as submitted.

REPORTS

Treasurer: No report.

Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Wise, seconded by Councilman DeKinder. Councilman Lyons said he would raise the same point he had raised the last two years regarding d.w.i. cases. He said they were being handled exactly the same as always. Councilman DeKinder said he thought progress was being made and that the results could be seen shortly.

#71

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Hodes, seconded by Councilman DeKinder. Chief Toman said for the benefit of those who might read or hear that having both the Type 1 para-med unit of Med-Act and the Type 2 Leawood rescue unit responding to life-threatening calls was a waste of money and duplication of services, they had had a gratifying experience where, through working together, they were able to save a heart attack victim, which neither unit could have done by itself.

#76

Police Department: Chief Blume's report was submitted and approved on motion by Councilman DeKinder, seconded by Councilman Lyons. Councilman DeKinder commented that the Public Safety Commission continued to get an inordinate number of complimentary letters, and he complimented both Chief Toman and Captain Sellers for the level of work they were continuing to do.

#87

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

COMMITTEE AND COMMISSION REPORTS

#102

Budget and Finance: Councilman Watts reported the budget had been audited by the county. He said the assessed valuation (estimated at \$45,000,000) came out \$44,698,937. The mill levy as adjusted by the County Clerk was 14.845 mills (the City will receive \$1,000 less than estimated from the mill levy). Intangibles revenue (estimated at \$270,000) will be about \$283,000. Councilman Watts felt the City was off to a good start for the 1977 budget year. Councilman DeKinder requested a list of all current on-the-drawing-board developments in the City. City Attorney Winn said it would be difficult to project when such developments would appear on the tax rolls. On motion by Councilman DeKinder, seconded by Councilman Haas, the report was approved.

#135

Councilman DeKinder moved to modify the agenda to take up now the Plan Commission section of the agenda; seconded by Councilman Wise. Motion carried.

#139

Plan Commission:

Resolution No. 407 *400*
Plat Approval - Ensley Court (Ensley at 89th): Mr. Sirchia stated the development was by George Lieberman and was for the subdivision of a lot into eight lots; the plat had been approved by the Plan Commission as well as the other commissions and the city engineer. Councilman Hodes moved for approval of the plat; seconded by Councilman DeKinder. Councilman Lyons determined that the house presently on the property would be torn down, and the plat would in no way add to any sewage or drainage problems at Somerset Acres Lake. Phil Kline said the property was a $3\frac{1}{2}$ acre tract midway between Ensley Lane and Cherokee Lane. Phil Kline stated sanitary sewers were available, with State approval. Motion carried. Copy attached hereto as part of record.

#178

jo Resolution No. 408
Replat Approval - Merry Lea Farms: Mr. Sirchia stated this was a subdivision of a lot in Merry Lea Farms into three lots. He said it had approval of the Plan Commission, the Public Works Commission, and the Public Safety Commission. No storm or sanitary sewer plans were involved because the homes are on septic tanks. Mr. Sirchia said 143rd Street was on the southern border of these three lots, it is currently unimproved; therefore, the developer was not required to curb or pave the street. On motion by Councilman Wise, seconded by Councilman Lyons, the replat was approved. Copy attached hereto as part of record.

#190

Ordinance Zoning All of Tracts I and G and Part of Tract H, Leawood South, to Planned Multi-Family (First Reading): Mr. Sirchia stated this zoning was to accommodate townhouses at the entrance to Leawood South, part to be rezoned into

multi-family and part into a planned business section. Gene Kroh said he felt this plan was acceptable to the people out there. He indicated the tracts on a map and said there would be a total of 55 units on 12½ acres of land. He said it would be the same general type, size, and architecture as on Tract F. Mr. Kroh stated they were applying for R-3 multi-family zoning. John Granstedt was present on behalf of the application. Mr. Kroh said the interior streets would be private streets but they would be built to City specifications. The plan was discussed. Councilman Watts asked when the airport was going to close, and wondered if Mr. Kroh had any concern about building home sites near the end of the runway. Mr. Kroh said they may have to wait until something is done with the airport.

#282

Ordinance Zoning Remainder of Tract H, Leawood South, to Planned Business (First Reading): Mr. Sirchia explained the application was for planned business zoning to allow construction of a small shopping center with approximately ten uses. Mr. Kroh indicated they took five acres out of Tract H for the shopping center; it would have 20,000 square feet leasable area. Mr. Kroh indicated the area on a map. He displayed elevations of the building. Mr. Kroh said they had maintained a residential type design, basically a one-story structure. He said it would be compatible to the area and he thought it would be a great convenience to Leawood South; it was buffered and would be further buffered by additional townhouses. He said this area was considerably lower than the rest of the area. He said they had been to several meetings with the residents and the people seemed to think this was the best use for the property. Mr. Kroh said it was their intention to start next year. Since the landing pattern for the airport was directly over the area concerned, City Attorney Winn wondered if it might not be time to phase out the airport and whether it was the right thing to continue to zone this kind of density in the middle of that landing pattern. He suggested the airport matter be placed on the agenda of the Public Safety Commission for discussion.

#368

Ordinance Zoning Leawood Country Manor Office Park (College Boulevard between Roe and Nall) to Limited Office District (First Reading): Mr. Sirchia stated the property was adjacent to the Douthat house and they were asking for Limited Office District zoning which was a very restricted type of zoning. Gary Corser, land planner and landscape architect, stated he was representing Dick Sailors, the developer. He explained the land in question was a strip facing College Boulevard and included approximately 23 acres. He said Overland Park had approved a series of office and commercial developments all along the north of the property, and indicated other office and commercial development in the area. Mr. Douthat owns all the property to the south. He said the development maintained a residential character, it had been divided into six tracts, and all requirements of the city code were met. He displayed maps and renderings of the proposal. He said a 25

foot landscape easement was provided along the back of the development so they would have a 45 foot strip where they could berm and provide a screen. Mr. Corser said Mr. Sailors was going to move into the Douthat house so Tract B (in front of the house) was a separate tract to be held and built at a later date. Mr. Corser explained details of the plan. He said all the buildings would be designed in somewhat the same architectural scheme. Mr. Corser said revisions suggested by the Plan Commission were a part of the plans presented. Probable phase of development would include Tracts A and C immediately, D, E, and F in the next phase (probably 1½ to 2 years away), and B would be held as long as Mr. Sailors lives in the house. City Attorney Winn pointed out the whole area was much less dense than indicated on the master plan. Chief Toman said it had not been his understanding in the beginning that 111th Terrace would dead end. He said that was a large area with one entrance off Nall and one entrance off Roe. The matter was discussed. Mr. Sailors stated his living in the house was not just a personal thing, it was also an economical problem. The Public Safety Commission will discuss the matter of the street.

Ordinance Committee:

#505

Ordinance Accepting Right-of-Way Grant for Sewer Purposes (First Reading): City Attorney Winn reported the Mayor, Phil Kline and he had been involved in meetings with those taking over the Leawood Country Club concerning existing sewer lines and possible future sewer lines. He said the ordinance was a culmination of efforts to negotiate a right-of-way for a potential sewer line running generally east of the existing club, and it was an all-encompassing easement.

#523

Ordinance Regulating Traffic in City of Leawood, Incorporating by Reference the Standard Traffic Ordinance for Kansas Cities, 1976 Edition (First Reading): City Attorney Winn stated this ordinance was to incorporate the new version of the standard traffic ordinance for Kansas cities. In effect, the Council would be adopting a new book by reference and republishing everything else.

#536

Parks: No report.

#538

Public Safety - Request for Extension of Extraordinary Sick Leave: Councilman DeKinder moved that the Council go into executive session for the purpose of discussing the matter of extraordinary sick leave. Without objection, the agenda was changed to consider that at the end of the meeting.

#542

Traffic Control System - 103rd and State Line: Councilman DeKinder reviewed that this was the highest accident rate intersection in the City, the current signalization was temporary, the changes would significantly improve the traffic control, hopefully reduce the number of accidents,

and improve the situation. On recommendation of the Public Safety Commission, Councilman Watts moved for approval by the Council of changes in the plan that the Mayor was authorized to sign in Resolution No. 404; seconded by Councilman Wise. Motion carried.

#574

Request for Permission to Keep Three Dogs on Premises - 10311 Belinder: Councilman DeKinder stated the applicant had gone well beyond the statutory requirements in obtaining written consent from adjacent property owners. Councilman Hodes moved for approval of the request; seconded by Councilman Wise. Councilman Haas said the ordinance stated "if special circumstances are present." He maintained that in this case there were no special circumstances, nothing to warrant permission for three dogs. Motion carried, Councilman Haas opposed.

#585

Request for Permission to Distribute Literature - League of Women Voters: Councilman DeKinder said since the ordinance did not cover political organizations, only political candidates, it was felt permission to distribute literature should be obtained. Councilman DeKinder moved for approval of the request of the League of Women Voters for permission to distribute literature; seconded by Councilman Wise. Councilman Wise suggested that the ordinance be amended to cover political organizations. City Attorney Winn stated in this instance the League was supporting a particular issue, the Johnson County charter. Motion carried.

#603

Status Forms - Fire Department: Councilman DeKinder explained that three firefighters had completed their probationary period and were recommended for advancement to Firefighter First Class. On motion by Councilman DeKinder, seconded by Councilman Wise, the following promotion was approved:

George J. Acinger, Jr., to Firefighter First Class, at the rate of \$800 per month, effective October 1, 1976.

On motion by Councilman DeKinder, seconded by Councilman Hodes, the following promotion was approved:

David E. Brown, to Firefighter First Class, at the rate of \$800 per month, effective October 1, 1976.

On motion by Councilman DeKinder, seconded by Councilman Wise, the following promotion was approved:

Gregory D. Lewis, to Firefighter First Class, at the rate of \$800 per month, effective October 1, 1976.

Councilman DeKinder stated there had been a resignation and there was a question on vacation pay. The Public Safety

Commission had recommended that he was not qualified for vacation pay because of the circumstances of the termination. On motion by Councilman DeKinder, seconded by Councilman Lyons, the resignation of Ronald A. Fancher was approved as recommended by the Public Safety Commission.

#626

Public Works: No report.

Status Form - Administrative Department: On motion by Councilman Wise, seconded by Councilman Lyons, the following increase in salary was approved:

Doris Ann Krambeck, Clerk, increase from \$500 to \$515 per month.

Councilman Hodes said he thought further increases should be suspended until such time as the Wage and Salary Committee had made its report to the Council.

#639

MAYOR'S REPORT

Civil Defense Grant (\$10,000): A report from the Mayor had been distributed concerning the grant for replacing the emergency generator. Captain Sellers explained this was a matching fund grant. He said the price for the unit was basically \$14,000 to \$16,000, plus \$1,000 to remove and replace the wall, and another \$2,000 to get it connected, total \$17,000 to \$18,000.

#660

Appropriation Ordinances: Nos. 359A and 346S in the amounts of \$202,785.74 (including \$110,000.00 in investments) and \$108,890.32 (including \$100,000.00 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 Wise. Councilman Hodes said he would like the period covered by items on the warrant register to be indicated. He said he thought the petty cash fund should be used for all expenditures under \$15.00. Chief Toman said he believed the present petty cash fund was set up especially for cash advances for travel expenses. Councilman Watts will talk with the City Treasurer and the Financial Clerk concerning the matter.

#743

Councilman DeKinder moved for an executive session for the purpose of considering matters of personnel and salary; seconded by Councilman Lyons. Motion carried.

#747

The Council went into executive session at 9:16 p.m.

The Council returned to regular session at 9:57 p.m. The same councilmen were present.

Request for Extension of Extraordinary Sick Leave:

Councilman DeKinder moved that the Council extend extraordinary sick leave to Chief Blume to cover the period

October 18, 1976

from October 19, 1976, through October 31, 1976; seconded by Councilman Haas. Motion carried.

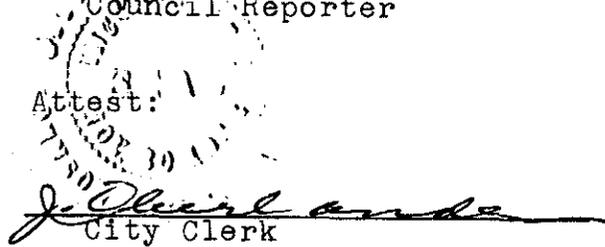
#755

At 9:59 p.m., on motion by Councilman Lyons, seconded by Councilman Haas, the meeting adjourned to Monday, November 1, 1976, 7:30 p.m.


Acting President of the Council


Council Reporter

Attest:


City Clerk

November 1, 1976

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 1, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor William M. Eddy presiding. Roll call was answered by Councilmen Wise, Alt, DeKinder, Crippin, Haas, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, Police Captain Sellers, City Attorney Winn, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Visitors: Sharon Soper, Gene Kroh, Marion A. Pickett.

Minutes: Councilman Watts moved that the minutes of the meeting of October 18, 1976, be approved; duly seconded. Mayor Eddy stated the City Clerk had indicated that on page 2157 approval of plat of Ensley Court should show Resolution No. 407 and approval of replat of Merry Lea Farms should show Resolution No. 408. Councilman Lyons moved to amend the minutes by adding Resolution Nos. 407 and 408 on page 2157; seconded by Councilman Hodes. Motion carried. The minutes were approved as amended.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

#775

Ordinance No. 525 - Accepting Right-of-Way Grant for Sewer Purposes (Second Reading): On motion by Councilman Lyons, Ordinance No. 525 was adopted unanimously.

#794

Ordinance No. 526 - Regulating Traffic in City of Leawood, Incorporating by Reference Standard Traffic Ordinance for Kansas Cities, 1976 Edition (Second Reading): On motion by Councilman DeKinder, Ordinance No. 526 was adopted unanimously.

#801

Ordinance No. 527 - Zoning All of Tracts I and G, and Part of Tract H, Leawood South, To Planned Multi-Family (Second Reading): Councilman Alt reviewed the ordinance. Councilman DeKinder moved for approval. Mr. Kroh reviewed the plans. Councilman Lyons said he thought it would be worthwhile for the City to discuss the fact that the take off and landing pattern at the airport went over this tract. Councilman DeKinder presented a letter from Mr. Kroh in response to a concern of the Public Safety Commission agreeing to deed to the City of Leawood a fifty foot right-of-way for street purposes north and south across Tract I. Ordinance No. 527 was adopted unanimously.

#880

Ordinance No. 528 - Zoning Remainder of Tract H, Leawood South, To Planned Business (Second Reading): On motion by

Councilman Alt, Ordinance No. 528 was adopted unanimously. Councilman DeKinder stated, based on comments at the last Council meeting, the City should determine from the present owners what they plan for the airport property. Mayor Eddy requested that the Public Safety Commission initiate such a discussion.

#896

Ordinance Zoning Leawood Country Manor Office Park (College Boulevard between Roe and Nall), to Limited Office District (Second Reading): Councilman Alt explained the ordinance. Councilman Lyons moved for approval. The matter was discussed. Councilman Alt said the City Engineer had been asked to make a recommendation on development of Roe Boulevard at that location. There was discussion concerning adding a paragraph requiring that the proponent join in any benefit district formed for the improvement of Roe Boulevard. City Attorney Winn suggested adding to the ordinance itself that prior to the issuance of a building permit the developer will agree to participate in the construction of a portion of the roadway. The Council agreed to take up the next item on the agenda and come back to this ordinance later in the meeting.

#989

Ordinance Providing for Appellate Review of Employee Termination (First Reading): Councilman Alt suggested the first reading be continued to the next meeting in order to give the City Attorney additional opportunity to look into the ordinance. Councilman DeKinder explained the suggested ordinance was a formalizing of Leawood policy, the technique involved probably should be discussed, and the City Attorney probably should have the input of the Council before drafting the ordinance. Councilman Lyons said he thought it should be fairly well detailed. Councilman Hodes suggested the ordinance be simple with procedure outlined in a form to be given to the employee upon termination. Mayor Eddy said a third suggestion would involve an informal review as the first step by a committee either designated by ordinance or appointed by the Mayor with consent of the Council, and recommendation to the Council. Chief Blume suggested it might be well to spell out who may initiate a termination. The Council discussed a preliminary committee versus coming directly to the Council. Councilman Alt summarized it seemed to be the consensus of the Council (1) to keep the ordinance simple, (2) have an administrative form, (3) have an appellate review committee for the whole city, and (4) perhaps have a time limit of thirty days. Councilman DeKinder suggested using a citizen outside the city organization as a member of the review committee. Councilman Crippin suggested it come to the respective commission and then to the Council. City Attorney Winn suggested the interim committee be merely a fact-finding group, to take the statement of the department head, take the statement of the employee, do research necessary, and submit to the Council. Councilman DeKinder reviewed that the purpose was to write down a fair procedure for an employee to have his case heard. Mayor Eddy suggested an ordinance be drafted and sent to each councilman and department head for comments and then brought to the next Council meeting.

#1191

#1282 Ordinance Zoning Leawood Country Manor Office Park (College Boulevard between Roe and Nall), to Limited Office District (Second Reading): City Attorney Winn said he was having some difficulty with the language. Councilman Alt moved that the second reading of the ordinance be continued; seconded by Councilman Lyons. Motion carried.

#1293 Parks: Councilman Alt reported the department had done some seeding and fertilizing.

Public Works: Councilman Alt recommended that the complaint of Mrs. Nicholas be referred to the Public Works Commission for recommendation. Mayor Eddy so ordered.

NEW BUSINESS

#1303 Request for Sign Permit - Putsch's - Ranch Mart: Drawings of the proposed sign were displayed, as well as a photograph of the same sign at another location. The size of the sign proposed was 35.6 square feet. City Attorney Winn said this particular project did not fit directly under the planned business category since some changes had been made already, so the argument could be made the matter was still a subject of the Council. Councilman Crippin agreed the entire project was in the special permit category and should be decided at the Council table. Councilman DeKinder agreed. Councilman Hodes moved for approval of the sign as proposed under the blue prints submitted; seconded by Councilman DeKinder. Motion carried. Councilman Haas suggested that the workmen at the site of the coffee house be encouraged to stay off the roadway along the east side next to the Post Office.

#1361 Public Works - Street Construction at 119th Street: Councilman Alt said a lot of construction was being done on 119th Street. He presented letters he had written to Garland Investment Co. and J. C. Nichols Co. in connection with road construction. Mayor Eddy said the City failed to require the contractor to put in a temporary bypass and/or temporary surfacing. He said in such cases, the City should require conformance with the Kansas standard sign laws and/or State Highway Department requirements. Councilman Alt stated the Public Works Commission would consider redrawing the ordinance to include this kind of thing.

#1388 Request for Permission to Solicit Funds - Unification Church: The matter was referred to the Public Safety Commission for report.

MAYOR'S REPORT

#1397 At the suggestion of Mayor Eddy, Councilman DeKinder moved for an executive session to discuss some items involving legal considerations of the City of Leawood; seconded by Councilman Lyons. Motion carried.

The Council went into executive session at 8:50 p.m.

The Council returned to regular session at 9:05 p.m. The same councilmen were present.

Mayor Eddy stated the reason councilmen got copies of letters on the sewage problem was that he got a call from the lady and she felt there was a communication problem. He said shrubs being torn out were by the homes association. He suggested a question about what the City was doing should be checked with Fran Farrar.

#1416

Report of Special Committee to Study City Election Dates:
Councilman Wise said the committee was asked to look into the possibility of changing the city election to economize on the cost of holding the election. Now, the city election is held every year on the first Tuesday in April; in odd numbered years there is a countywide school board election and the City does not have to pay the cost of the election; in even numbered years, the City does have to pay and often not many are running with opposition. The cost of an election is currently about \$1,500. House Bill 2313 requires that cities hold primary elections when more than two candidates run, so the City is faced with the possibility of having a primary with every election. Councilman Wise said the committee looked into changing the time of the election to the first Tuesday in November. A problem is the City still would have to pay for the election every other year; in addition, in even numbered years the national and state elections would tend to overshadow the city election, and often there is so much on the ballot they could not accommodate the City on the voting machines. Councilman Wise reported the committee felt the disadvantages of November far overshadowed the advantages.

The second thing the Committee looked into was the possibility of changing the term of office of councilmen and mayor to four years. By changing to four-year staggered terms, there would only be elections in odd numbered years in April. However, Councilman Wise said while this would save money and save inconvenience of running for office, there were other considerations in switching to a four-year term and the other considerations perhaps ought to be weighed more heavily than the rather nominal expense. She said the Committee felt four-year terms would aggravate the problem of finding qualified people willing to run for office, and the question should be left to the Council at large. There was discussion concerning limitation of terms.

At 10:15 p.m., on motion by Councilman Lyons, seconded by Councilman Haas, the meeting adjourned to Monday, November 15, 1976, 7:30 p.m.

#1478

Jaine Lile
Council Reporter

Attest:

J. O. Anderson
City Clerk 2166

William W. Eddy
Mayor

November 15, 1976

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 15, 1976, in the Police and Court Building, 9617 Lee Boulevard. Mayor William M. Eddy called the meeting to order. Roll call was answered by Councilmen Wise, Alt, DeKinder, Crippin, Haas, Watts, Lyons.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, John Granstedt, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman Haas, the minutes of the meeting of November 1, 1976, were approved as submitted.

#762

Appropriation Ordinances: Nos. 360A and 347S in the amounts of \$192,860.15 (including \$100,000.00 in investments) and \$232,337.80 (including \$220,000.00 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 Wise.

REPORTS

Treasurer: No report.

#790

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

#793

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

#799

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

#801

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

#804

Resignation of Mayor William M. Eddy: Mayor Eddy read his letter of resignation as Mayor since he had been elected to the House of Representatives of the State of Kansas. On motion by Councilman Lyons, seconded by Councilman DeKinder, the resignation was accepted. Mr. Eddy thanked the city employees and councilmen for their cooperation and help during the past eighteen months. He said Councilman Alt was very thorough and very dedicated, wished him well, and congratulated him upon becoming Mayor.

- #827 Oath of Office Administered to Eugene E. Alt as Mayor: City Clerk Jinny Oberlander administered the Oath of Office to Eugene E. Alt as Mayor of the City of Leawood.
- #832 Presentation of Gavel to Mayor Alt: Mr. Eddy presented the gavel to Mayor Alt who then took the chair.
- #836 Presentation of Gavel, Certificate of Appreciation, and Key to the City to Retiring Mayor Eddy: Mayor Alt presented the gavel to retiring Mayor Eddy, as well as certificate of appreciation for the outstanding job he had done in the many capacities he had served the City, and key to the City. Mayor Alt thanked Mr. Eddy for the original watercolor of the City Hall and Fire Station hanging in the reception room which he personally purchased. Mayor Alt added that Mr. Eddy had done an outstanding job of serving the City and said he felt his experience in knowing the needs of the City and actual experience in running the City qualified him well for his new job as State Representative of the 28th District, and extended his best wishes.
- #879 Election of President of the Council: On motion by Councilman Haas, seconded by Councilman DeKinder, Councilman Kent E. Crippin was unanimously elected President of the Council.
- #893 Appointment of Committee Members: Mayor Alt proposed the appointment of President of the Council Kent Crippin to the Ordinance Committee. On motion by Councilman DeKinder, seconded by Councilman Lyons, the appointment was approved. Mayor Alt proposed that Councilman Crippin be appointed Chairman of the Public Works Commission. On motion by Councilman Lyons, seconded by Councilman DeKinder, the appointment was approved. Mayor Alt proposed the appointment of himself to serve in the capacity of retiring Mayor Eddy on the Special Sewer Committee. On motion by Councilman DeKinder, seconded by Councilman Wise, the appointment was approved.
- #905
- #910 Visitors: Lee Alt, Shelia Alt, John Alt, Margaret W. Jordan, Ben B. Jordan, R. Bruce McMullan, P. N. Cannon, Richard Sailors, Peter Spanos, Frances Farrar, Alice Smith, Doris Krambeck, Myra Torbert, Martha Heizer. Members of the Press: Jim Durlin, Max Kuidera.

P. N. Cannon, 8300 Sagamore, asked if anyone at the council table had the figure on how much the dog ordinance cost the City. He said he thought the majority of the people did not know what the enforcement of that ordinance cost and would not be for the ordinance if they knew. Councilman DeKinder said over the past four or five years there had been a great deal of discussion over the enforcement of the animal control ordinance and there seemed to be a very strong feeling for the need for improved animal control in the City of Leawood. Councilman Watts stated it cost about \$12,000 per year. Councilman DeKinder added the last time it came up, since there had been two severe dog bites of

young children, it was not debated any more about the \$12,000 than it was about the several hundred thousand dollars the police department costs the City, it was considered a necessary function for the public safety of the City of Leawood. Mr. Cannon said he thought the budget of the police department was getting into astronomical figures. He said he thought there should be a ceiling on what police protection costs and that the people should have a clearer figure on what enforcement of the dog ordinance costs. Councilman DeKinder stated the Public Safety Commission would be very happy to discuss the matter in detail with Mr. Cannon at its next regular meeting. Mayor Alt assured Mr. Cannon the animal control ordinance was not something acted upon without consideration.

District Attorney Margaret Jordan congratulated the City of Leawood on having continuation of interested and informed citizens willing to give their time to conduct the business of the City, and congratulated Mayor Alt.

#977

Councilman Watts moved that the agenda be revised to consider as the next item of business the temporary construction sign for Putsch's Coffee House at Ranch Mart Shopping Center; seconded by Councilman Wise. Motion carried.

#981

Approval of Temporary Construction Sign - Putsch's Coffee House at Ranch Mart Shopping Center: Bruce McMullan stated they would like permission of the Council to display a 4 by 8 foot temporary construction sign during the period of construction of the Putsch's Coffee House at Ranch Mart Shopping Center, probably no more than four months in duration. He showed a drawing of the proposed sign. In response to inquiry by Councilman Watts, John Granstedt stated the City did not have a standard size for such signs. Councilman Watts moved approval of a temporary sign until construction is finished; seconded by Councilman Wise. Mr. McMullan estimated the coffee house would open in late February. Motion carried.

#1014

Bids for Emergency Generator: Mayor Alt stated bids were opened earlier in the evening. He said the City had estimates on the brick work, etc. from the contractor doing the work on the new fire station, but did not have the cost for the electrical work. He asked Captain Sellers, Chief Blume and John Granstedt to get together and have the complete costs of the entire project available for presentation to the Council at the next meeting. Mr. Granstedt said they would have to know which generator. Mayor Alt asked that the three consider that, make a recommendation, and figure the total costs.

COMMITTEE AND COMMISSION REPORTS

#1055

Budget and Finance: Councilman Watts stated the City no longer kept a balance of the amount of franchise taxes with Kansas City Power and Light Company; that they paid

a five per cent franchise tax on essentially their gross receipts, first subtracting all City billings for traffic signals and street lights. In 1974 the net to the City was \$8,900; in 1975, \$18,412; and 1976, \$19,949. He said the City was holding its own as far as franchise taxes even after increasing the traffic signals and the street lights, and he thought the City would continue doing so except during initial periods of high level development. He said billings to the City in 1976 were in excess of \$50,000. Councilman Watts reviewed a chart he had prepared in July on the city budget. He pointed out that between 1974 and 1977 the City general fund budget had increased over 98 per cent; the total City budget had increased almost 74.2 per cent. He noted for 1977 the budgeted expenditures were 14 per cent higher than revenue sources, so surpluses were budgeted and the City was spending higher than its revenue sources. He warned that revenues would not keep increasing and employees would have to know that they were going to have to do a superb job because the City could not keep expanding personnel. He said expenditure curves were increasing at a much more rapid rate than revenue curves. He said for 1977 the City was in beautiful shape. He was worried about 1978. He said a great deal was due to expansion of numbers of people which now will stabilize. Councilman Watts stated there were some rather significant financial errors in the compensation study. He said salary base and salary related items were over one million dollars. He said an 8.4 per cent adjustment in salaries would cost the City \$88,132; \$63,000 was budgeted for raises. He reminded the Council that budgeted expenditures for 1977 were 14 per cent higher than expected revenue flow, and that any raises in excess of those budgeted must come from reduced expenditures for other items within the department involved. Councilman Watts said after three or four years of being Budget and Finance Chairman, he would be interested in going on to other things in the City, and resigned as of this meeting from the chairmanship of the Budget and Finance Committee. Mayor Alt requested that Councilman Watts operate in his present position until an appointment could be made. He agreed to do so on an informal basis.

Ordinance:

#1178

Ordinance Providing for Appellate Review of Employee Termination (First Reading Continued): Councilman Lyons presented an ordinance which was a compilation of what was considered a workable plan by City Attorney Winn and himself. He said the purpose was to provide a "due process" hearing to a fired employee. He reviewed that first there would be an informal hearing of which there would be 48 hours written notice, at the conference with the department head the employee would be told his termination was considered and the reasons therefor. If the procedure continued, the employee was entitled to a formal hearing. City Attorney Winn explained the ordinance presented provided that the Council could meet as a body of the whole or could appoint a three-member appeals commission as an alternative

procedure. City Attorney Winn said he felt that department heads had sufficient powers to suspend an employee during the pendency of a hearing.

#1241

Ordinance No. 529 Zoning Leawood Country Manor Office Park - College Boulevard between Roe and Nall - to Limited Office District (Second Reading Continued): Mr. Sirchia stated a revised ordinance had been distributed at the Council table. He reviewed that there was a problem as to what the developer intended to do with Roe Avenue contiguous to his development. He said a paragraph was added that the owner agreed to make certain improvements on Roe Avenue adjacent to the property pursuant to certain plans and specifications. He explained City Engineer Phil Kline had done a preliminary drawing on the improvement of Roe Avenue, widening it to four lanes, and Mr. Sailors had agreed to widen Roe and curb it on his side at the time the actual construction begins on that phase of the development. City Attorney Winn suggested that the City get ahead of developers on the street plans and have an idea of how State Line, Mission, Roe, Lee Boulevard should proceed in the future. Councilman Crippin stated the Public Works Commission had instructed the City Engineer to go ahead and do whatever was necessary to give at least preliminary indications of what design should be on Roe south to 135th, and at the next Public Works Commission meeting the design for Mission Road would be discussed. Mayor Alt said he wanted the plans in connection with the ordinance before the Council clarified and corrected so they did meet the standard; that 55 feet from center line had been required on Roe. Councilman Crippin said maximum design standard would be used but the City was asking for an additional ten feet right-of-way for a wider open area. On motion by Councilman Watts, Ordinance No. 529 was unanimously adopted.

#1315

Councilman Watts moved that the agenda be amended to consider as the next item the temporary construction sign for Leawood Country Manor; seconded by Councilman Haas. Motion carried.

#1319

Approval of Temporary Construction sign - Leawood Country Manor - College Boulevard and Roe: Mr. Sailors said he would like to erect a 6 by 12 foot sign lettered Leawood Country Manor, with the company name and phone number, in muted colors of brown and beige, about 400 feet south of 111th Street on Roe. He did not bring a sketch of the sign. He said he would like to have it for about twelve months; he intended to take it down when the second phase of the development was started. Councilman Watts moved approval of the temporary sign no larger than 6 feet by 12 feet with wording as indicated by Mr. Sailors for a period no longer than ending November 15, 1977, subject to approval by the Council of the format of the sign; seconded by Councilman Lyons. Mayor Alt asked that Mr. Sailors submit a design to the City Council for approval at the next meeting. Motion carried. Councilman DeKinder said he appreciated the willingness to cooperate shown by Mr. Sailors and other developers the past year.

#1385

Ordinance Vacating Portions of 103rd Street Terrace and Accepting Deed for a Certain Parcel of Land for the Purpose of Modifying the Shape and Contour of said Street (First Reading): Mr. Sirchia stated in 1973 the City deeded away and in turn accepted a deed on some property at 103rd Terrace by Gates Barbeque to allow the realignment of the street so that all businesses would have access to it, but the ordinance was not written until now.

Parks: No report.

Public Safety:

#1399

Discussion of Fee for a Burning Permit: Chief Toman said at the suggestion of the City Clerk, the Public Safety Commission had discussed the possibility of charging \$25.00 for a burning permit. He said the only thing burning permits were issued for was the burning of brush, hedge, etc. for clearance of land for development, for three consecutive days. Chief Toman said the requirement that a hose be hooked up should have been left out, that most often it has been required that when a fire was left unattended that it be banked up with dirt. Chief Toman said the site was investigated, instructions given, permit issued, and the situation monitored. Councilman DeKinder said he had had to leave the meeting where this was discussed in committee, and he would like to see what other cities were doing. The matter was referred to the Public Safety Commission.

#1452

Request for Permission to Solicit Funds - Unification Church: Councilman DeKinder stated after consideration of the request it was the recommendation of the Public Safety Commission that the request be denied. Councilman DeKinder moved that the request to solicit funds by Unification Church for the next twelve months be denied; seconded by Councilman Haas. Motion carried.

#1462

Resolution No. 409 - Traffic Signalization - 103rd and State Line Road: Councilman DeKinder stated the resolution was recommended for approval by the Public Safety Commission for a major improvement to the signalization at the intersection of 103rd and State Line Road, the increase in cost to the City to be \$162.30 per month. On motion by Councilman DeKinder, seconded by Councilman Watts, the following resolution was adopted:

RESOLUTION NO. 409

BE IT RESOLVED that the Mayor be authorized to sign Work Order No. 6 under Ordinance No. 423 providing for installation of additional traffic signal equipment in the City of Leawood, Kansas, to be paid for from the City's reserve fund with the Kansas City Power and Light Co. (103rd and State Line)

The above resolution rescinds Resolution No. 404 previously adopted since those plans had been altered.

#1542

Discussion of Leawood Country Manor Plat: Councilman DeKinder stated the plat was recommended for approval contingent upon the installation by the developer of a temporary street providing access into Leawood Country Manor until such time as the Douthat house was sold, otherwise there would be a half mile of homes with only one through street. Councilman DeKinder read a letter from Mr. Sailors confirming the commitment made to the Public Safety Commission on November 10, that they would install and maintain a one-lane gravel road connecting College Boulevard to 111th Terrace through Lot 10, Second Plat, adjacent to commercial property, until 111th Terrace was completed through Lots 3, 4, 5 of Block 3, First Plat, or until such time as the Public Safety Commission deemed it no longer necessary. Councilman DeKinder moved for approval of the provision for additional access road; seconded by Councilman Haas. Motion carried.

Public Works:

#1575

Sewer Complaint - 10322 High Drive: Mayor Alt said this was a complaint and request for payment of a fee to a sewer company that was called; the Public Works Commission had recommended that the request for payment be denied. On motion by Councilman Crippin, seconded by Councilman Haas, the request for payment was denied.

#1586

Letter Commending Public Works Employee: Mayor Alt referred to a letter from the Police Department commending Mr. Hughes for the manner in which he had been keeping up the police cars. Chief Blume said his best estimates were that based on commercial cost of vehicle maintenance experienced in the past, Sgt. Wells working with Mr. Hughes had saved the City several thousand dollars by formulating judgments on each problem and trying to get it done as cheaply as possible. He will get a complete set of figures after the first of the year.

#1607

Status Form - Fire Department: On motion by Councilman DeKinder, seconded by Councilman Watts, the following employment to fill a vacancy was approved:

David Douglas Koontz, as Firefighter Probationary,
at the rate of \$750 per month.

Councilman Crippin moved that the agenda be changed to discuss acceptance of streets in Merry Lea Farms as the next item of business; seconded by Councilman DeKinder. Motion carried.

#1622

Discussion re Street Acceptance - Merry Lea Farms: Mayor Alt stated the Public Works Commission had considered the request for public dedication of 140th Drive, 141st Drive and 142nd Drive to the City and recommended acceptance of these streets providing the following criteria are met:
(1) inspection of streets and storm drainage to insure

compliance with standards, (2) core samples taken to insure that street construction matches standards, (3) dedication of an additional 10 feet of right-of-way along Mission Road from the northern boundary of the platted area of Merry Lea Farms south to 143rd Street, (4) dedication of storm drainage easements where necessary, and (5) cost of the above-mentioned inspections and tests and costs associated with bringing streets and storm drainage up to specifications to be borne by the group requesting public dedication. Peter Spanos stated the dedication of an additional 10 feet of right-of-way may prove to be a difficult task and he hoped the City would reconsider that requirement. The requirement of an additional 10 feet of right-of-way was discussed. Councilman Crippin said Mission Road was slated to be a four lane road, minimum right-of-way 100 feet, right now the City has 80 feet. If this were a new subdivision, the 10 feet would be requested. Councilman DeKinder said he thought the City would be derelict in accepting it without adequate right-of-way. Councilman Lyons agreed. Mr. Spanos said as a representative of the homeowners association he would do everything in his power to get the additional right-of-way. Councilman DeKinder moved that the City accept dedication of 140th Drive, 141st Drive and 142nd Drive subject to satisfactory resolution of the five items listed in the letter from Mr. Robert Sirchia dated November 12, 1976; seconded by Councilman Lyons. Motion carried.

Councilman Wise moved that the Council proceed with the remainder of the agenda, then consider the Wage and Salary Committee report; seconded by Councilman DeKinder. Motion carried.

Councilman Watts left the meeting at 9:12 p.m.

NEW BUSINESS

#1797

Request for Permission for a Septic Tank at 13801 Mission Road - Frank Oddo: Mr. Sirchia explained Mr. Oddo was in the process of building a home at 13801 Mission Road, sewers were not available, so he was requesting permission to install a septic tank. Mr. Oddo had received permission from the Johnson County Board of Health. Chief Toman suggested that perhaps the additional street right-of-way should also be required on this property. Councilman Crippin moved for approval of the request for permission for a septic tank at 13801 Mission Road subject to County and State requirements; seconded by Councilman DeKinder. Motion carried.

#1847

Application for Cereal Malt Beverage License - Pumpnick's at Ranch Mart: City Attorney Winn said there were two applications for cereal malt beverage licenses in Ranch Mart to the same individual. He said the owner of Pumpnick's and Ranch Mart Bar-B-Q had made application for a liquor license to acquire the liquor store in Ranch Mart. Having done so, he was not eligible to hold a cereal malt license.

A son, then, was taking out cereal malt licenses for those operations. On motion by Councilman DeKinder, seconded by Councilman Haas, the application for cereal malt beverage license for Pumpernik's was approved.

#1875

Application for Cereal Malt Beverage License - Ranch Mart Bar-B-Q at Ranch Mart: On motion by Councilman DeKinder, seconded by Councilman Wise, the application for cereal malt beverage license for Ranch Mart Bar-B-Q was approved.

MAYOR'S REPORT

Mayor Alt stated he had distributed two proclamations on which he did not plan to take any action. He said he would have a press release relative to the vacant Council seat.

#1925

Solid Waste Management Ordinance: Mayor Alt said action needed to be taken on a solid waste management ordinance. He suggested that the Solid Waste Management Committee get together with the Ordinance Committee and, if possible, have the ordinance for first reading at the next meeting.

#1947

Committee Report re City Administrator: Councilman Crippin reported the committee had not met but he had contacted the members and met with the City Manager of Kansas City, Missouri, to discuss the concept of city administrator; he had contacted the Public Administration Department of UMKC and notified them that the position was open; there would be an advertisement in the December issue of Kansas Government Journal; he had contacted the University of Kansas Public Administration Department and generally spread the word. He said he now had approximately fifteen resumes of individuals interested in the position; that during the second week of December the committee would meet and begin to screen the resumes, with interviews beginning in mid-January.

#2002

Councilman Crippin moved that the Council go into executive session to discuss the Wage and Salary Committee report; seconded by Councilman DeKinder. Motion carried.

The Council went into executive session at 9:30 p.m.

The Council returned to regular session at 11:13 p.m. The same councilmen were present.

#2016

On motion by Councilman Lyons, seconded by Councilman DeKinder, the meeting adjourned to Monday, December 6, 1976, 7:30 p.m.

June Lile
Council Reporter

Eugene E. Alt
Mayor

Attest:
J. J. Orlan
City Clerk 2175

December 6, 1976

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 6, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, DeKinder, Crippin, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, John Granstedt, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman Wise, the minutes of the meeting of November 15, 1976, were approved as submitted.

Visitors: Marcia Rinehart, Richard J. Stephens, Clarence Roeder, E. L. Courville, Doug Patterson.

Councilman DeKinder moved that the agenda be changed to consider the request for approval of sign in Leawood Country Manor Office Park and discussion of sign ordinances as the next items of business; seconded by Councilman Lyons. Motion carried.

#2043

Request for Approval of Temporary Sign - Leawood Country Manor Office Park: Mr. Sirchia explained that the request was for permission to erect a temporary sign at the corner of College Boulevard and Roe Avenue, called Leawood Country Manor Office Park. He said Mr. Richard J. Stephens' firm had purchased one of those tracts and wanted to erect a sign stating that the tract was for lease. Mr. Sirchia presented a plan for the 4' x 8' sign. Mr. Stephens said he would need the sign for approximately eight months. There was discussion that preliminary zoning for the property had been approved. Mr. Stephens said the prime tenant was a major insurance company already committed to fifty per cent of the space in the proposed office building. He said he would like the sign up at the time construction was started, about April 1.

Councilman Watts entered the meeting at 7:35 p.m.

Mr. Granstedt said he would not like to see it become a habit for each parcel of land to have a sign since there were several pieces of land, but rather that some consideration be given to the overall property. Councilman DeKinder moved that a sign be permitted to be placed at the intersection of College Boulevard and Roe Avenue for Noland Associates, not to exceed the time of eight months; seconded by Councilman Wise. Motion carried.

#2145

Discussion of Sign Ordinances: Clarence Roeder stated that Doug Patterson and E. L. Courville were appearing with him

#2191

in behalf of J. C. Nichols Company. He said the area in question was the Verona Gardens subdivision. Their appearance was prompted by a ticket received from the Police Department on November 28 stating that the signs pictured in an exhibit presented to the Council were in violation of the Leawood sign ordinance. He said the top sign was the customary realtors sign which was in conformance with the ordinance, the second was a sign 2' by 10" saying model home, and the last sign, apparently the one violating the ordinance, was roughly 2' by 2'. He said the two bottom signs were taken in each evening, and the model home and area information signs helped people living in the area not to be bothered by people coming to view homes for sale. Mr. Roeder said they were assuming the two top signs were in accordance with the ordinance and that the bottom one did not conform to ordinance, and, if not, were requesting approval of the Council for a term of one year. Mayor Alt pointed out that signs in residential developments had not been permitted up to this point. Councilman Crippin stated this was a relatively new subdivision where the developer was trying to sell homes. He said he had no objection to this type of sign especially when it was put up when sales people were there and taken down in the evening. He said he felt it would be appropriate especially in light of the sign just approved by the Council. He added this was only for a new development, rather than homes for sale in areas already developed.

City Attorney Winn said there ought to be some reasonable way for people to advertise their homes for sale that would not become a blight upon the city. He suggested examination of the whole ordinance, particularly with reference to temporary signs, to perhaps come up with something simpler to work with where judgment calls could be made by members of the staff, and very rarely would the Council have to deal with signs. Councilman Lyons said he felt the whole ordinance should be examined; he would be in favor of letting the Nichols Company do what they had suggested tonight. Councilman Watts moved for approval of a sign for a period of one year; seconded by Councilman Crippin. Councilman Wise pointed out that the motion was inconsistent with what the Council told the solar home people. Mayor Alt said he would like to refer the matter to the Ordinance Committee and request that a recommendation be presented within a month for an ordinance that would take care of the situation. Mr. Granstedt stated there may be some limiting factor in the deed restrictions in some areas. Councilman Hodes asked that the motion be restated so that it would conform with the new ordinance forthcoming from the Ordinance Committee. The motion and second were withdrawn.

Councilman Watts moved for approval of the sign with the stipulation that it conform to any new ordinance passed that applies to this area; seconded by Councilman Crippin.

Motion carried, Councilman Wise opposed. City Attorney Winn suggested it might be helpful if Mr. Roeder would furnish the Ordinance Committee some indication of what signs might be adequate signing in a new area. Councilman Hodes said he felt the owners of the solar home should be allowed to do the same thing as the Nichols Company. City Attorney Winn stated that was not a house actually to be sold but one promoting a particular type of heating system, almost completely a commercial venture. Mr. Granstedt commented it was for sale now. The Mayor referred this matter to the Ordinance Committee.

COMMITTEE AND COMMISSION REPORTS

#2412

Newsletter: Councilman Lyons reminded the Council that the winter issue of the newsletter was coming up and asked that any material for the newsletter be in by the end of the month.

#2419

Insurance Committee: Councilman Lyons said by the next meeting the Insurance Committee would have a report on the City's insurance.

Ordinance:

#2438

Ordinance No. 530 Vacating Portions of 103rd Street Terrace and Accepting Deed for Land to Modify Street (Second Reading): On motion by Councilman Crippin, Ordinance No. 530 was adopted, Councilman Hodes abstained.

#2457

Ordinance No. 531 - Providing for Review of Employee Termination (Second Reading): On motion by Councilman Crippin, Ordinance No. 531 was adopted unanimously.

#2467

Ordinance Relating to Solid Waste (First Reading): Councilman Crippin stated a committee composed of Councilmen Wise and Hodes had presented the ordinance. Mayor Alt said he had a request from Verona Gardens that the City handle their solid waste, and one homes association responded that they preferred to handle their own solid waste, otherwise no input. City Attorney Winn explained upon adoption of the ordinance, if the Council desired, the City could in effect be the contracting agency for a particular area and assess the costs. Mayor Alt and City Attorney Winn explained what was intended was for the City to use the homes associations as its contracting authority and the City would not be actively engaged in the solid waste management business. Councilman Wise said a suggestion had come from the Leawood Estates Homes Association that the City take the initiative to get the homes associations together and suggest to them that perhaps they should be contracting as a unit. The City Attorney said the county was required to enact regulations and local subdivisions were required to come into compliance. Councilman Crippin wondered whether the bonding requirement was too high for a small carrier. The first reading was continued.

- #2638 Ordinances Accepting Deeds to Land for Fire Station No. 2 (First Reading): Councilman Crippin stated the ordinances were a formality for accepting the property for the new fire station, and he moved that they be placed on first reading. City Attorney Winn explained that one ordinance was for the original tract purchased in 1973 and the second was for the parcel added this year.
- #2663 Ordinance Establishing Zoning of Limited Office District - Leawood Country Manor Office Park - College Boulevard and Roe (First Reading): Councilman Crippin stated this ordinance had been previously passed; however, there was an error in the legal description of the property, consequently it was re-submitted with the error corrected. The previous ordinance, No. 529, is being repealed.
- #2685 1977 Police Vehicle Acquisition: On recommendation of the Public Safety Commission, Councilman DeKinder moved that the bid of Andy Klein Pontiac be accepted for five 1977 Pontiac LeMans Enforcers at \$23,491.05, with trade-in of three 1976 Pontiacs and one Dodge, net cost \$19,041.05, to be ordered for delivery March 1, 1977; seconded by Councilman Hodes. Councilman Hodes said he hoped the specifications had what was wanted but were general enough that more than one manufacturer could possibly comply. Mayor Alt pointed out this was about \$6,000 under the budgeted amount. He recommended that this money not be available for further expenditure except by direction of the Council. Following discussion, motion carried.
- #2861 Councilman Crippin moved that the Wage and Salary Committee report be considered in executive session at the end of the agenda; seconded by Councilman Watts. Motion carried.

MAYOR'S REPORT

Mayor Alt requested that appointments to the Park Commission and to the Budget and Finance Committee be taken up at the end of the session.

- #2876 Claim for Water Bill: Mayor Alt reviewed that at the last Council meeting the Council turned down payment of Mrs. Nicholas' bill for a plumber. Mrs. Nicholas had also submitted a water bill, which the Mayor recommended be turned down.
- #2887 Meeting With Johnson County Legislators: Notice of a meeting with Johnson County Legislators to be held on December 13 was distributed.

#2893 There was a short recess to reverse the recording tape.

Side 2

- #1 Review of Council of Mayors' Meeting: Mayor Alt reported Mayor Hemphill was selected to be the new secretary. He said the City had been asked for financial support for

the MARC service for seniors, including dial a ride, nutrition, and home repairs, and to be able to use their handymen in the City of Leawood. The matter was referred to Councilman Hodes, chairman of the Intergovernmental Committee, for report. The Johnson County Human Relations Committee reported they had ten cities as members (it is primarily to resolve complaints on discrimination). The Johnson County Information Referral Service is a new service funded by the county commissioners for a one year trial. Mayor Alt asked the Newsletter Committee to determine if there was anything they wanted to give to the referral service. Mayor Alt said there was a brief review of the fire board study. A report for cities on the mutual aid pact for police was directed to be prepared. The president was directed to write state representatives and senators to license polygraph operators. It was voted to discontinue the hot line to Topeka because a majority of those voting thought it was not used enough.

#36

City Attorney on Retainer Basis: Mayor Alt reported the Administrative Committee recommended that the City Attorney be put on a retainer basis, thus eliminating KPERS and Social Security payments for him. He could perhaps spend one or two hours at the City counseling with the staff on legal problems, and there would be no charge for attending meetings. He will keep track of his time and quarterly adjustments will be made. The arrangement will begin on January 1; amount of retainer \$410 per month, adjustments at \$40 per hour.

#49

EPA Refunds: Mayor Alt said it appeared the City had a positive reply for a \$20,000 refund or more on money Phil Kline spent on Step I grant, and possibly there will be more on Step II.

OLD BUSINESS

#60

Emergency Generator Project: Mayor Alt referred to a report concerning the matter. The committee recommended that the bid of Dean Machinery Company be accepted in the amount of \$15,226.30, plus electrical work for change, \$1,945.00, and removal and replacement of wall, \$1,140.00, total \$18,052.00. One-half is to be paid by the Federal government. Councilman Watts asked that it be taken from the 1976 budget.

#85

Councilman Watts moved that the Council approve the purchase of the generator from Dean Machinery Company, Caterpillar 100 KW, and also approve the additional work for removal and replacement of wall and electrical work for the change, total \$18,052.00; seconded by Councilman Lyons. John Granstedt explained that if the 100 KW unit were used the City Hall building and the Fire Station could be connected to it. Motion carried.

#120

Application for Payment - Pitman Building Corporation: Mayor Alt presented the application for second payment to Pitman Building Corporation in the amount of \$58,160.43, recommended for payment by the City Architect. Councilman

DeKinder moved that the Mayor be authorized to approve payment to Pitman Building Corporation in the amount of \$58,160.43; seconded by Councilman Watts. Motion carried.

#136

Approval of Design for Temporary Sign - Leawood Country Manor: Mr. Sirchia reviewed that at the last meeting the Council gave permission for a temporary construction sign for a period of twelve months contingent upon Council approval of the design of the sign. A drawing of the design of the sign had been distributed, the colors to be beige and white. Councilman Watts moved for approval of the sign format; seconded by Councilman DeKinder. Motion carried. There was discussion that the sign was already in place. Councilman Lyons objected to Mr. Sailors presuming that the sign would be approved.

NEW BUSINESS

#151

Application for Cereal Malt Beverage Licenses - King Louie Ranch Mart, Martin's Finer Foods, and Gates & Sons Barbeque: Chief Blume stated there had been no problems with any of the applicants. On motion by Councilman Watts, seconded by Councilman Wise, the applications of King Louie Ranch Mart, Martin's Finer Foods, and Gates & Sons Barbeque for cereal malt beverage licenses were approved.

#159

Date of Meeting for Approval of Final Appropriation Ordinance: Wednesday, December 29th, at 7:30 p.m., was agreed upon for the meeting to approve final appropriations. Mayor Alt directed the City Clerk to notify all department heads.

Councilman Hodes moved that the Council go into executive session to consider the Wage and Salary Committee report and to discuss appointments; seconded by Councilman Watts. Motion carried.

#186

The Council went into executive session at 9:00 p.m.

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

Wage and Salary Plan: Councilman DeKinder moved that it be shown that the intent of the City Council of Leawood was to adopt a formalized step pay plan to be implemented on a city-wide basis; seconded by Councilman Watts. Motion carried.

#192

Appointment to Parks Commission: Mayor Alt proposed the appointment of Councilman Hodes as chairman of the Parks Commission. On motion by Councilman Watts, seconded by Councilman Wise, the appointment was approved.

#195

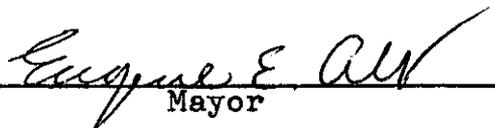
Appointment to Budget and Finance Committee: Mayor Alt proposed the appointment of Councilman Wise as chairman

December 6, 1976

of the Budget and Finance Committee. On motion by Councilman Watts, seconded by Councilman Hodes, the appointment was approved with three aye votes, two nay, and Councilman Lyons abstaining.

On motion by Councilman Watts, seconded by Councilman DeKinder, the meeting adjourned to Monday, December 20, 1976, 7:30 p.m.

#204



Mayor



Council Reporter

Attest:



City Clerk



December 20, 1976

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 20, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Crippin, Haas, 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. City Treasurer Pendleton arrived at 8:57 p.m.

Minutes: Councilman Watts moved for approval of the minutes of the meeting of December 20, 1976; seconded by Councilman Lyons. At the suggestion of Mayor Alt, Councilman Lyons moved to amend the minutes by adding to the first paragraph on page 2178 that the Mayor referred the sign ordinance to the Ordinance Committee for study; seconded by Councilman Watts. The minutes were approved as amended.

Visitors: Jim Cope, W. R. Judd, W. T. Hembree, Michael B. Wood, Bob Klein, Sharon Soper, C. B. Gallant. Member of the Press: Max Kvidera.

REPORTS

#228

Treasurer: No report.

#230

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

#234

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Lyons. Councilman Hodes inquired as to whether a citation had been issued to the builder burning trash at 12300 Mohawk Lane. Chief Blume will check and report.

#243

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

#247

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Wise. Mr. Gray added that in rodding the mains south of 103rd they had found broken pipe, manholes which were covered, and roots.

COMMITTEE AND COMMISSION REPORTS

#255

Insurance Committee - Report Regarding Health Insurance: Councilman Lyons stated health insurance coverage for city

employees was coming up for renewal or reconsideration on January 1st. The committee had three bids on the health insurance premiums on a twelve month basis: Metropolitan, \$66,357.48; Hartford, \$55,723.08; Travelers, \$61,199.88. Average monthly cost per employee: Metropolitan, \$84.17 (without maternity); Hartford, \$70.92; Travelers, \$87.63. He said if the low bid of Hartford were accepted, there was a provision that they would assume whatever condition now existed so there would be no loss in coverage because of changing companies. Councilman Lyons reported there was a bid for life insurance in each bid: Metropolitan, \$6,000; Hartford, \$5,000; Travelers, \$4,000. Hartford and Travelers both have a 31-day period for primary coverage then go into major medical; Metropolitan pays \$10,000, then into major medical. Stop loss clause: Metropolitan, \$1,000 per person; Hartford, \$700; Travelers, \$500. Hartford and Travelers claims are paid locally. Councilman Lyons stated the committee would recommend that the Hartford bid be accepted. He commented that Travelers had done a good job for the City but he did not think they were competitive. Councilman Lyons moved that the bid of Hartford for health insurance be accepted; seconded by Councilman Wise. The matter was discussed. Councilman Lyons said the Hartford plan was better coverage than the City had before. Councilman Lyons said in the present coverage there was about a thirty per cent increase for the coming year. Councilman Lyons stated further that under a new public law, the City would make an HMO plan available to the employees.

Councilman Wise explained that the Health Maintenance Organization plan was offered for the first time in this area, that it was a more comprehensive type coverage including unlimited hospitalization, doctor visits at their new facility at approximately 102nd and Wornall, and complete maternity care. She said the director, the medical director, and the head of the board of directors were all Leawood residents. Councilman Wise introduced Michael Wood who was present to answer questions. She said the proposal was to offer the plan to the employees as an option; that it was \$10 to \$11 more expensive than the Hartford plan and anyone who wanted it would pay the difference. Councilman Lyons stated he had been assured by Hartford that offering the HMO plan would not destroy the group for their coverage. Councilman Crippin said he thought the Council should have a complete presentation on HMO because there had been problems in various areas with such plans.

Mr. Wood stated it was a prepaid group practice; a multi-specialty group practice of physicians now in operation; people would belong to that association, receive their health care from that group of doctors in facilities coordinated by them. He said they now had a staff of five, with a consulting staff of an additional 15 or 20 others. Members belong on a voluntary basis and each year reaffirm that choice. They receive rather comprehensive

benefits. Routine physicals and preventive health care are stressed. Mr. Wood said this group had received government qualification; that the Federal Government funded HMO for the planning and during initial development phases only, all of which expired on October 31. Mr. Wood stated HMO was licensed by the insurance commissioners of Kansas and Missouri. City Attorney Winn stated he thought the City should advise employees that they had an individual responsibility to personally check this thing out to their own satisfaction. Councilman Crippin wondered if the City could not go ahead and accept the Hartford bid for health insurance, and subsequently employees could enter into the HMO agreement as they desired after the plan was understood. Mr. Wood said as far as they were concerned, the City could offer the program at any time, but he thought the City should strive to keep the contract years together.

#250

Councilman Hodes said he thought the City's paying the full cost of health insurance was a good employee benefit, but he wondered if the City was getting to the point now where it should set a maximum amount the City would pay per month and give employees the option of the two plans. He said he would like to see more information on HMO. City Attorney Winn said he was concerned about a semi-endorsement by the Council if HMO were offered. Mr. Wood stated minor surgery was done at their facility, major surgery was referred and paid for in full; any emergency was fully covered. He reviewed the hospitals used. Motion accepting the Hartford bid carried unanimously. Mayor Alt referred HMO back to the Insurance Committee for study. There was discussion that the Council needed to understand it in terms of facilities, services, staff, how physicians are reimbursed, etc. Mr. Wood said when they enrolled a group, they came in and tried to make them fully understand what it meant to join the program, and they would be glad to do that with the committee or the Council. Mayor Alt asked the Committee to report at the first meeting in February.

#330

Insurance Committee - Report Regarding General Liability Insurance: Councilman Lyons reported unfortunately there was no choice, the only bid before the Council was a Hartford bid from another agency. He said he had requested bids and about two weeks ago the agent for the present insurer, Great American, notified the City it was not going to renew the City's policy, stating the basis was a running feud with the ex-mayor regarding a Workmen's Compensation claim. Councilman Lyons said if the Hartford bid was not accepted, the City would have no insurance as of the first of the year. Councilman Lyons said there were two Hartford proposals, to leave valuation on the buildings as is and leave liability at \$100,000/\$350,000, or to increase valuations twenty per cent to include inflation and increase liability to \$250,000/\$500,000/\$100,000. He said under the proposals there would not be an umbrella policy, but false arrest insurance was added at \$2,948. Chief Blume said the department presently had false arrest

insurance through National Sheriff's Association. Councilman Lyons said Hartford was recommending public official liability insurance, \$100,000 for each occurrence, \$1,000,000 aggregate. City Attorney Winn said he would highly recommend that coverage. Chief Blume asked if it would be possible to leave a decision on the false arrest insurance in abeyance until he could compare and ascertain whether the City could cancel present coverage.

#602

Councilman Lyons reviewed premium costs for each coverage. He moved that the Council accept Hartford's second bid of \$28,425.00 based on increasing the limits of liability to \$250,000/\$500,000/\$100,000, increasing by twenty per cent the 1974 cost figures used on buildings, including Workmen's Compensation insurance, contractor's equipment, inland marine coverage, automobile insurance for the fleet, as well as the general liability and fire insurance on all buildings; seconded by Councilman Haas. Motion carried.

#667

Councilman Lyons then moved that the Council delegate to the Insurance Committee, in consultation with Chief Blume, the question of special arrest insurance quoted at \$2,948, to decide what was to the best interest of the City, and be authorized to take proper action; seconded by Councilman Watts. Motion carried.

#676

Councilman Lyons moved for acceptance of the bid for public official liability insurance with limits of \$100,000 each occurrence, \$1,000,000 aggregate, premium \$1,877.82; seconded by Councilman Watts. Motion carried. Councilman Lyons asked the Council to authorize the Mayor to write the Insurance Commission regarding Great American giving the City insufficient time to get new bids on insurance after the date of notification that they would not renew their policy. The Mayor will write such a letter.

#700

Solid Waste Management Ordinance: Mayor Alt advised Mr. Gallant that the solid waste ordinance was not to come up at this meeting. City Attorney Winn stated a minor modification had been made in the policy limits of insurance for haulers, reducing it to \$100,000/\$250,000, but also that the City would have authority to review such other security that a hauler might have in determining whether he was qualified to do business. Mr. Gallant said he was interested in what was going to be required of the collectors because he had the responsibility of negotiating a new contract for Leawood Hills. Mayor Alt suggested that the pertinent facts concerning contractors and homes associations be listed on a single sheet of paper. City Attorney Winn said he would be interested in knowing what the present coverage was of the haulers. Mr. Gallant will try to obtain that.

On motion by Councilman Wise, seconded by Councilman Haas, the agenda was changed to consider as the next item of business the request for sign approval at 135th and Mission Road.

#644

Request for Sign Approval - Olathe Trails Homes - 135th and Mission Road: Mr. Klein stated they began developing 80 acres at 135th and MurLen Road, and being the first residential developer north of 135th and east of I-35, they had encountered a logistics problem in directing people to them. He said they were averaging six or seven inquiries per week on how to get to the development, and they were requesting a four foot sign with an arrow on it to be located on the southeast corner of 135th and Mission Road. City Attorney Winn asked if there was any reason why it could not be located at 135th and Quivira. Mr. Klein said they had a billboard sign at that location, but found that many prospects were coming down State Line to 135th Street and they would like to give them identification that they were on the right way to Olathe Trails. There was discussion that the project was in the City of Olathe. Mayor Alt stated it was his personal feeling that the Council had enough sign problems with developers and others in the City of Leawood, and it would be setting a bad precedent to give approval of a sign for a development outside the City. Hearing no motion, the sign was considered disapproved.

#771

On motion by Councilman Haas, seconded by Councilman Lyons, the agenda was changed to consider as the next item the charter ordinance on method of selection of municipal judge.

#775

Charter Ordinance - Method of Selection of Municipal Judge (First Reading): Councilman Lyons stated the ordinance presented had been in the mill for eight months. He reviewed that Leawood had chartered out of a statute that most municipalities adhered to, that a municipal judge be appointed, not elected. Councilman Lyons said in his opinion judges should not be in the political process. He said in the State of Kansas this would be the way all judges would now be selected on the district and lower levels. Elections would be to retain or not retain. He said he would recommend the ordinance. City Attorney Winn suggested a correction in the draft submitted in that the panel from which the Municipal Judge was selected shall consist of three attorneys, rather than the committee for selection of the panel. Councilman Lyons said he thought the Council would be doing the citizens of Leawood a tremendous disfavor by allowing someone who was not a lawyer to become municipal judge. For a well-run municipal court with qualified people, he thought this was the proper approach. Upon request for clarification of its provisions by W. R. Judd, City Attorney Winn read the proposed ordinance. Mr. Judd stated he felt the concern that an unqualified person could be elected could be corrected by writing into the present ordinance the requirement that anyone running for that position be a lawyer. He said at no time had he observed a Leawood municipal judge whom he would consider to be below a good judge. He said it would be throwing the judgeship into the political arena to a far greater extent based upon the whims of the mayor and council. Mr. Judd objected to it being restricted to lawyers practicing in the State of Kansas. He said being a strip city, a large majority of

lawyers in Leawood were practicing in Kansas City, Missouri. He said in the past it had been extremely difficult to find even one qualified attorney to run. He felt there should be a separation between the Council and the judgeship. He said he was on the Public Safety Commission and had no idea that this matter was being considered at all; he would think that it would be within the realm of possibility that Public Safety should have been advised that it was under consideration and a rough draft given to them.

Councilman Lyons explained the ordinance was purposefully not submitted to Public Safety because they did not want to give any kind of taint that in fact the Police Department or anyone else on Public Safety was dictating what the City should do in regard to it. He said the Kansas Legislature felt there was no problem in putting the appointment of the municipal judge with the mayor and council. He said he had not seen any changes in municipal judges as administrations had changed in other Kansas cities as long as the judges had done a good job. He said the proposed change was not a slap in the face of any former or present judge. Councilman Lyons said he thought municipal judges should be members of the Kansas Bar, should intermingle, should be more a part of the County than one who practiced in the State of Missouri.

#909

Councilman Hodes said he had seen undue influence by elected officials on appointed officials in this city and for that reason he would not favor appointment of the judge. City Attorney Winn said they would like to turn it over to someone that could administer the court as a separate autonomous body as it should be; he said council philosophy or police department philosophy should not be imparted to the judge. Councilman Hodes said he felt there should be some legal interworking between the Police Department and the Judge. City Attorney Winn said the Council representative in the court was the City Prosecutor. Mr. Winn said the municipal court procedure was no longer a deal where general knowledge was enough, it was a specialty, it required someone to keep up with it almost on a daily basis and it was not realistic for someone to keep up with the municipal court code of another state.

The Mayor pointed out that the Council had to approve appointments and dismissals. Councilman Watts said he was a little reluctant to put it into the hands of the Council and the Mayor; he said any attorney elected to this position would have to study Leawood ordinances and Kansas municipal law, and if he practiced in Missouri he would be just as qualified as one who practiced in Kansas. He said there seemed to be a tendency in the Country toward appointive government and away from elective government; if the qualification were added to the ordinance that the judge be an attorney he felt the voters would elect a good person. City Attorney Winn suggested some thought be given to safeguarding that the mayor did not control the screening committee. He said there was nothing political about a system where the mayor was handed three names that had been screened. He said he would not feel competent to hold a judgeship or city attorney position in Missouri. Councilman Hodes said

he thought the judge should be elected by the constituents. Councilman Lyons said it was increasingly important that municipal courts in the county be upgraded so that the public get a good taste of what criminal justice was really about, the best way to do that was with the most competent person. Councilman Haas said he thought the selection process proposed would safeguard the qualifications and competence of the people on the job, and that was more important to him than the people who could go out and get the most votes.

#1037

Mr. Judd said at times in the past it had been extremely difficult to find anyone who was willing to run for municipal judge, he would think it would be difficult to find three qualified attorneys in the State of Kansas, living in the City of Leawood, who would jump at the chance to be appointed. He said he could name at least four instances where appointed officials had been subjected to undue pressure by the then mayors to the point where there had been a turnover. He suggested that the matter of the change be submitted to a vote of the citizens.

#1060

Judge Cope said he believed the municipal judge in this city was one of the most important jobs because of the amount of public relations involved. He said he felt if the judge were appointed by the mayor and the council he would be subject to their philosophy either directly or indirectly. He said he too felt it was of such magnitude that the citizens should decide what they want. He added that had he not been informed by a phone call on Saturday afternoon he would not have known anything about the proposed change and that did not seem right.

#1095

Councilman Lyons suggested the addition of the words in the proposed ordinance, following City Marshal, "who shall be Chief of Police." Councilman Haas said the Chief of Police, the City Clerk, the City Attorney were appointed and he would consider the Municipal Judge in the same classification; he didn't see that it was of such magnitude that it would require a vote of the citizens. Without objection from the Council, Mayor Alt directed the Ordinance Committee to make the necessary changes, giving consideration to the provision that the mayor approve the people on the screening committee, and that the screening committee not be lawyers one hundred per cent. City Attorney Winn suggested spelling out the method of selection of the screening panel. With no objection, Mayor Alt declared this the first reading and referred the matter for further refinements under the guidance of the Ordinance Committee.

#1148

Ordinance No. 532 - Establishing Zoning of Limited Office District - Leawood Country Manor Office Park - 111th and Roe (Second Reading) (To Repeal Ordinance No. 529): On motion by Councilman Crippin, Ordinance No. 532 was unanimously adopted.

#1155

Ordinance Nos. 533 and 534 - Accepting Deeds to Land for Fire Station No. 2 (Second Reading): On motion by Councilman

Crippin, Ordinance Nos. 533 and 534 were unanimously adopted.

#1161

Ordinance Regarding Dedication of Easement to Kansas City Power and Light Company for Underground Service to the New Fire Station (First Reading): Councilman Crippin explained that the ordinance was a formality from the standpoint of providing service to the new fire station and moved that it be placed on first reading. Chief Toman explained the location of the easement.

Public Safety:

#1178

Request for Permission to Distribute Advertising Material - Johnson County Park & Recreation District: Councilman Watts reported the Public Safety Commission recommended approval of the request with the provision that the brochures not be left in the doorways or in mailboxes; in other words, not be distributed when no one comes to the door to receive them, and that the City Clerk be instructed to advise the persons responsible. He moved for approval of the request with that provision; seconded by Councilman Hodes. Motion carried.

#1200

"No Parking" Signs on State Line: Councilman Watts referred to a report submitted to the Council by the Police Department stating that ordinance prohibited parking on State Line Road but "no parking" signs had never been put up on the Leawood side. He said Public Safety recommended that a work order be prepared to authorize additional signs as suggested, preferably on each light standard or, if monies are not available, at least on every other light standard along State Line within the City of Leawood. Mayor Alt wondered if Council action was required inasmuch as a work order to Public Works with specifications should be sufficient. He suggested that the Police Department as they patrol the City make an inventory of areas not properly signed for input as to what needs to be budgeted. Mayor Alt stated unless the Council objected, Public Works had the authority to go ahead with the "no parking" signs assuming sufficient funds were available.

#1230

Authorization of Street Light Installations in Leawood South: On recommendation of the Public Safety Commission, the Council authorized installation of additional street lights in Leawood South. Chief Toman said the lights were from 128th south on Overbrook to Pembroke Circle. Councilman Hodes suggested that street light recommendations be a part of final plans for developments.

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#1247

Request for Permission to Solicit Funds - The True Church of Jesus Christ Restored: Councilman Watts stated the Public Safety Commission recommended no action on the request of The True Church of Jesus Christ Restored, Inc., due to incomplete information on the organization.

#1254

Public Works - Revised Sanitary and Storm Sewer Design for Ensley Court: For the Council's information, Councilman Crippin stated the sewer plans originally presented to the

City for this subdivision for various reasons (one of which being that an easement could not be obtained through some property adjacent to the subdivision) had now been revised. The revised plan had been approved by the Public Works Commission. Councilman Crippin displayed the plan indicating the change. He said now the sewer would be coming to the west and would continue 150 to 200 feet down the center of 88th Street. There was discussion concerning insuring that the City not be faced with settlement of the street after the work was done. Councilman Crippin suggested that when the individual comes in for his permit that he be made aware of the situation, meanwhile that the Ordinance Committee work on a requirement for a maintenance bond. City Attorney Winn said there may be such a requirement.

#1307

Public Works - Flood Insurance Program: Councilman Crippin reviewed that some of the homes bordering I-435 were included in the flood plain area. He said the City had ninety days in which to appeal or prepare a statement with regard to any differences it had regarding the maps. Earlier Phil Kline had been authorized to do whatever survey was necessary to determine if the homes were actually in the flood area; that work had not yet been completed. In reviewing the forms for appeal, Mr. Kline found it was considerable work to make the appeal and consequently involved a considerably greater fee than originally anticipated. The Council considered the questions of whether the City should hold a meeting with all the property owners concerned, and did the City want to finance the expense of the appeal. Mr. Sirchia stated the ninety-day period had begun during which the property owner affected could appeal but he must provide data which indicated the government findings were incorrect. The property owner is responsible for hiring the engineer to get this data, he must get it to the City, the City receives the data, consolidates it with other appeals received, and sends it on to HUD. The City itself does not have to appeal the map, in which case the property owner sends his appeal directly to HUD. If the City does not appeal, HUD reviews each of the individual appeals. If the City does appeal, it must submit the proper technical data that contradicts the government maps, HUD takes the data and makes the final determination. Appeals must be made by March 17, 1977. If no appeal is made, owners of property in the flood plain are assumed to be aware of the consequences, and the City is given six months to pass flood plain management ordinance. The City is then formally accepted into the flood insurance program. There was discussion that the City should notify those residents in the flood plain. City Attorney Winn said the property owner had the burden of convincing the City there indeed was an error, then the City had the right to take up the appeal for them. The Council discussed the matter. Mr. Sirchia will research the cost of determining ownership of land involved, draft and send a notice of public hearing.

#1474

Recreation Commission: Councilman Wise stated she had requests for authorization of payment of three items.

#1494

Councilman Wise moved for approval of payment of balance of fee to Larkin & Associates for the swimming pool, \$12,148 (total fee was \$33,898, \$21,750 paid); seconded by Councilman Watts. Motion carried. Councilman Wise then moved for approval of payment for additional engineering hours in connection with the swimming pool, total \$1,439; seconded by Councilman Watts. City Attorney Winn said Midwestern's attorney had indicated that while Mr. Beasley had a great number of gripes with what they had done, they may also have some with him. Mr. Winn suggested that the payment be held up. The motion and second were withdrawn. Concerning the retainage on the Midwestern contract in the amount of \$24,213 of which \$15,300 had been withheld in the form of liquidated damages, Councilman Wise moved that the Council authorize payment to Midwestern Construction Company up to a maximum of \$24,213 subject to continuing negotiations on liquidated damages and repairs and that this payment constitute an encumbrance against the 1976 recreation budget; seconded by Councilman Hodes. Councilman Lyons moved for an amendment that before any money is paid out that it be specifically authorized by the Council; seconded by Councilman Watts. Amendment carried. Motion as amended carried.

#1517

Councilman Wise stated a list of the 1977 swimming fees as approved by the Recreation Commission had been distributed. It was discussed. The child and babysitter memberships will be replaced with an individual membership at \$15.00. She said the pool was subsidized by \$18,000 to \$20,000; to break even on the pool the City would have to significantly raise fees or open it up to non-resident memberships. Councilman Crippin suggested that the subsidy of the swimming pool be reduced a few thousand dollars. Councilman Haas suggested considering the matter at the end of 1977.

#1666

At 10:40 p.m. there was a five-minute recess, following which the same councilmen were present.

On motion by Councilman Hodes, seconded by Councilman Wise, the Wage and Salary report was moved to the end of the agenda.

MAYOR'S REPORT

#1670

Appointment to Advisory Investment Committee: Without objection, Mayor Alt substituted himself for Mayor Eddy on the Advisory Investment Committee.

Special Sewer Renovation Report: Mayor Alt reported the committee met with Phil Kline and came to the conclusion that it had completed its study work and presented it to the State of Kansas, and was now in a position of not having received any direction as to what recommendations the State

or EPA might be making in connection with the Leawood system. Phil Kline was asked to go into a holding pattern and not spend any more money except to submit a revised Step I grant request which would include the monies owed him totaling about \$66,000. Mayor Alt said authorization of payment to Shafer, Kline & Warren would be one item on the agenda of the last meeting this year. Copies of the bill had been distributed.

#1705

Intangible Tax: Correspondence from the Mayor to the Chairman of the Committee had been distributed requesting a recommendation.

Expression of Sympathy to Bill Waite: Mayor Alt stated flowers had been sent to Bill Waite upon the death of his mother.

#1715

Cost of Additional Land for Fire Station to Come From Bond Money: Councilman Watts stated it had previously been discussed that the \$14,916.00 for the additional one-half acre for the fire station be charged against Federal Revenue Sharing funds; subsequent discussions revealed there may be need for some capital expenditures from Revenue Sharing next year primarily for the street department, so the land cost should be charged against the bond money.

NEW BUSINESS

#1728

Application for Cereal Malt Beverage License - Stateline Racquet Club: Chief Blume indicated there had been no problems in connection with the license. On motion by Councilman Hodes, seconded by Councilman Watts, the application of Stateline Racquet Club for cereal malt beverage license was approved.

#1730

Appropriation Ordinances: Nos. 361A and 348S in the amounts of \$243,382.12 (including \$150,000.00 in investments) and \$402,040.19 (including \$350,000.00 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. At the request of Councilman Hodes, Chief Blume will check the amount of animal board bills at Animal Haven.

Councilman Wise moved for an executive session for discussion of wages and salaries; seconded by Councilman Hodes. Motion carried.

The Council went into executive session at 10:57 p.m.

The Council returned to regular session at 11:27 p.m. The same councilmen were present.

#1770

Wage and Salary Report: On recommendation of the Wage and Salary Committee, Councilman Crippin moved that salary

December 20, 1976

increases be made as provided in the status form presented for each department; seconded by Councilman Hodes. Motion carried.

At 11:29 p.m., on motion by Councilman Watts, seconded by Councilman Haas, the meeting adjourned to Wednesday, December 29, 1976, 7:30 p.m.

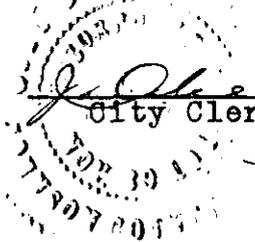
#1779

Eugene E. Allen
Mayor

Jane Lile
Council Reporter

Attest:

J. J. [Signature]
City Clerk



December 29, 1976

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 Wednesday, December 29, 1976, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, DeKinder, Crippin, Haas, Watts, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, Phil Kline, Bob Sirchia, the City Clerk, and the Council Reporter.

Mayor Alt wished everyone a happy New Year.

#10

Approval of Payment to Shafer, Kline & Warren: Mayor Alt reviewed that Shafer, Kline & Warren had a contract with the City to do work on both Step I and Step II of the sewer renovation; they had completed the Step I work and filed a facilities plan with the Kansas Department of Health and Environment. The amount due as outlined in the contract was \$45,808.24, less \$11,950.00 previously paid, balance due, \$33,858.24. He further reviewed that the Sewer Renovation Committee had asked the engineers to stop all work except what was necessary to submit a revised Step I grant including the \$45,808.24 plus about \$20,000.00 that had been recognized by EPA. Mayor Alt stated the contract was on a per hour basis times 2.25. Phil Kline said the facilities plan was done in complete conformance with EPA regulations. He said there was a strong possibility that either the State and/or EPA may not find it complete, they may want the City to authorize additional studies. He said there had been no formal response from the State on this report. Mr. Kline said a ruling was made December 28th by EPA that they were going to enforce a regional concept and that they wanted Johnson County's sewage in the Indian-Tomahawk Basin to go into Missouri and be treated there. He said there were some alternatives studied by Johnson County. He felt confident the County would appeal in some form or another. Mr. Kline said the Kansas Department of Health and Environment said EPA was wrong, that it would be a great deal more expensive for Johnson County to go to Missouri to have its sewage treated than it would on the Kansas side. Mayor Alt said he suspected it would take some fairly long proceedings before it was all ironed out. The matter was discussed.

Mayor Alt stated he and Councilman Crippin met with Phil Kline and went over the expenditures and they felt the bill was appropriate. Phil Kline added that in their files there were many reams of calculations and data that were absolutely necessary to come up with the facilities plan and, more importantly, to document the facilities plan for EPA. On motion by Councilman Watts, seconded by Councilman

Wise, payment was authorized to Shafer, Kline & Warren of \$33,858.24 in the year 1976. Mr. Kline explained that the 2.25 multiplier was a factor used against direct salary cost to include overhead and profit.

#87

Resolution No. 410 - Authorizing the Mayor to Execute a Revised Step I Grant Application: Mayor Alt explained the resolution was to authorize the Mayor to enter into a revised Step I grant application to include amounts expended by Shafer, Kline & Warren. On motion by Councilman Watts, seconded by Councilman Hodes, Resolution No. 410 was unanimously adopted. A copy is attached hereto as part of the record.

#91

Expenditure Authorizations: Councilman Wise reported the City had a large balance, \$60,000 in excess of the carryover budgeted. Councilman Watts stated a portion of Federal revenue sharing funds would have to be spent within the next six months. Councilman Wise said KPERS and Social Security funds had been reimbursed \$13,000 from the general fund, and the emergency generator would come out of it. Mr. Sirchia said there was a real problem with leaves, ranging from streets slick with wet leaves to general nuisance. He said the present method of sending crews with rakes was not efficient and the leaves clogged the street sweeper. It was proposed to purchase a used leaf vacuum for \$2,000 owned formerly by the City of Westwood for three years. The price of a new model would be \$9,000. Mr. Gray had inspected the machine and said it was in good operating condition and felt the department needed it. The matter was discussed. Councilman Crippin said it was also proposed to purchase a cutter attachment to the tractor mower to cut the sides of rights-of-way or ditches. Purchase price would be \$945. Councilman Crippin moved that the leaf vacuum and the mower attachment be purchased for a total sum of \$2,945, and that it be paid from revenue sharing funds; seconded by Councilman Hodes. Motion carried.

#123

#130

Councilman Wise moved for approval for purchase of more pool furniture, specifically three umbrella tables with umbrellas, 50 lounge chairs, and 20 stacking chaise lounges for a total of \$3,770.20 plus shipping; seconded by Councilman Watts. Councilman Hodes said there was a Leawood merchant who had indicated last year he thought he could beat that price plus include extra webbing. The purchase would come from the recreation budget. Motion carried.

#150

Approval of Final 1976 Appropriation Ordinances: Nos. 362A and 349S in the amounts of \$164,144.14 (including \$140,000.00 in investments) and \$2,115.60, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by

January 3, 1977

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 3, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, 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. City Treasurer Pendleton arrived at 7:44 p.m.

Appointment to Council to Fill Vacancy: Mayor Alt stated the committee consisting of the Mayor, the President of the Council, and the Councilman from the Third Ward submitted the name of Herbert L. Roberts to fill the vacancy as Councilman, Ward 3. On motion by Councilman Wise, seconded by Councilman Crippin, the appointment was unanimously confirmed. Mayor Alt named the four other applicants. There was discussion that those applicants should be involved in some other capacity in the City. The City Clerk administered the oath of office to Herbert L. Roberts as Councilman, Ward 3.

#185

Minutes - Meeting of December 20, 1976: On motion by Councilman DeKinder, seconded by Councilman Wise, the minutes of the meeting of December 20, 1976, were approved as submitted. Chief Blume reported his officers were unable to locate anyone in charge and without anyone at the site of the trash fire at 12300 Mohawk Lane being willing to admit that he set said fire, it would have been difficult to make a case, so warnings were issued.

#200

Minutes - Meeting of December 29, 1976: On motion by Councilman Lyons, seconded by Councilman Hodes, the minutes of the meeting of December 29, 1976, were approved as submitted.

Visitors: Bill Judd, Max O. Bagby, Clarence Gunckel, C.B. Gallant, Marcia Rinehart, Jean Gray, Jean Strahm.
Members of the Press: Max Kvidera, John Davis.

COMMITTEE AND COMMISSION REPORTS

#210

Insurance - Approval of First Monthly Payment to The Hartford for Group Insurance Premium: Councilman Lyons moved that the Council approve payment of the initial monthly health insurance premium of \$4,665.98; seconded by Councilman Crippin. Councilman Lyons explained that in addition to accepting their bid, this action would cement the contract with The Hartford for group insurance. Motion carried.

#217

Insurance - Report on False Arrest Insurance: Councilman Lyons stated he had a memorandum from Captain Sellers and it appeared better to stay with the National Sheriff's Association for false arrest insurance since the premium was almost \$1,000 less per year.

#220

Intergovernmental Cooperation and Community Affairs - Report Regarding "Services for Seniors": Councilman Hodes said he had been asked to report on the handy man program being offered in Johnson County. He said it was basically designed for persons over 60 years old residing in Johnson County, owning their own home. When qualifying people need handy man service, they call and someone is sent out for \$4.00 the first hour, \$3.00 each hour thereafter, plus the cost of materials. The handy man receives the money the person pays. If the client cannot afford to pay, and the office in Prairie Village determines this, then the grant that the County has received and funds hopefully received from the city would pay the handy man. The question confronting the City was should an occupational license be required and, if so, should there be a fee. Councilman Hodes said he had determined there were no bonds carried on the handy man. He wondered if the City endorsed this type of program, would it be exposed to some potential liability. Councilman Hodes said because of the bonding situation, if in fact it represented a liability exposure to the City, he would propose that the Council not allow the program to continue in Leawood. There was discussion that since the program was enacted last spring there had been one service call, and seven requests were pending. The question of whether waiving the occupation license would endorse the project was referred to the City Attorney for opinion. Following determination of liability, Councilman Hodes will report at the next meeting on whether or not to waive the occupational tax, whether to put any money into the program, and whether to allow them to operate in the City with the recipients paying.

#246

Ordinance:

Solid Waste Ordinance (First Reading Continued): Councilman Crippin reviewed that the first reading had been deferred until adjustments could be made in the ordinance. City Attorney Winn said he had talked with several associations and it appeared that no adjustment need be made in the bonding limits originally discussed as virtually every hauler operating within the City seemed to have limits at least as high; the limits did not seem to be a hardship for any hauler. Mayor Alt asked the Solid Waste Committee to identify all the carriers and check to see if they would be jeopardized by the bonding limits, before the second reading. The Mayor said the City needed to determine what kind of contract should be drawn up with the homes associations so they could continue solid waste collection. Mr. Gallant said he was interested in what kind of agreement the homes association would have to enter into with the City. Mayor Alt said he would look

to the Solid Waste Committee to have an answer to that before the second reading. City Attorney Winn said for the most part, he would anticipate reviewing existing contracts for compliance with the ordinance and then simply approving them. Mr. Gallant said some homes associations did not have an agreement signed by both parties. He asked if the City could come up with a proposed type of contract. Councilman Crippin asked about the small areas that did not have a homes association. City Attorney Winn said probably the City should correspond with them individually, advise them of the ordinance, and review arrangements with their carriers. There was discussion that the City would not require that homes associations be formed in those areas for this purpose. Mr. Winn said he did not think the City was under any compulsion to deal with the individuals outside the homes associations. The ordinance passed first reading.

#279

Ordinance No. 535 - Approving Granting of an Easement for Utility Purposes (Second Reading): On motion by Councilman Crippin, Ordinance No. 535 was adopted, Councilman Roberts abstaining.

#283

Charter Ordinance Relative to Method of Selection of Municipal Judge (Second Reading): Councilman Lyons stated a revised ordinance had been presented to the Council. He said by the revision, the judicial selection committee would consist of one resident from each ward in the City selected by the councilmen from each ward. He said he thought this would get away from the possibility of the Mayor having too much power in regard to the selection, and selection would be as bipartisan as it could possibly be. In addition, there would be a body of three attorneys to advise the committee on qualifications of the nominees. Councilman Lyons moved that the ordinance be approved with that change. Councilman Lyons then read Section 4 as revised. Councilman Hodes asked Councilman Lyons why an appointive position rather than an elective position and would a patent lawyer practicing in Kansas be more familiar with the code than a practicing trial lawyer in Missouri. Councilman Lyons said the purpose of the ordinance was to have a procedure where the best qualified individual could be selected to be municipal judge; he said as far as he knew no other cities in Johnson County elected judges; he said if this procedure were used an individual who would become municipal judge would be one well versed in the area of municipal law and criminal procedure, and would not be a patent attorney. He said if left to the electorate, the one who runs could in fact be a patent lawyer. Councilman Watts noted that the Fire Chief was left out of Section 2 of the ordinance. Councilman Watts asked if consideration had been given to having the bar association select the other three members of the committee. City Attorney Winn said that was a concept that had been discussed. Councilman Lyons said they felt the bar

January 3, 1977

association might not have necessarily the best interest of Leawood at heart as local persons would; he said he thought the proposed procedure was a more workable procedure than to send it to the bar association. Councilman Watts noted that the three attorneys did not have to be Leawood or Kansas residents. City Attorney Winn said the thought was to try to obtain Leawood residents. Councilman Watts observed that the requirements for candidates for judge would eliminate a Leawood resident practicing in Missouri but would qualify a Missouri resident practicing in Kansas. Councilman Lyons said he would agree to an amendment to include the two things mentioned by Councilman Watts. He added the most important thing was that the nominee practice in Kansas so that he understood the Kansas procedure. Councilman Hodes wondered how many Leawood lawyers practicing in Johnson County would want to take on this type position. He said he was not sold on the idea that a practicing Missouri lawyer could not be familiar with Kansas law. Councilman DeKinder stated there was a world of difference in the appellate procedures and practicing in Kansas gave an advantage. Councilman Lyons said under Supreme Court rules a Missouri lawyer could not come to Kansas without local counsel and practice law, and it had worried him as to whether a municipal judge in the State of Kansas was practicing law. The matter was discussed.

#351

Max Bagby said he had a philosophical difference on appointment versus election of the judge. He felt at this level of government it was better to have the people elect rather than appoint. He said he was appearing solely for himself and as a lawyer. He said during the seventeen years he was City Attorney not one case was ever appealed to the Supreme Court of the State of Kansas. He said he personally was opposed to state line boundaries when it came to this sort of thing. He said he did not think the judge was practicing law. Bill Judd said there was bound to be conflicts of personalities and a judge should not be subjected to the kind of pressure so that he would have to become a yes man; by being elected, the judge would be much more responsive to the community in which he lives and adjudicates. He said he thought it would be a very grave mistake to make it an appointed position. Mr. Bagby said he thought a lot of cities had gone the appointive route. Mr. Judd said former municipal judges Bill Fish and Clark Ullom were opposed to an appointive position. Councilman DeKinder pointed out that the majority of the people who came before the municipal judge lived outside the City of Leawood and had no voice in who was sitting on the bench. He said he felt it was less than a strong argument to say the judge was representing the citizens of Leawood. Mr. Bagby stated the way the proposed ordinance was drafted had taken out a lot of the bad elements of appointment. There was discussion that the charter ordinance would not become effective for sixty days after adoption by the Council.

#365

#411

Councilman Crippin wondered, due to all the questions that had been raised, if councilmen were ready to vote on the ordinance. He suggested perhaps there could be some compromise or clarification. The possibility of a referendum and its effect on the election in April was discussed. Councilman DeKinder wondered if it might not be wiser to put the question to the people or to merely tighten the requirements to insure qualified persons serving in the elective or appointive position. Councilman Crippin said he was amazed that a person could run for municipal judge and not be an attorney. Councilman Watts suggested that the people should be given a chance to vote on whether to remove the right to vote on this issue.

A motion by Councilman Watts to table the motion to approve the ordinance failed. Councilman DeKinder then moved that the ordinance dealing with repealing certain sections of Charter Ordinance No. 6, which provide for the election of municipal judge, be continued with the specific instruction to the Ordinance Committee that consideration be given to changing the current requirements for municipal judge to follow the thinking that was in the amended ordinance as submitted to the Council, that being that the judge should be a resident of the State of Kansas, should be a practicing attorney in the State of Kansas, and other requirements as the committee shall see fit; and that consideration be given to placing the question of appointment of the municipal judge on the ballot for the April election; seconded by Councilman Crippin. Councilman Lyons then withdrew his motion for approval of the ordinance to leave Councilman DeKinder's motion on the floor. The matter was discussed further. Councilman Hodes pointed out that by eliminating attorneys practicing in Missouri, both the present municipal judge and a judge pro tem would be eliminated. Motion carried. Mayor Alt said he would expect to have the ordinance at the next meeting for final second reading. There was discussion concerning requiring that the municipal judge be a practicing attorney, including that there could be a separate ordinance dealing with requirements of the elective position of municipal judge of the City of Leawood. Mayor Alt also referred to the Ordinance Committee the question of the requirements for municipal judge for report at the next meeting.

#473

#496

Newsletter: Councilman Lyons reported that the Newsletter Committee felt it would be prudent to wait until close to election time to publish the next issue of the newsletter. With no objection from the Council, Mayor Alt so ordered.

MAYOR'S REPORT

#499

Report on Primary Elections: Copies of a proposed house bill had been distributed. Mayor Alt said with no objection he would suggest that the Council back legislation which would remove cities from the requirement of a primary election.

#502

Legislative Action Committee: A memorandum had been distributed. Mayor Alt had been asked to serve on this committee and attached a copy of the League's objectives for 1977. Councilman Hodes said he thought some of the objectives were questionable. Mayor Alt said he understood that anyone serving on the committee would be asked to publicize and push for the passage in the legislature of those items. The matter was discussed. Mayor Alt will make the decision.

#523

Sewer at 105th Street: Councilman Crippin explained at 105th Street west of Lee Boulevard there had been quite a bit of settlement on top of the sewer line, Bill Gray found nothing wrong with the main and it was not the City's fault that the ground had settled; however, there is the possibility that individuals may come before the Council. Mayor Alt stated Phil Kline had also determined that the sewer was in good order.

#526

Flood Insurance: Councilman Crippin reviewed that at the last Council meeting it was determined, based upon a lack of information with regard to the flood insurance program and based upon the requirements for appeal which Phil Kline had interpreted as being quite severe in terms of information which had to be gathered and documented, that Mr. Kline should stop for all practical purposes any further work toward an appeal by the City and that the appeal would be at the discretion of the property owners. Previous to that, \$1,200 had been authorized for Shafer, Kline & Warren to go ahead and determine whether or not the residential properties shown on the map were in fact in the flood plain. Councilman Crippin reported Mr. Kline had completed \$600 of the work and had since found that appeal did not require the amount of information he originally interpreted. Councilman Crippin stated if the work was not finished, it would be of no value to the City whatsoever. If it is completed and the property owners determine they want to appeal, that information would be available for them. It would be required for appeal. Councilman Crippin recommended that the work be completed. There being no objection, Mayor Alt directed that Shafer, Kline & Warren proceed with the work.

OLD BUSINESS

#536

Third Pay Estimate on Fire Station No. 2: On motion by Councilman DeKinder, seconded by Councilman Hodes, the Council approved payment No. 3 to Pitman Building Corporation on Fire Station No. 2 in the amount of \$13,249.42.

At 9:50 p.m., on motion by Councilman Hodes, seconded by Councilman Lyons, the meeting adjourned to Monday, January 17, 1977, 7:30 p.m.

Jane Lile
Council Reporter

Attest:

J. O. ...
City Clerk

Eugene E. Alt
Mayor

January 17, 1977

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 17, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, DeKinder, Crippin, Haas, 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 Watts, seconded by Councilman Lyons, the minutes of the meeting of January 3, 1977, were approved as submitted.

Visitors: Robert Agnew, Clarence Gunckel, C. B. Gallant, Cliff Johnson, W. R. Judd, Sharon Soper, Marilyn V. Furr, David Furr. Member of the Press: Max Kvidera.

REPORTS

#549

Treasurer: No report.

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

#550

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

#553

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

#556

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Haas. The Council agreed the Public Works Department had done an excellent job clearing streets in view of the weather.

Since Mayor Alt was going to have to leave early, the mayor's report was moved up on the agenda.

MAYOR'S REPORT

#558

Applications for City Administrator: Mayor Alt reported the committee had gone through the applications for city administrator and narrowed it down to those to be interviewed.

Condolences to Councilman Roberts: Mayor Alt reported

Councilman Roberts' mother passed away and that condolences were sent.

Intangible Tax: Mayor Alt said he would hope that special consideration be given to the intangible tax, particularly in connection with putting it before the public.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

#561

Charter Ordinance Relating to Elections, Terms of Office, Officers Elected, and Qualifications (Second Reading Continued): Councilman Crippin reviewed that at the last meeting the Council directed that the Ordinance Committee review the ordinance that had been prepared regarding the appointment of the municipal judge, and it appeared there was an indication from the Council that the qualifications for the municipal judge should be tightened. Copies of a revision of the proposed ordinance were distributed. Councilman Crippin explained that the ordinance referred to Section 9-102.2 of another proposed ordinance relating to the qualifications of the municipal judge. He said the revisions made by the Ordinance Committee revolved around the procedure which was mentioned at the last meeting with regard to the appointment of a panel consisting of three attorneys appointed by the mayor and a representative from each ward appointed by the respective councilmen. The seven members would select from those individuals interested in the position of municipal judge, forwarding the names of three qualified individuals to the Council. The Council would then select the person to be appointed. Councilman Crippin moved for approval of Charter Ordinance No. 13; seconded by Councilman Lyons.

#572

There was a short recess to reverse the recording tape.

Side 2
#0

Mayor Alt reviewed that the motion on the floor was for adoption of the charter ordinance which would abolish the election of the municipal judge and do it by appointment. There was discussion concerning whether the charter ordinance or versions 1 and 2 of the ordinance relating to qualifications of the municipal judge should be considered first. City Attorney Winn explained that version 1 presupposed that there was no change in the charter ordinance. Version 2 presupposed that a change from the elective process to the appointive process was to be made in the charter ordinance. Councilman Crippin said the qualifications had been tightened and as presented the municipal judge shall be a resident of Johnson County, shall be a practicing attorney in and licensed by the State of Kansas, and shall have so practiced for a period of three years. The motion and second for approval of the charter ordinance were withdrawn to permit consideration of the ordinance on qualifications.

#50

#53

Ordinance No. 536 - Relating to the Qualifications of the Municipal Judge: Councilman Crippin moved for approval of version 1; seconded by Councilman Lyons. Councilman Lyons pointed out that instead of having the mayor bring three names as proposed by the selection committee, those names would be submitted directly to the council. Mayor Alt added that the ordinance permitted the election of the municipal judge but also provided that in case no one files three candidates would be selected by a committee of seven, the Council making the decision. Councilman Lyons confirmed that the three attorneys on the panel were not voting members, just advisors. City Attorney Winn said discussion of the candidates could be done in executive session. Cliff Johnson said he believed it would be all right to appoint the judge; he did not believe the appointment should be made by the mayor; he said the procedure of having the selection panel chosen by councilmen from each ward would be appropriate; he thought attorneys should be advisors rather than voting members; and he felt strongly that candidates should be from the State of Kansas, living in Leawood, if possible.

#88

#106

Bill Judd stated he had no disagreement about the qualifications that the judge be an attorney practicing and living in the State of Kansas. Councilman Watts wondered why an attorney living in Leawood but practicing in Missouri was not qualified to be municipal judge. City Attorney Winn explained it was a matter of dealing with cases and interpretation, there was a difference in the rules of evidence. Upon inquiry by Councilman Hodes, Councilman Crippin explained that under the ordinance being considered, if the municipal judge is elected he shall be a resident of the City of Leawood, if he is appointed (in the event no qualified candidate files for election) he does not have to be a resident of the City of Leawood.

Mayor Alt said he had to leave; he said he did not favor an ordinance in which the election of the judge was abandoned without putting it to the electorate.

President of the Council Crippin took the chair at 8:19 p.m.

Mr. Judd stated that under the present procedure, appeals were trial de novo, not appealing a specific error made by the court, and it wouldn't make any difference whether or not the judge was familiar with all the interpretations.

#182

Councilman Watts moved that the words "by resignation" be added in Section 4 following "In case of a vacancy in the office of Municipal Judge by removal,"; seconded by Councilman Lyons. Motion carried. Councilman Lyons then moved that the ordinance be passed on an emergency basis; seconded by Councilman Hodes. Councilman Lyons stated he made this motion because filing time for the position of municipal judge expires February 1, and if the ordinance were passed on an emergency basis, everyone would know

exactly where they stood. Motion carried. There was discussion that if the charter ordinance be subsequently passed, the qualifications would be tightened up in the meantime. City Attorney Winn said there would be no particular necessity to discuss version 2 until the charter ordinance had been passed, if at all, and went into effect, if at all. Ordinance No. 536 was adopted as amended.

#219

Charter Ordinance Exempting the City from Provisions of State Statute and Repealing Charter Ordinance No. 6 of the City of Leawood and Providing Substitute and Additional Provisions Concerning Elections, Officers Elected, Qualifications, etc.: Councilman Lyons moved for adoption of the charter ordinance repealing the charter ordinance which called for the election of the municipal judge, putting the matter back under the state statute which prescribes that he shall be appointed, and incorporating by reference provisions of Section 9-102.2 of the alternative ordinance (version 2); seconded by Councilman Haas.

#225

Mr. Judd said he felt adoption of the charter ordinance would be a serious step to, in effect, disenfranchise the electorate of the City. He said the electorate was wise enough to find and elect somebody else if a municipal judge was not doing the job properly. He quoted from The Kansas City Star a remark by Leon Brownfield that the Kansas City nonpartisan court plan had become deeply embroiled in politics, and the selection process was a mockery. He said there could be extenuating circumstances here that would lead into exactly the same kind of situation. Mr. Judd said the appointment of Pat Brown as County Assessor was another example of politics or pressure groups influencing appointments. He said he knew there was enough opposition to the appointive process for a judge that the Council would be forced to put it on the ballot. He urged that the Council let the people vote on it.

#246

Councilman Lyons pointed out in regard to the newspaper articles that the Missouri Bar did strongly recommend to keep the appointive method for choosing municipal judges. He said the Kansas City situation was not a good simile. Cliff Johnson said he believed councilmen elected by the people were well qualified to decide whether to elect or appoint a judge. Councilman Watts said he felt strongly that if the right to vote on a matter was being taken away from the people, it should be put on the ballot. Councilman DeKinder suggested that the Council pass the charter ordinance, at the same time recognize that it should be placed before the voters, and go ahead and put it on the ballot in April. Councilman Lyons stated councilmen were elected by the people and if they believed it was right, they should vote for it. Councilman Wise said she felt if the council voted for the charter ordinance and it went to referendum it would become a tainted or

negative issue; there would be a better chance of the appointment system passing if it were submitted directly to the voters. Councilman Hodes said he would vote against the charter ordinance because he thought it should go to the people.

Councilman Lyons withdrew his motion for approval of the charter ordinance; Councilman Haas withdrew his second. Councilman Lyons then moved that the Council in resolution form submit on the upcoming ballot for the electorate to decide whether or not the charter ordinance providing for election of the municipal judge should be repealed; seconded by Councilman DeKinder.

At 8:55 p.m., Councilman Haas asked to be excused to attend another meeting.

Councilman Crippin reviewed that the first question was to decide whether or not the Council wanted to submit the question to the voters, and at that point it should be referred back to the Ordinance Committee where a resolution would be drafted, to be discussed at the next meeting, to include the wording to be placed on the ballot. Councilman DeKinder asked if it would be appropriate for such resolution to indicate the Council favored one technique or another. Motion carried unanimously. Councilman Crippin said the Ordinance Committee would draft a resolution for approval by the council containing the wording to be placed on the ballot in April. Mr. Johnson confirmed that there would be an elected judge for the next two years under the new qualifications.

#290

Ordinance No. 537 - Regarding Solid Waste: Councilman Crippin moved that the ordinance regarding solid waste be approved. City Attorney Winn stated he thought the procedure would be that the City would check the existing contracts against the ordinance, and a copy of the ordinance would be incorporated as part of the operator's contract. A photostatic copy of the ordinance would be added to letter agreements. City Attorney Winn said the City would designate the homes associations, or in some instances individual property owners, as agents for purposes of entering into an agreement with the hauler. Ordinance No. 537 was adopted unanimously.

Councilman Lyons asked to be excused at 9:04 p.m.

#311

Ordinance Relating to Temporary Signs (First Reading): Councilman Crippin stated the ordinance was the result of J. C. Nichols Company representatives appearing before the Council. The Ordinance Committee was asked to draft an ordinance relating to real estate signs. Councilman Crippin moved to put the ordinance on first reading. Councilman Hodes noted that the ordinance would permit a "for sale" sign any day of the week as long as a real estate agent was present but only on Sunday from 1:00 p.m.

to 5:00 p.m. for an individual property owner. He said he would be inclined at this time to speak against the ordinance. Councilman Wise questioned the differentiation between real estate agents and owners. Councilman DeKinder said he would be more in favor of a Saturday 1:00 p.m. to 5:00 p.m. and a Sunday 1:00 p.m. to 5:00 p.m. and treat homeowner and real estate agent exactly the same, and that the sign design or format section be tightened. Chief Blume said from an enforcement point of view, he could anticipate quite a few problems in trying to determine an owner, real estate agent, etc., it would be much more manageable if there was a specific time period. Councilman Watts said he would be in favor of Saturday and Sunday 1:00 p.m. to 5:00 p.m. with some dimension limitation in addition to the five square feet. Chief Blume suggested that since this was a criminal ordinance as opposed to a zoning ordinance that it specify no streamers, banners, etc. Councilman Watts suggested adding a time limitation on recently completed homes. Councilman Crippin stated the Ordinance Committee would review that aspect of it.

Public Safety:

- #342 Request for Permission to Solicit Funds - Heart Association: On motion by Councilman DeKinder, seconded by Councilman Wise, the request by American Heart Association for permission to solicit funds was approved.
- #344 Stop Sign - 128th and Sagamore: On motion by Councilman DeKinder, seconded by Councilman Watts, the Council approved a stop sign at 128th and Sagamore.
- #345 Purchase of Police Motorcycles: Councilman DeKinder reviewed that the department had had a trial on use of a motorcycle in the City that had proven extremely satisfactory. On recommendation of the Public Safety Commission, Councilman DeKinder moved for approval to obtain bids for two motorcycles; seconded by Councilman Hodes. Councilman DeKinder said \$12,000 was budgeted for 1977 for motorcycles and equipment. Motion carried unanimously.
- #353 Status of Fire Station No. 2: Councilman DeKinder reported construction was slightly ahead of schedule and the contractor still felt he would hit a target completion date around the end of May. He said it would take about eight days of good weather to complete block and brick work so interior work could be started. Councilman DeKinder said it was anticipated the cost would be slightly below estimated total cost.
- #356 Public Works - Sewer Maintenance Program : Councilman Crippin referred to a memorandum concerning a sewer maintenance program begun by Bill Gray on the Leawood sewer system between 103rd and I-435. Mr. Gray said the sewers were fifteen years old and rodding and checking them might save the City some problems later on.

OLD BUSINESS

- #362 Services for Seniors: Councilman Hodes requested that this matter be placed on the next agenda.

NEW BUSINESS

- #363 Request for Permission to Erect Sign - Mission Mortgage Company, Inc.: Mr. Sirchia stated the property was zoned as limited office almost two years ago, that deal fell through, and the current owner wanted to put up a sign to sell the property. Councilman DeKinder moved that the Council approve the sign for location at 8010 State Line as drawn on the survey, 4 ft. by 8 ft., for a period not to exceed six months; seconded by Councilman Watts. Motion carried.

Councilman DeKinder asked that the height of the shrubs around Jack Roach Cadillac be checked.

- #372 Request for Permission to Erect Sign - Hixon - Oxford Hills: Mr. Sirchia asked that this matter be withdrawn from the agenda.

- #378 Presentation of Proposed Telephone System: Mr. Sirchia requested that this matter be withdrawn from the agenda as a second proposal had been obtained but had not been studied. Councilman Wise suggested that if an all-city system were not installed, that intercom lines be installed between all departments of the City.

- #378 Report from Special Committee on Intangible Tax: Councilman DeKinder reported everyone seemed to believe it was an unfair and uneven tax, seemed to fall heavily on retired individuals, and singled out a particular type of income to be taxed. He said there seemed very little disagreement that, if possible, the rate should be reduced and over a period of time eliminated. Six cities in Johnson County had passed legislation either eliminating or reducing intangible tax. Councilman DeKinder stated the intangible tax provided \$270,000, or around ten per cent of the Leawood budget. He reported the Committee recommended that the Council give consideration to phasing out the intangible tax over a period of four or five years. He said action this year would not affect collection until 1978, and the intent of the Council could be reconsidered each year. The Committee also recommended that the Council give consideration to placing on the ballot the two questions as worded in Mr. Winn's letter of January 8, to eliminate the intangible tax and raise the tax lid. Councilman Wise reported the County Clerk's office stated the City could take action any time up until September of this year and it would affect the taxes paid in 1978 for the 1979 budget. She pointed out that revenues exceeded expenditures in 1976 by \$218,000. She said she would like to present some figures showing a comparison of revenues and expenditures over the last five years so

everyone could be involved in the forecasting. Councilman Watts pointed out to completely replace the intangible tax Leawood would have to raise property taxes approximately 43 per cent. The Ordinance Committee will study the matter and present a resolution.

#412

Appropriation Ordinances: No. 363A in the amounts of \$47,411.25 for 1976 payroll and expenditures and \$77,391.01 for 1977, and No. 350S in the amount of \$4,523.62, 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 DeKinder moved that the Council go into executive session to consider personnel matters; seconded by Councilman Hodes. Motion carried.

The Council went into executive session at 9:45 p.m. and returned to regular session at 9:53 p.m. The same councilmen were present.

On motion by Councilman DeKinder, seconded by Councilman Watts, the meeting adjourned to Monday, February 7, 1977, 7:30 p.m.

#420

Eugene E. Allen
Mayor

[Signature]
President of the Council

Jane Lile
Council Reporter

Attest:
[Signature]
City Clerk

February 7, 1977

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 7, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, DeKinder, Crippin, 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 Wise, seconded by Councilman DeKinder, the minutes of the meeting of January 17, 1977, were approved as submitted.

Presentation of Certificate of Appreciation to Louise MacKenzie: Mayor Alt presented to Louise MacKenzie, one of the charter members of the Recreation Commission, a certificate of appreciation for the fine service she had rendered in making it possible for the City to have one of the finest recreation complexes in the metropolitan area.

#428

Visitors: Mr. and Mrs. E. G. Moss, Jeff Eppler, W. F. Magers, Mr. and Mrs. Vernon Powell, Mr. and Mrs. George A. Heist, Dr. and Mrs. Gordon L. Brubaker, Mr. and Mrs. Roy W. Fase, Walter W. Deschner, Mrs. D. G. Iddings, Gus Vasen, Stuart Johnson, Mr. and Mrs. Pearl Scott, Mr. and Mrs. Arlis Hoff, Ernest Neuburger. Member of the Press: Max Kvidera.

#433

On motion by Councilman DeKinder, seconded by Councilman Crippin, the agenda was changed to consider committee reports at this time since the American Cancer Society representative had not yet arrived.

COMMITTEE AND COMMISSION REPORTS

#434

Budget and Finance: Councilman Wise explained that the distribution showing a comparison of revenues and expenditures in Leawood's general operating fund from 1973 to the present was prepared for a Budget and Finance Committee meeting to discuss the intangibles tax. She said each year up to the present, revenues had exceeded expenditures, last year the $\frac{1}{2}$ cent countywide sales tax was added and the percentage of intangible tax given to the City was increased from $1\frac{1}{2}$ per cent to $2\frac{1}{4}$ per cent.

Councilman Watts entered the meeting at 7:40 p.m.

Councilman Wise said the forecast for 1977 was that expenditures would increase significantly again because of the personnel added recently, utilities, materials, etc.; at the same time revenues would increase slowly from now on,

the projection being for only a five per cent increase in revenue unless there was some new revenue source. She said it was quite likely that beginning in 1978, the City's expenditures would exceed revenues. For that reason, the Budget and Finance Committee recommended that the intangibles tax be reduced only if the revenue could be replaced with another source, and that the question be put on the ballot of whether or not to rescind the tax limit by a maximum of seven mills for some time period in order to eliminate the intangibles tax. Elimination of intangibles tax could be done all in one year starting in tax year 1978 or it could be done over a three or four year period. Seven mills would be approximately a fifty per cent increase in city ad valorem property tax. The revenue from intangibles tax would be approximately \$300,000, assessed valuation approximately \$48,000,000. Councilman Wise said the Budget and Finance Committee felt if the tax lid were rescinded it should be for a significant time period; that four years did not seem long enough. The report was discussed. Councilman Hodes said the concern he had was that if the Council made strides to eliminate the \$300,000 intangibles tax, how could the revenue be replaced.

#461

Presentation of Mayors' Christmas Tree Bowling Tournament Check to Mayor Alt: Jeff Eppler, representing King Louie Ranch Mart, presented to Mayor Alt a check in the amount of \$431.50 raised by adult league bowlers. Mayor Alt, in turn, presented the check to Jack Frost for the American Cancer Society.

#465

Resolution No. 411 to Put the Question of Intangibles Tax on the Ballot: Councilman Crippin reviewed that at the last meeting the ordinance committee was directed to prepare a resolution to put the question of intangibles tax on the ballot. City Attorney Winn explained that the drafting of the resolution was prompted by the report made by Councilman DeKinder's committee indicating they would like to see a phasing out of the intangibles tax over a period of four to five years. Councilman Crippin said the first question was to reduce the intangibles tax to $1\frac{1}{2}$ per cent in 1978, and phase it out $\frac{1}{2}$ per cent per year for the next three years; the next question, if that were done, was that the City increase the ad valorem tax levy accordingly in order to obtain the revenue to make up for the loss. City Attorney Winn explained that the propositions were contingent upon one another.

E. G. Moss was concerned that some people were not paying the intangibles tax. He asked why the people had to wait four or five years to get it phased out. Councilman Watts said he thought everyone on the Council agreed the intangibles tax was an unfair tax but he pointed out that this tax was \$300,000 out of the City's \$1,300,000 general operating budget. The audience agreed that it should be eliminated and replaced by a tax paid by everybody. A man in the

audience suggested the possibility of a class action to take the question of legality of the intangibles tax into court. City Attorney Winn stated that with unification of the Federal and State income tax returns he would suspect that a high percentage paid the intangibles tax. Councilman DeKinder stated that on a home with current market value of \$100,000, if the mill levy were increased to totally eliminate the intangibles tax, the increase in tax would be about \$84, which would equate to someone receiving \$3,600 income from intangibles. The matter was discussed. City Attorney Winn explained the way it was written in the resolution before the Council was that it go down from $2\frac{1}{4}$ to $1\frac{1}{2}$ per cent the first year, and then $\frac{1}{2}$ per cent per year. In answer to inquiry by Councilman Lyons, the audience agreed that they preferred property tax over income tax to replace intangibles tax.

#534

#565

There was a short recess to change the recording tape.

Tape No. 45
Side 1

Resolution No. 411 to Put the Question of Intangibles Tax on the Ballot (continued): There was discussion concerning the number of years for which the tax lid should be lifted. Proposition No. 2 was discussed. City Attorney Winn said by state statute, the City was forced to specify a certain increase for a certain number of years. The amount of increase in the levy over the tax lid was discussed, as well as whether to state one maximum cumulative mill levy amount or an annual amount. The number of years was discussed. Councilman Crippin moved that Proposition No. 1 as written in the resolution be approved and that Proposition No. 2 be approved with a revision in wording beginning in the third line, "the City to be increased by not to exceed a total of seven (7) mills over a period of eight (8) years for the purpose of providing . . ."; seconded by Councilman Wise. Following discussion, the motion and second were withdrawn. Mayor Alt reviewed the changes agreed upon: In the title, change four (4) years to eight (8) years; change the fourth whereas clause to read "to permit the total taxes levied by the City to be increased by not to exceed a total of seven (7) mills over a period of eight (8) years for the purpose of providing an alternate revenue source;" Proposition No. 2 to read, "by not to exceed a total of seven (7) mills over a period of eight (8) years for the purpose of providing revenue to the City."; the notice to read, "for a period of not to exceed eight (8) years for the purpose of providing alternative sources of revenue."; further, the notice under Proposition No. 2, to read, "by not to exceed a total of (7) mills over a period of eight (8) years for the purpose of providing revenue to the City."

#175

#281

Councilman Crippin then moved that a resolution to submit to the voters the question of repealing the intangibles tax now being levied by the City of Leawood, Kansas, under the authority of K.S.A. 1976 Supplement 79-3109 and to further submit the question of whether to levy taxes in excess of

the limitations prescribed by law by suspending for a period of eight (8) years the aggregate tax levy limitations set out in K.S.A. 1976 Supplement 79-5012 be approved as revised; seconded by Councilman Lyons. Resolution No. 411 carried. A copy is attached hereto as part of the record.

COMMITTEE AND COMMISSION REPORTS (continued)

- #291 Insurance - HMO Insurance: Councilman Lyons reported the committee recommended that the City wait until the local HMO plan had been in operation a year to see how it does, and then bring it back to the Council table.
- #300 Ordinance No. 538 Relating to Temporary Real Estate Sales and Construction Signs (Second Reading): Councilman Crippin reviewed the changes made in the ordinance since first reading, permitting signs on Saturday and Sunday from 1:00 to 5:00 p.m., maximum sign size specified as two feet vertically, two and one-half feet horizontally, and omitting "recently constructed" from the ordinance since a house under construction could have two signs, a "for sale" sign and the sign of the builder; when the house was completed, the builder sign would be eliminated. On motion by Councilman Crippin, Ordinance No. 538 carried unanimously.
- #307 Ordinance Relating to the Definition of Residential Floor Space (First Reading): Councilman Crippin stated the question arose based upon an interpretation by John Granstedt with regard to issuing building permits in Dorset Manor and had come up in other areas of the City. The ordinance removed the basement in a single family residence from being considered as floor space if it were finished and, thus, did not amount to a story. Since it was a zoning ordinance, Councilman Crippin moved that it be forwarded to the Plan Commission for a public hearing; seconded by Councilman Watts. Motion carried.
- #326 Public Safety - Briefing Regarding Replacement of Police Car: Councilman DeKinder reported concerning replacement of a police car involved in an accident responding to an emergency call. The police vehicle was totalled out but the City would profit by the mishap in the amount of \$1,035 (insurance payment of \$2,385 less previously designated trade-in value of \$1,350). Early delivery might be taken on one of the new vehicles. Insurance reports had been filed.

MAYOR'S REPORT

Mayor Alt announced there would be a meeting of the committee for selection of a city administrator on Saturday, February 12, at 8:30 a.m. The entire Council was invited to attend.

Mayor Alt reported Judge Cope would have a bypass operation on his heart on February 8.

OLD BUSINESS

#342

Services for Seniors: Councilman Hodes reported on the handyman program for senior citizens and recommended that the occupational license requirements be waived because it is a non-profit organization and charges are very minimal. The City Attorney had suggested that a letter be written to the Services for Seniors program advising that the Council would grant permission for them to operate in the City of Leawood on a trial basis, subject to four conditions: (1) that any workman coming into the City first register at City Hall, (2) on work that would ordinarily require a building permit, there still would be a building permit required, (3) that any workman performing this kind of work would be expected to comply with all building codes applicable to the City, and (4) that the City in granting trial basis approval did not warrant in any way the quality of workmanship of the work performed. Councilman Hodes said Services for Seniors had given the City a certificate of insurance showing that they had quite high limits for bodily injury, property damage, etc. Councilman Hodes moved that the Council approve the Senior Citizens Handyman Program on a trial basis; seconded by Councilman Crippin. Motion carried.

#355

Resolution No. 412 to Put the Question of Electing or Appointing the Municipal Judge on the Ballot: Councilman Crippin stated this had been referred to the Ordinance Committee for drafting of a resolution. Councilman Crippin moved that the resolution be adopted as written to place on the ballot for the voters the decision to determine whether the municipal judge should be elected or appointed. Councilman Lyons said he thought the Council should vote on it and not delegate what the Council was elected to do back to the people. City Attorney Winn suggested adding the words, "the judge to be selected". Motion was seconded by Councilman Wise. Resolution No. 412 was adopted, Councilman Lyons opposed.

#370

At 10:03 p.m., on motion by Councilman Wise, seconded by Councilman Watts, the meeting adjourned to Tuesday, February 22, 1977, 7:30 p.m.

June Lile

Council Reporter

Eugene E. Clev

Mayor

Attest:

J. Oberlander

City Clerk

February 22, 1977

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 Tuesday, February 22, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Haas, Watts, Lyons.

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 Watts, seconded by Councilman DeKinder, the minutes of the meeting of February 7, 1977, were approved as submitted.

Presentation of Certificates of Recognition to Leawood American Revolution Bicentennial Committee: Mayor Alt presented certificates of appreciation to those present of the Leawood American Revolution Bicentennial Committee. Committee members were: Otto Stueck, Mrs. Charles Gersh, Pearl Scott, Mr. and Mrs. Virgil Walstrom, Carolyn Atherton, Mrs. John Baeke, Mrs. Robert Browning, Mrs. R. O. Dickey, John Eisele, Mr. and Mrs. Armand Glenn, Jim Groebe, Mrs. Larry Handley, Glen Lichey, Mrs. Barbara Loftus, Mrs. Thomas O'Halloran, Newton Skirvin, Mrs. Barbara Stattman, Mrs. Sarah Wally. Mayor Alt thanked them for the fine work they did, giving the City the flagpole plaza at the park, the one hundred year time capsule, and the \$1,000 bank deposit.

#388

Visitors: George E. Walls, Mrs. H. L. Roberts, J. W. Fitzpatrick, W. R. Judd, Dr. and Mrs. G. M. Osgood, Robert Rodriguez, Judy Cobb, Carolyn Atherton, Lyda H. Browning, Mr. and Mrs. Pearl Scott, Mrs. Mason A. Wally, Barbara O'Halloran, Mrs. Ragsdale and son, Ken. Member of the Press: Max Kvidera.

REPORTS

#395

Treasurer: No report.

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

#397

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman DeKinder, seconded by Councilman Watts. There was discussion concerning frozen water hydrants at the time of a fire at 14101 Windsor Drive. Chief Toman said they put out the fire with water in the truck tank.

#412

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

#414

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman DeKinder, seconded by Councilman Watts. George Walls asked if there was any obligation on the part of the City where the road grader did not stay in the middle of the road and took off some of the rises to driveways. Mayor Alt said the rises impeded water flow and any damage that occurred to them was the homeowner's loss.

#422

On motion by Councilman DeKinder, seconded by Councilman Lyons, the agenda was changed to consider the request for permission to erect temporary sign on Cure' of Ars grounds as the next item of business.

NEW BUSINESS

#424

Request for Permission to Erect Temporary Sign - Cure' of Ars Grounds: Mr. Sirchia introduced Robert A. Rodriguez, principal of Cure' of Ars School, and stated he was requesting permission to erect a temporary sign advertising their registration, open house and science fair. Dimensions of the sign would be six feet by four feet and they would like to have it up to March 14th. Sketches of the sign and its proposed location on the grounds were distributed. Mr. Rodriguez said he planned to place the sign 10 to 15 feet from Mission Road, south of the crosswalk. On motion by Councilman Watts, seconded by Councilman DeKinder, the Council approved the temporary erection of a sign at Cure' of Ars no greater than six feet long by four feet high to be removed no later than March 14, with a further provision that the sign be erected a reasonable distance behind the sidewalk parallel to Mission Road.

#442

On motion by Councilman Watts, seconded by Councilman Roberts, the agenda was changed to consider recommendation relating to acceptance of streets in Merry Lea Farms as the next item of business.

#443

Recommendation Relating to Acceptance of Streets in Merry Lea Farms: Councilman Crippin said representatives of Merry Lea Farms had indicated they had met requirements of the Public Works Commission which included getting one hundred per cent of the property owners in Merry Lea Farms to approve the dedication of streets to the City of Leawood. Before the streets are accepted, the Public Works Commission had indicated to the Merry Lea Farms people that they would have to finance various core drillings and perform some construction with regard to catch basins and drainage problems. Councilman Crippin reported the Public Works Commission did not feel it should authorize the Merry Lea Farms people to go ahead with this expenditure without some indication from the Council that if the streets did meet City specifications for construction that the Council was receptive to accepting the streets.

Councilman Crippin said the Public Works Commission recommended to the Council that these streets be accepted with the contingencies. He said representatives were present to get an indication from the Council as to whether or not the Council was receptive to accepting the streets. Bert McCorkle said he had understood that the City would accept the core drillings made about a year ago. Councilman Crippin said if the information Dr. Hoover had was sufficient, they would not have to make additional core drillings. A gentleman in the audience asked what would be required as far as deeds were concerned, and who would approve the plans for rebuilding the cul de sac. Councilman Crippin said that would be done by the City Engineer and Public Works Commission. City Attorney Winn advised that the first step would be for the association to contact a title company, get the legal description and ownership of the individual tracts that were to be deeded, the City would then draw the deeds for individual signatures. There was consensus among the Council that if the requirements were met, the City would be receptive to accepting the streets.

#477

Discussion of Sewer Situation: Mayor Alt said the Council had copies of a letter he had received from a group of citizens which was self-explanatory. He said Leawood had consistently supported the position that the present sewer plant not be expanded and that Leawood obtain its relief from Missouri, as stated in two existing resolutions.

George E. Walls, 2205 West 104th Street, said he occupied his home in July of 1961. At that time there were no homes south of 104th Terrace but there was a sewer plant known as the Indian Creek Sewer Treatment Plant. During the ensuing years to 1966, there was a very objectionable odor in his area. Mr. Walls said during the period 1966 to this date through many administrations of the Johnson County Commissioners and the City of Leawood, many problems of the sewer treatment plant were corrected but the objectionable and offensive odors had not been eliminated. He said no one could guarantee that there would not be odors. He said the plant was not caused by nor needed by residents of Leawood since they paid for treatment to Kansas City, Missouri; this plant was treating the wastes of Johnson County. Mr. Walls stated the original plant had 30,000 connections, over the years it went to 85,000 and he had since lost track. He said the creek used to be a lovely place, now the stream was murky and had a movement like slow, frozen molasses. Mr. Walls said records had been given to the City of Leawood. He said the Leawood Homes Improvement Association was formed for the sole purpose of preventing further expansion of the Indian Creek Sewage Treatment Plant. Mr. Walls read for the record a letter dated February 18, 1977, addressed to the Mayor, requesting that the City of Leawood reaffirm its position against expansion of the Indian Creek Sewage Treatment Plant at the earliest appropriate time. He presented the original of the letter to Mayor Alt. Mr. Walls read a wire sent to Governor Bennett deploring the action of the Johnson County Commissioners to expand Indian Creek Sewage Treatment Plant

overriding the wishes of the citizens and residents of Leawood, and in direct opposition to EPA recommendations. Mr. Walls said they were requesting immediate action on the part of the Governing Body of the City of Leawood by proclamation that: (1) The City of Leawood does reaffirm its unalterable position opposing the expansion of the Indian Creek Sewage Treatment Plant and it shall be phased out expediently. We further support the EPA study opposing expansion of this plant and construction of other facilities at 111th and Switzer and that for purposes of Federal assistance compliance be made with the EPA study and recommendations, and that the City of Leawood will not tolerate further encroachment by obnoxious expansion and building within our City; (2) The City of Leawood take the initiative and request immediate advice by the Johnson County Commissioners as to their plans and cost of expansion of this plant as stated by recent press releases and that they further advertise their entire plan so as to make all Johnson County citizens knowledgeable to costs especially without Federal funding and in opposition to the recent EPA study. Mr. Walls wondered if Federal highway officials were concerned about the low-lying fog conditions caused by the plant now between Lee Boulevard and Roe on I-435.

In answer to inquiry by Councilman Watts, Mr. Walls said the Governor had not answered the telegram. Councilman Watts stated the resolutions passed in 1973 and 1975 still stood. Mr. Walls said he wanted them restated.

#548

J. W. Fitzpatrick said he had talked with Charles Wright, acting regional administrator of EPA, concerning this matter and there was a good possibility that this hearing could be called in a relatively short period of time. Mr. Fitzpatrick said the counterproposal was to expand the Indian Creek Sewage Treatment Plant and construct another plant in the middle basin. The other alternative was to pipe the sewage on down to the Missouri River where degree of treatment would not have to be as high as discharge to Indian Creek-Blue River. Mr. Fitzpatrick said it would be rather unrealistic for the County Commissioners to go ahead and construct the plant without Federal funds. He said figures quoted in the newspaper indicated a range from \$6.50 to \$8.00 per month per connection with EPA assistance, multiplied by four without Federal assistance.

Councilman Wise wondered what the South Leawood Improvement Association was proposing to do as their next step. Mr. Walls said they only had recourse to the Governing Body, they did not intend to take any class action. Mr. Fitzpatrick said there was under way in the area now a study financed through an EPA grant with MARC carrying it out that would ultimately decide what the best solution to the area-wide problem should be; this should be completed about July 1, 1978. He said the past EPA regional administrator and the present acting regional administrator had stated they would see that Kansas citizens only pay their fair share if this did go to Missouri.

Mayor Alt said the Special Sewer Committee had met and examined some of the documents. He advised the Council that the City had a copy of a report from the Kansas State Health and Environmental Agency recommending that Johnson County go ahead.

#595

So that the Council would have time to draft an appropriate resolution, Councilman Watts moved that the City of Leawood express its intent to have a representative at the hearing that will result from the appeal by the Johnson County Board of Commissioners to the Environmental Impact Statement released on December 28, 1976, and furthermore, that the Mayor charge the appropriate committee with drafting a resolution on this matter for presentation to the Council at the next meeting; seconded by Councilman Wise.

Councilman DeKinder pointed out there were inaccuracies, misleading statements and errors in the information both from the EPA and Johnson County so that one would begin to question the motives of both sides. He said he did not think the Council should go on record as being opposed to either the Johnson County appeal to the EPA decision or in favor of the EPA decision. He did think the Council should go on record as continuing to be opposed to any decision that would adversely affect the quality of living in Leawood. City Attorney Winn said he felt confident there was literally no possibility that any hearing would be had on this before the next Council meeting. Mayor Alt said it seemed to him the City had consistently upheld that it did not want the plant expanded and that it sought relief from Missouri. Councilman Crippin said he thought the general consensus of the Special Sewer Committee was that it did not want anything to occur at that site which would worsen the current situation and that everything should be done to improve it.

The matter was discussed. Councilman Crippin said Leawood was caught in the middle between an interpretation of Federal law, the philosophy of a metropolitan sewage treatment system, the philosophy of the County Commissioners, and also in the bind that the Indian Creek plant served few, if any, Leawood homes. The Mayor and City Attorney clarified that the City was seeking additional capacity from Missouri needed to operate the Leawood Sewer System, but that had nothing to do with the giant line that may or may not go across southern Johnson County.

Bill Judd stated he was amazed in 1973 that the Council had no idea there were any plans going forward towards the expansion of the Indian Creek Sewage Treatment Plant until it was notified that for eighteen months the Johnson County Sewer District had been working on Federal funding for four-fold expansion of the plant. City Attorney Winn said recently communications with the County Commissioners had been very good for the most part. He said neither side was

going to guarantee freedom from odor from the sewer treatment plant and no plan contemplated phasing it out. Councilman Watts' motion carried. The Mayor directed the Special Sewer Committee to take up the cudgel.

COMMITTEE AND COMMISSION REPORTS

Public Safety:

#675

Request to Renew Permit to Keep Seven Dogs on Premises: On recommendation of the Public Safety Commission, Councilman DeKinder moved that the request for renewal of the permit to keep seven dogs at 12320 Mission Road for a one-year period be approved; seconded by Councilman Watts. Motion carried.

Approval of Alert II Contract: Councilman DeKinder presented a renewal contract for Alert II computer services which provide access on license checks, stolen automobiles, warrants, arrest records, etc. to the Police Department. Councilman DeKinder moved for approval of the contract in the amount of \$2,275.22 for 1977; seconded by Councilman Watts. There was discussion concerning charging it to Federal revenue sharing funds. The item was not budgeted for 1977 in the Police Department. Motion carried.

Authorization to Purchase Firearms: Mayor Alt stated he had authorized the Chief of Police to purchase ten new firearms for the Police Department assuming he can get them. Five were ordered last year but had not been delivered.

#696

1977 March of Dimes Walk-A-Thon: Councilman DeKinder moved for approval of the 1977 March of Dimes Walk-a-Thom; seconded by Councilman Watts. Motion carried.

Police Department Situation and Activities Report: Councilman DeKinder stated the Police Department 1977 Situation and Activities Report was submitted to the Council for information.

#699

Status Forms - Police Department: On motion by Councilman DeKinder, seconded by Councilman Lyons, the following employment was approved:

John T. Cameron, as probationary Patrolman, Step III,
at the rate of \$926 per month.

On motion by Councilman DeKinder, seconded by Councilman Lyons, the following employment was approved:

Joy L. Weber, as Clerk I, Step II, and school crossing
guard, at the rate of \$551 per month,
effective February 15, 1977.

There was discussion that this employee was replacing an individual who had been half time Police Department clerk and half time court clerk but was transferred to animal control officer.

#723

On motion by Councilman DeKinder, seconded by Councilman Lyons, the following promotion was approved:

Michael L. Stewart, to Master Police Officer, Step III, increase from \$984 to \$1,013 per month.

#726

Status Forms - Fire Department: On motion by Councilman DeKinder, seconded by Councilman Lyons, the following employment was approved:

Steven C. Bland, Firefighter probationary, at the rate of \$800 per month;

Jourdan A. Toman, Jr., Firefighter probationary, at the rate of \$800 per month.

As a matter of information, Councilman DeKinder reported there had been two resignations in the Fire Department, Kent A. Livengood and Michael J. Cohee.

#733

Recommendation on Bids to Purchase Motorcycles: Councilman DeKinder reported two bids were received:

Harley-Davidson of Kansas City	\$7,870.00
plus bid for General Electric radios	2,730.00
	<u>\$10,600.00</u>

Central Harley-Davidson Sales	8,000.00
(536 Central, Kansas City, Kansas)	
plus bid for General Electric radios	2,730.00
	<u>\$10,730.00</u>

Councilman DeKinder moved for approval of the Central Harley-Davidson Sales bid even though it was \$130 higher for the reasons that Central Harley-Davidson would pay for warranty work at any Harley-Davidson shop, it was a Kansas firm, and the shop itself was slightly closer; Harley-Davidson of Kansas City would only pay for warranty work if it were done in their shop. Motion seconded by Councilman Lyons. Motion carried.

#741

Authorization to Solicit Bids for Replacement of Dump Truck: Councilman Crippin reported the Public Works Commission recommended solicitation of bids for a new dump truck, the old truck to be retained and the leaf vacuum attached to it. Councilman Crippin moved that the Public Works Commission be authorized to accept bids for replacement of the dump truck; seconded by Councilman Lyons. Motion carried.

#747

Damage Claim for Sewer Back Up: Councilman Crippin reported sewage had backed up into a home because the City's line was clogged. The City had offered to have the rug cleaned or to pay \$245 for a new rug.

#756

Discussion of Need for Communication System in Public Works Vehicles: Councilman Crippin stated during the last snow

a patrolman with his hand radio toured the City with the street foreman and called for trucks to sand particular areas. He wondered if the old police radios could be utilized by Public Works. Chief Blume stated it was impossible technically to utilize those old radios for emergency use because VHF frequencies were not available. Chief Blume said he had reserved a set of UHF city government frequencies. He said Mr. Sirchia was working with Captain Sellers trying to design the cheapest possible way to solve the problem.

#771

MAYOR'S REPORT

Appointment to Public Works Commission: Mayor Alt proposed the appointment of Councilman Roberts to the Public Works Commission. On motion by Councilman Watts, seconded by Councilman Wise, the appointment was unanimously approved.

#772

Designation of Director of Solid Waste Management: Mayor Alt suggested that Frances Farrar be designated Director of Solid Waste Management for the City of Leawood. On motion by Councilman Watts, seconded by Councilman Wise, the designation was approved.

Report on Judge Cope: Mayor Alt reported Judge Cope was doing extremely well and was at home.

#775

Newsletter: Councilman Lyons asked for contributions to the newsletter which would be coming out soon.

Legislation: Councilman Lyons pointed out there were a number of bills in the Legislature with regard to removal of the tax lid for police vehicles, fire vehicles, parks, etc. and suggested the Council let representatives know it was in favor of those bills. Councilman Wise said the most significant one was on operations for the fire department. Mayor Alt said there was a letter in from the Mayor supporting the police bill. Councilman Wise moved that the Council ask the Mayor to write a letter to the head of the House Taxation and Assessment Committee stating the Council's support of the bill which would authorize taking fire operational expenditures out of the tax lid; duly seconded. Motion carried. Councilman DeKinder requested that a copy of the letter be sent to Senator Burke.

#786

Appropriation Ordinances: Nos. 364A and 351S in the amounts of \$116,390.20 and \$152,808.21 (including investments of \$100,000.00), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Watts.

#795

Status Form - Recreation Commission: Councilman Wise reported there was discussion at the last Recreation Commission meeting concerning raising Fred Krebs' salary from \$4,000 to \$4,900. She said at the time Mr. Krebs was hired it

February 22, 1977

was anticipated that the City was hiring a pool manager only and really had no idea what would be involved in the running of the rest of the complex. Mr. Krebs spent over 1200 hours last year. She suggested in the future some of the off-season jobs may be turned over to someone on the administrative staff. Councilman Wise moved for approval of the status form raising Fred Krebs' salary to \$4,900; seconded by Councilman Watts. Motion carried.

#806

At 10:20 p.m., on motion by Councilman Watts, seconded by Councilman Wise, the Council went into executive session to consider matters pertaining to a city administrator and parks.

The Council returned to regular session at 10:50 p.m. Councilman DeKinder had left the meeting.

#808

On motion by Councilman Roberts, seconded by Councilman Watts, the meeting adjourned to Monday, March 7, 1977, 7:30 p.m.

Eugene E. Allen
Mayor

Jane Lile
Council Reporter

Attest:

J. Oberlander
City Clerk

March 7, 1977

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 7, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Haas, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Treasurer Pendleton, Will Gray, John Granstedt, Bob Sirchia, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Watts, duly seconded, the minutes of the meeting of February 22, 1977, were approved as submitted.

Visitors: Frank Lawler, Howard A. Handran, Sharon Soper, Michael Wray, Michael J. Grady, Kenneth P. Levitz, Jan Middleton, Burton L. Buser, Dr. and Mrs. Jack Cox, J. W. Fitzpatrick, William O. Kehr, Harry Nieders, George E. Walls. Member of the Press: Max Kvidera.

#816

Appointment of City Administrator: Mayor Alt reviewed that a special committee had been appointed to select a City Administrator and the money had been budgeted. He presented Mr. Frank Lawler to the Council for appointment to the position of City Administrator and reviewed Mr. Lawler's experience and qualifications. On motion by Councilman Watts, seconded by Councilman Wise, the appointment was unanimously approved, effective March 21, 1977.

#826

On motion by Councilman Watts, seconded by Councilman Haas, the agenda was changed to consider the Public Safety Commission matters at this time.

Public Safety:

#829

Pitman Building Corporation Application for Payment - Fire Station No. 2: Councilman DeKinder presented the Pitman Building Corporation application No. 4 for payment of \$19,645.53 on Fire Station No. 2. He said construction was coming along very well and it appeared the station would be completed before the deadline noted in the contract. Councilman DeKinder moved for approval of application No. 4 in the amount of \$19,645.53; seconded by Councilman Watts. Motion carried. Councilman DeKinder stated there was application by Kroh-Moffitt Company to complete the sewer line which would come across the Leawood South Country Club; unfortunately, in the sale of that property the easement and right-of-way was not reserved and there could be some delay in getting the sewer line up to the fire station.

#841

Pitman Building Corporation Request for Extension of Time:
Councilman DeKinder stated because of the extremely cold weather men could not work on laying of block or brick or concrete work for the fire station project from December 29, 1976, until February 16, 1977, a total of 34 working days, and Pitman Building Corporation was requesting extension of 34 days under the contract. On recommendation of the Building Committee, Councilman DeKinder moved for approval of that extension; seconded by Councilman Lyons. Following discussion, motion carried.

#856

On motion by Councilman Watts, seconded by Councilman Haas, the agenda was changed for discussion of the ordinance concerning motor homes at this time.

#858

Discussion Regarding Ordinance Concerning Motor Homes:
Councilman Crippin stated several persons had contacted him regarding the parking of motor homes and recreational vehicles in private drives. He said he felt the Council should make a decision either that the homes would be allowed or not be allowed, rather than depending upon whether or not neighbors complain. He thought it should be discussed at the Council level before the Ordinance Committee spent any time on possible revisions to the ordinance.

Dr. Jack Cox, 8514 Cherokee Place, read a statement that he felt he was entitled to reasonable use of his property, that the ordinance prohibiting the parking of a motor home was an advance determination that the parking of that motor home would constitute a nuisance. He said this particular ordinance denied him the right to reasonable use of his property because it precluded him from keeping on his property the motor home which was an incidental accessory to the way he lived and spent his leisure time. He said the decision embodied in the ordinance appeared to be based on no objective standards measuring what was esthetically pleasing. He said he and the other motor home owners proposed that the City Council amend Article 15-102(j) (1) preventing the parking of motor homes in residentially zoned areas. Mrs. Cox added that they had found it impossible in their situation to comply with the ordinance and it seemed to them it was almost impossible to enforce fairly and reasonably. She said she had contacted four owners of motor homes in the City of Leawood who agreed with them. She had a letter from one of them which she said she would leave with the City. Ray Knecht stated he had a motor home and was concerned, and concurred with what Dr. Cox said.

There was discussion that the ordinance had been in effect since 1973 and there was a predecessor which provided a method for specific screening approval. Dr. Cox stated the letter from the City inflamed the entire neighborhood, they did not understand he was asking for a variance on his property, not to strike down any law in this City.

City Attorney Winn said this situation highlighted the overall public policy question which the City would have to deal with. He would concur with Dr. Cox that the present ordinance had some defects but there was another argument to be made that the City did have the right to regulate certain types of activities generally considered to be a nuisance or to be detrimental to the overall welfare of the City. He said the Council could pass an ordinance that would absolutely prohibit certain types of vehicles, or could permit them subject to certain circumstances, such as adequate screening and perhaps permission by adjoining property owners. Councilman Hodes said he felt the ordinance was there with merit and he would hate to see the philosophy of the Council changed from year to year, and would not like to see a bunch of such vehicles in Leawood. Councilman Wise suggested that the Plan Commission be consulted. John Granstedt said he would like to get it out of the Model Zoning Code and Subdivision Regulations completely and have it in the general ordinances. City Attorney Winn mentioned that no matter what the City did, a lot of these vehicles would still be barred by private deed restrictions. Dr. Cox said there were no deed restrictions in his area.

Councilman Wise moved that the Council refer this matter to the Plan Commission and to the Public Safety Commission for their recommendation; seconded by Councilman Lyons. There was discussion concerning what it was being referred for. City Attorney Winn recommended that the Plan Commission go through the whole list of vehicles. Councilman Lyons suggested that the Plan Commission consider whether this ordinance properly belongs in the zoning ordinances if the City was going to have it at all; if it does not, delete it; if they consider that it does, they should handle it on the merits. City Attorney Winn said he thought they would be concerned more with substance than form. Councilman Lyons thought it should be just a general ordinance; Councilman Crippin agreed. Councilman Lyons said as far as Public Safety was concerned, they might as well wait. For purposes of clarification, Mayor Alt stated that the Plan Commission was to consider whether or not the ordinance should be in zoning ordinances at all and make appropriate recommendations to the Council along with any comments they might have as to the regulations, and Public Safety should look at the overall problem of vehicles of all types and be prepared to draft an ordinance to cover the situation. Motion carried.

#926

On motion by Councilman Watts, seconded by Councilman Roberts, the agenda was changed to consider the resolution from the Special Sewer Committee as the next item of business.

OLD BUSINESS

#929

Resolution No. 413 - Regarding Indian Creek Sewage Treatment:
Mayor Alt stated at the last meeting the Council discussed

#1040

Following further discussion, Councilman Watts' motion to amend failed by vote of three ayes, five nays. Resolution No. 413 was adopted as written, Councilman Watts opposed.

#1043

On motion by Councilman DeKinder, duly seconded, the agenda was changed to consider the recommendation regarding telephone system at this time.

Recommendation Regarding Telephone System: Councilman Haas reviewed that he was asked by former Mayor Eddy to take a look at the communication system throughout the City particularly with regard to the city administrator-city clerk department. He said there was a proposal from Sun Communications, a 1975 proposal by the Bell System and a second Bell proposal nearly identical relating to a citywide system. He said Bob Sirchia and Frances Farrar spent a great deal of time evaluating the proposals. He said the only proposal from Bell that he felt could be considered was to upgrade the communication system between the city clerk and city administrator's office which essentially would cost \$30 per month more than the City was presently paying.

The proposal from Sun Communications was to install a Chestel BCS-50 communication system which would give more capability than the Bell proposal and at greatly reduced cost in the years ahead. Councilman Haas said Mrs. Farrar, Mr. Sirchia and he had tried to evaluate the system. On the basis of the information they had, to serve the best interests of the City in the years ahead, they were recommending to the City Council that it consider the installation of the Chestel BCS-50 communication system which would require an initial investment of about \$27,000. Councilman Hodes said he did not feel the Council at this time should consider this proposal until the new city administrator had had a chance to look it over, and he would like to see more than one presentation on the overall improvement of the telephone system. Councilman Wise said she would like to know what other private companies there were. She suggested an expanded committee or additional staff time. Councilman Roberts said he would like to see another proposal from a private company so that some comparison might be made. Councilman DeKinder felt it would be advisable to have another quote from a private company and move ahead. Councilman Wise said she thought the approach should be fairly exhaustive. Mayor Alt said he felt specifications should be established and bids taken.

#1075

Kenneth Levitz stated his company had spent over one hundred hours analyzing the City's system. He recommended that the City hire a consultant in the field of communications and have him analyze the systems and proposals which would eliminate the need for the Council to spend time. Burton L. Buser, Southwestern Bell representative, said since their proposal they had developed a new system known as Dimension;

he pointed out that maintenance cost, training, and availability of maintenance should be considered; he said should the City purchase another system, there was still a monthly charge for the trunk lines and mileage lines when they connected to it. He said when trouble appeared there may be two service calls before determining whose fault it was. He wondered how the 911 service would work with the private system.

#1096

Councilman Haas clarified that in no way was he presenting a proposal to the Council to vote on tonight to install a Chestel BCS-50, but on the basis of the proposal made both from a cost standpoint and the capability of the system in relation to the capability of the proposal of Bell, and in evaluating both the company and the equipment and talking to people who had these systems, he felt this system should be brought to the attention of the Council for further recommendation and investigation.

#1101

Michael J. Grady stated the Dimension system was available well before the latest proposal from Southwestern Bell. He wondered why it had not been proposed. He said in the State of New York, Dimension rates went up approximately sixty-eight per cent shortly after systems were installed and similar rate increases occurred in Texas. He suggested the City check with the Kansas Corporation Commission. He said prior to Dimension, Southwestern Bell was utilizing Chestel systems in Dallas, Texas. He said Overland Park was not too far to make a service call.

Councilman Haas said something needed to be done on a fairly high priority basis. Councilman DeKinder moved that the Mayor add one or two additional people to the committee, that they publish the opportunity to provide analysis and proposal, and that the committee bring a firm recommendation back to the Council no later than the first meeting in April; seconded by Councilman Wise. Motion carried. Mayor Alt, with the consent of the Council, appointed Councilman Haas as chairman, and Councilmen Hodes and Roberts to serve on the committee.

COMMITTEE AND COMMISSION REPORTS

#1119

Newsletter: Copy for the newsletter had been distributed. Councilman Lyons summarized that the copy contained information about the upcoming election, the recreation program, and general information about the City. Councilman Wise said the content was really pushing the limits of a four-panel newsletter and said the printer had indicated he could do a five-panel newsletter. Councilman Crippin suggested it would be better to put out a special newsletter for recreation and send the regular newsletter separately. The Council agreed that the recreation information should be sent out separately as soon as possible. Councilman Hodes made several suggestions for minor changes in the copy. Chief Blume said residents had assumed that the new sign ordinance negated the old

one allowing the 100 square inch logo and number signs, the newsletter should reiterate that is still in effect. There was discussion as to whether or not the newsletter should state that the Council was in favor of Propositions 1, 2, and 3.

#1157

There was a short recess to reverse the recording tape.

Side 2

Newsletter (continued): Chief Toman suggested changes in the order of listing the police department, municipal court, fire department, and emergency medical services. Councilman Crippin suggested that in the last paragraph on the second page the following phrase be deleted, "If not, the city would have to submit another proposition to the voters at the end of eight years." Councilman Crippin requested that the words "residential sale" be inserted before the word "signs" in the second line of the article on the new sign ordinance. He suggested the "Other Items on the Ballot" be listed instead of included in one paragraph. Councilman Wise said a paragraph would be added about Southeast Johnson County School Board races and bond issue. There was further discussion as to whether the newsletter should state that the City Council promotes Propositions 1, 2, and 3. Councilman Crippin suggested highlighting the sentence, "However, for the intangibles tax to be eliminated Proposition 2 must pass." It was agreed that the newsletter state that the Council does as a majority favor Propositions 1, 2, and 3. The Newsletter Committee will revise the copy as suggested by the Council. The City Administrator will be added to the appointments by Mayor Alt. The Mayor's comments will be added, to be reviewed by the Newsletter Committee.

#123

Ordinance No. 539 - Relating to Definition of Residential Floor Space (Second Reading): Councilman Crippin reviewed that this ordinance was to permit Mr. Granstedt to issue building permits for single family residences that have the basement completely finished for living space. He reported the Plan Commission held a public hearing and recommended approval by the City Council. Councilman Crippin moved for approval of the ordinance. Ordinance No. 539 was adopted unanimously.

MAYOR'S REPORT

#131

Discussion of House Bill No. 2368: Copies had been distributed. Mayor Alt reviewed that the Council had authorized him to write a letter supporting removing the entire fire operating fund and equipment from the tax lid. That bill now states that the Governing Body of any City can take police and police equipment and fire equipment out from under the tax lid up to a certain extent. Mayor Alt stated he felt the bill should be subject to referendum by the voters. He asked the Council for their approval to write a similar letter supporting this bill. Councilman Wise moved that the Council ask that the Mayor write a letter

March 7, 1977

to the House Taxation and Assessment Committee indicating support of the bill and that the question be raised of whether the voters of the cities do have the power of referendum, and endorsing that concept; seconded by Councilman Watts. Motion carried.

NEW BUSINESS

#161

Request for Septic Tank: Mr. Sirchia stated Mr. and Mrs. C. W. Babbitt were requesting that the Council approve their application for a septic tank; they had received permission from the Johnson County Board of Health. On motion by Councilman Hodes, seconded by Councilman Lyons, the request was approved. Councilman Alt reported that Johnson County had added some new rules on septic tanks.

#168

Automobile Parking - 85th Terrace and Lee Boulevard: Councilman Crippin reported the problem was in the process of being remedied.

Informal Discussion Regarding Occupation License Ordinance - Addition of Realtors and Other Classifications: Mayor Alt suggested that discussion be deferred until an ordinance was prepared.

#174

Implementation of Salary Ordinance: Councilman DeKinder stated he felt the Council should put the salary plan in ordinance form. He said the Council spent several months in special meetings, had implemented the dollars, but to date the department heads could not explain to employees under what basis they were being paid. Councilman Hodes said the Council decided it did not want it in ordinance form, he thought the procedure should be documented in some way. Following discussion, it was agreed that Mayor Alt would draft an administrative order setting out the policy for approval by the Council.

Proposed Administrative Order 77-1: Mayor Alt said he would have an administrative order concerning status forms at the next meeting.

#200

At 10:50 p.m., on motion by Councilman DeKinder, seconded by Councilman Wise, the meeting adjourned to Monday, March 21, 1977, 7:30 p.m.

Jane Lile
Council Reporter

Attest:

J. DeKinder
City Clerk

Eugene E. Alt 3/21/77
Mayor

March 21, 1977

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 21, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, Frank Lawler, Will Gray, the City Clerk, and the Council Reporter.

#220

Minutes: On motion by Councilman Watts, seconded by Councilman Wise, the minutes of the meeting of March 7, 1977, were approved as submitted.

Visitors: Sharon Soper, Mrs. W. Martin Ladd, Linda Davis, Susan M. Hodes, J. E. Middleton, Jeanette Harriman, Mrs. Lawrence E. Kopper, Mrs. William M. Textor, Jr., Dottie Aldrich, Marie Tarne, Elina Nordstrom, Mr. and Mrs. Robert J. Kalinich, Mrs. John R. Porn, Mariane McCowen, Genie McCowen, Mary Lewis Curran, Rose Marie Lechtenberg, Jim Lechtenberg, Woodrow N. Anderson, John Bonella, Bonnie Bonella, Dr. J. D. Bennett, Marion W. Chipman. Member of the Press: Roxi Taylor.

REPORTS

#236

Treasurer: Councilman Wise presented the recommendation of Treasurer Pendleton that the firm of Hollis, Kuckelman & Van DeVeer be employed to do the audit. A letter outlining what they would do was presented to councilmen. Councilman Wise explained it would be a little different from last year in that in addition to what they have done in the past, they would also do modified accrual reporting which was going to be required. The one requirement they could not meet was a fixed asset statement. The maximum cost proposed was \$3,600, approximately \$1,000 more than last year, the reason for the increase being a \$400 increase for the accrual reporting, another \$400 to audit all the recreation material, and the remainder for inflation. Councilman Wise moved that the firm of Hollis, Kuckelman & Van DeVeer be employed to do the 1976 audit; seconded by Councilman Crippin. Motion carried.

#254

Municipal Judge: Judge Winthrop's report was submitted and approved on motion by Councilman DeKinder, seconded by Councilman Watts.

#257

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

#258

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Roberts. Councilman Hodes said he was very concerned that the report contained three pages listing animal control violations and only three arrests. He said he thought the trial program had gone far enough. Councilman DeKinder said it was planned to have that on the agenda of the next Public Safety Commission meeting. Councilman DeKinder added he would like the Council to consider an animal enumeration program, which he said had proved appropriate and effective in other cities, and which would facilitate identification of dogs.

#275

Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Crippin, seconded by Councilman Wise. The condition of 123rd Street was discussed.

#280

Resolution No. 414 - Concerning Fox Hill Surgical Clinic: Mayor Alt said he understood the Fox Hill Surgical Clinic would be discussed at the Overland Park City Council meeting that same evening. He said he understood the following: The surgical clinic was to be located north of 111th Street west of Mission in the Fox Hill Office District; that the land had been zoned for medical buildings since 1975 or 1976; that the group, Fox Hill Surgical Clinic, would be going before MAHSA on Thursday, March 24, at 7:30 p.m., at 20 West 9th Street, Kansas City, Missouri, Suite 715, for a hearing on the need for issuing a certificate of necessity for this installation; that the Fox Hill Surgical Clinic would, if permitted, build a building and operate as an ambulatory outpatient clinic for such things as tonsillectomies, plastic surgery, wart removal, etc. and for two days a week lease the clinic to the Medical Center for Women for abortions. He said the Medical Center for Women would be moving from Douglas Hospital, Kansas City, Kansas, to the Fox Hill location; the move would help Fox Hill Surgical Clinic offset some expenses of getting started. Mayor Alt said he understood that the zoning may be challenged at the Overland Park meeting tonight. There was discussion that MAHSA was the Mid-America Health Systems Agency which screened applications for medical facilities and made recommendation concerning the need for the facility.

#312

Marion Chipman said he represented people on his block, only a few blocks from the Fox Hill Medical Center and stated they were opposed to the clinic as it would serve no purpose for the people of Leawood living in that area, it would have a bad effect on the value of the property where they lived because of the people it may attract, and they were asking the Council to do whatever it could either by way of resolution and/or sending a representative to the MAHSA meeting to express concern and the lack of need for it. Councilman DeKinder said representatives of several local hospitals were planning to attend the MAHSA meeting because they felt they were not given adequate

#322

notice of the original hearing and had concern about St. Joseph Hospital having an existing ambulatory surgical facility which was under-utilized, and in case of an emergency occurring during surgery at the proposed clinic transport of the patient would be required. Councilman Hodes said he thought the question was did the Council want an abortion clinic next to a Leawood residential district, not that a facility in Kansas City had space available. Councilman Roberts said he officed just across the street from the location in question and was opposed to any kind of clinic or anything that would bring more traffic into the area. Mayor Alt clarified that the location was in Overland Park and Leawood had no control over the zoning or licensing, the Council could only voice its concern about this type facility.

#347

Jim Lechtenberg said it appeared to him these people worked under the guise of establishing themselves a name that sounded official, while all the time it was just a wholesale market for abortions. He said he was against abortion; that he did not expect a facility like this when he moved to Leawood. Mayor Alt asked that the discussion stay away from the religious and moral aspects. Dr. J. D. Bennett said he had the opportunity to share office buildings with an abortionist and had observed the most conglomerate bunch of people imaginable lying in the hallways all day long and the police raiding looking for drugs; it was just not desirable in Leawood. He said in his opinion this was going to be a full-blown abortion clinic. Mr. Chipman said it was particularly not good for the people living next to it. Mrs. Lawrence Kopper commented that the only doctor listed was practicing gynecology and obstetrics and would not be allowed to perform tonsillectomies or to remove warts, the other two were psychologists. Rosemary Lechtenberg asked not only what will this do to property but what will this do to young citizens. Councilman DeKinder said he had checked with MAHSA and learned that the application for this clinic indicated that in the last twelve months they did over 3,000 abortions in Kansas City, Kansas. He stated two Overland Park councilmen expressed concern that perhaps there had been inaccuracies in the original application for zoning which included a statement that abortions were not anticipated. On that basis, the zoning was changed from General Office to CP-1 which provided for medical care. The property had since been sold to another organization.

#394

Dottie Aldrich said she came as a parent and disagreed that the Council should ignore the moral issue; she did not think that it would help to have this around young children. Josephine Porn said there had been too much hidden behind some skirts here; she referred to a report on what the plans really were for. She said she had a petition which councilmen could sign personally. Mrs. William Textor, Jr. said the people were asking the Council, as their representatives, to go to Overland Park with a

resolution strongly worded so that they know Leawood is really against it. Mary Curran seconded what Mrs. Textor said. Elina Nordstrom said this clinic would not affect the people of Overland Park that much because it was on the very edge of their area and was sheltered by office buildings, but the area was very close to Leawood and it did affect the quality of life in our community; it was not the type of thing she wanted her children to grow up around. Councilman Hodes wondered how many of the abortions the group performed were for residents of Leawood and Overland Park. He said he felt the resolution presented was out of line because it dealt with the lack of need for a surgical clinic, not with abortions. Councilman DeKinder stated he drafted the resolution and addressed it to MAHSA which would make recommendation to the State Department of Health and Environment. Mayor Alt suggested a line of attack that it was not a compatible use with zoning in the City of Leawood.

#435

Councilman DeKinder reported Overland Park Councilman Woody Edgington said he thought it would carry some weight with the Overland Park Council if Leawood was on record as being opposed to that facility. Councilman Watts stated he did not think anyone was disagreeing that a resolution should be passed, it was just whether it ought to be a weak one based on lack of need or a stronger one. Councilman DeKinder moved for approval of the resolution presented to councilmen; seconded by Councilman Watts. Councilman DeKinder read the resolution. Councilman Wise thought the resolution would be a lot stronger if it stated the abortion issue objection. Councilman DeKinder said the concern in drafting the resolution was to have specific reasons for passing the resolution; he had no objection to making it stronger. Councilman Lyons said it was irresponsible to vote on a resolution without at least hearing both sides. City Attorney Winn stated the resolution proposed was probably a proper resolution to go to MAHSA because it contained the type of things they consider, but the objection to Overland Park had to do with the whole concept of a clinic not being compatible with the existing and contemplated land use in that area.

#457

#465

Councilman Crippin presented another resolution he had drafted stating the clinic would result in increased traffic and persons in the Fox Hill area thus creating nuisances not conducive to a quality residential and office work environment, and resolving that until such time as the construction of the clinic could be shown to be in the best interest of Leawood, the Governing Body was opposed to such construction. There was discussion that two resolutions should be considered. Resolution No. 414 directed to MAHSA carried, Councilman Lyons abstained. A copy is attached hereto as part of the record.

#484

Resolution No. 415 - Requesting the City of Overland Park to Reconsider Zoning: Councilman Crippin moved that the

resolution he previously read, directed to the City of Overland Park, indicating opposition to location of the Fox Hill Surgical Clinic, be adopted; seconded by Councilman Watts. At the suggestion of Councilman Watts, the resolution was amended to request the City of Overland Park to reconsider the zoning.

Mrs. J. D. Bennett who had just come from the Overland Park council meeting said the City of Overland Park voted to rezone the area to something other than what it was and sent it back to the city plan commission for reconsideration. Mayor Alt recommended that the Council go ahead with the resolution to Overland Park. Councilman Hodes wondered if the Council should be more specific in the resolution since the issue was the abortion clinic. City Attorney Winn pointed out there was a distinct difference between a medical building and a clinic in most zoning; he would be tempted to stay out of the moral-religious issue area of abortions and give some thought as to whether a clinic of any variety was compatible in that particular part of Overland Park.

On motion by Councilman Wise, duly seconded, there was a short recess while Councilman Crippin revised the resolution.

#520

Councilman Crippin read a proposed final paragraph of the proposed resolution. Councilman Watts moved to amend the resolution to conform to the reading just made; seconded by Councilman DeKinder. Following discussion, Resolution No. 415 carried, Councilman Lyons abstained. A copy is attached hereto as part of the record.

COMMITTEE AND COMMISSION REPORTS

#553

Budget and Finance: Councilman Wise referred to a distribution to go to commission chairmen and department heads asking for their 1978 forecasts and giving instructions concerning the type of information desired. Attached was a form for the information. The budget timetable called for information on forecasts by April 18; presentation to the Council on June 20th and July 18th. Mayor Alt said he would have an administrative order on the pay plan steps before the Council at the next meeting. Councilman Wise said the committee was asking for a list of commodities and services which department heads felt could possibly be purchased on a centralized basis, a list of forms which required commercial printing with the idea that perhaps it could be done by one printer, and also a list of fees and charges from various departments.

#568

Public Safety - Recommendation re Purchase of Station Wagon for Fire Department: Councilman DeKinder presented bids for purchase of a station wagon for the Fire Department, as follows:

Shawnee Mission Ford
Schlozman Motor Company
Olathe Ford Sales

\$6,418.55
6,502.79
6,649.62

He said it was the recommendation of the Public Safety Commission after discussing prior service with specific assurance of the dealer that the service would not only be continued but improved, and the convenience of Schlozman Motor Company, to approve the bid as submitted by Schlozman which was the second low bid. The specifications called for 90 amp alternator which had to be eliminated as it is now only available on police package. Councilman DeKinder moved that the Council accept the bid of Schlozman Motor Company; seconded by Councilman Hodes. Motion carried.

#585

Request for Permission to Keep Four Dogs on Premises - 2809 West 90th Street: Councilman DeKinder reported the request had been investigated very thoroughly and signatures of adjoining owners had been received. Councilman DeKinder moved that Mr. V. P. Ryder be granted permission to keep four dogs on the premises for a period of twelve months ending March 14, 1978; seconded by Councilman Hodes. Motion carried.

#588

Complaints Regarding Sign Ordinance: Councilman DeKinder stated he had received an inordinate number of complaints regarding the sign ordinance. He said he felt the realtors were perhaps taking advantage by placing arrows or signs at corners and more than one in front yards. Mayor Alt will write a letter to the Johnson County Board of Realtors inferring that the Council may reconsider the ordinance should violations continue. The Mayor said the police had been duly instructed. Councilman Crippin commented there was a penalty clause in the ordinance and he thought the police officers should be instructed to go ahead and fine some of these people.

MAYOR'S REPORT

#608

Approval of Administrative Order 77-1: On motion by Councilman Hodes, seconded by Councilman Watts, Administrative Order 77-1 defining procedure for approval of status forms was approved.

#609

Spring Town Meeting: Mayor Alt reported Frances Farrar had attended the meeting which suggested a meeting of citizens to break up into discussion groups concerning policy, etc. The matter was referred to Councilman Hodes for further study.

#614

Striping of Lee Boulevard: Mayor Alt said he was instructing the Public Works Department to put a white stripe down Lee Boulevard under direction of the Police Department to help in traffic enforcement.

March 21, 1977

#617

Letter to Board of Zoning Appeals: Mayor Alt said he had written the Board of Zoning Appeals regarding the "for lease" sign at 89th Street and State Line; his letter, however, did not get to them before their meeting. They did grant the sign for a one-year period on the basis that they had granted the sign three years ago for a limited period. The building is now substantially empty.

#619

Legislation: Mayor Alt stated he had already written a letter on Senate Bill 260 regarding revenue sharing upon consent of the Council by telephone poll. Following discussion, Councilman Watts moved that the Council go on record as endorsing Kansas House of Representatives Bill 2202 and that the Mayor be instructed to inform local representatives to that effect; seconded by Councilman Lyons. Motion carried. Councilman Watts moved that the Council go on record as opposing Senate Bill No. 27 and that the Mayor be instructed to inform local representatives in the Senate to that effect; seconded by Councilman Lyons. Motion carried. Councilman Wise moved that the Council go on record as approving Senate Bill 207; seconded by Councilman Watts. Motion carried.

#629

NEW BUSINESS

#638

Request for Special Sign Approval - Saddle & Sirloin Club: City Administrator Lawler requested that the matter be deferred until specific times for starting and ending could be determined. Councilman DeKinder requested that the design of the sign be submitted for approval by the Council.

#642

Appropriation Ordinances: Nos. 365A and 352S in the amounts of \$397,180.03 (including \$300,000.00 in investments) and \$357,489.61 (including \$350,000.00 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 Wise.

On motion by Councilman DeKinder, duly seconded, the Council went into executive session at 9:55 p.m. to discuss a matter regarding an employee of the City.

The Council returned to regular session at 10:02 p.m. The same councilmen were present.

#649

On motion by Councilman Watts, seconded by Councilman Crippin, the meeting adjourned to Monday, April 4, 1977, 7:30 p.m.

June Lile
Council Reporter
Attest:
John Olananda
City Clerk

Eugene E. Alt
Mayor
3/21/77

April 4, 1977

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 4, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Haas, Lyons.

Others present were Police Chief Blume, Fire Chief Toman, City Administrator Lawler, City Attorney Winn, Will Gray, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Lyons, the minutes of the meeting of March 21, 1977, were approved as submitted.

Visitors: Barry West, Mr. and Mrs. Curtis Ottinger, William J. Hadel, John M. Brooks, Sharon Soper, E. V. Reichley, J. E. Middleton, Dennis J. Coleman, H. A. Block.

John M. Brooks said he had been trying to find out why family residences in Leawood could not have steel, vinyl or aluminum siding. He said he had been advised that a new ordinance was being written and wondered why the siding ordinance had not been changed. Councilman Wise said she had indicated the subdivision regulations were in the process of being revised but also advised Mrs. Brooks that the restriction on building materials was in the deed restrictions. Mayor Alt said as to ordinance and deed restrictions, the most restrictive took precedence. Mr. Brooks said he could understand in the days before the energy crisis, but in this day and age when there were savings both winter and summer, he would like to proceed to get some type of siding for his house. Councilman Crippin suggested that Mr. Brooks talk with John Granstedt about types of siding that were wood but already finished. Mr. Brooks said the firms Mr. Granstedt referred him to were not interested. Mayor Alt said he would see that this matter was called to the attention of the Ordinance Committee in their drafting of the ordinance, and added that the homes associations needed to be looking at the matter also. Mrs. Brooks said she thought a bad paint job cheapened property also. City Attorney Winn indicated there was a problem with new materials that come along, but as far as the City was concerned, it was being updated.

Curtis Ottinger referred to a letter he had written to the Council dated March 27th concerning Ordinance 10-107 and the condition of a neighboring back yard with piles of limbs, etc. Mayor Alt said a summons had been issued.

MAYOR'S REPORT

Sign Ordinance: Mayor Alt referred to a memorandum dated March 21 from Brian Lane, Staff Services Officer, concerning sign ordinance violations, and a daily summary of violations on March 27. Mayor Alt reviewed the sign ordinance. He said on the previous weekend considerable time was spent on sign violations, resulting in 19 arrests, 8 warnings and 6 signs picked up. He said Chief Blume had recommended that concentrated effort continue for two more weeks. Mayor Alt had written to the Johnson County Board of Realtors. Bill Hadel, representing Kroh-Moffitt, said they received three of the citations. He asked for interpretation as to whether or not the 100 square inch sign was permitted all the time or just Saturday and Sunday. He said the newsletter stated the ordinance providing for signs up to 100 square inches remained in effect while the officer issuing the tickets had advised that he had to pick up the small signs. Mayor Alt stated the 100 square inch sign ordinance had not been rescinded. City Attorney Winn stated the intent of original Ordinance 15-102(e) never was to permit 100 square inch signs by realtors, but only to display the owner's crest, address, etc.; use of the 100 square inch logo signs by realtors had simply evolved. He clarified that the intent of the new ordinance was that realtors could have one sign per lot on weekends. Mr. Winn said it would be made crystal clear in a new ordinance.

Barry West, President of the Johnson County Board of Realtors, wanted proper interpretation to pass on to the realtors. City Attorney Winn said the clear intent of the Council was to permit the one sign on the appointed days. Councilman Crippin agreed and pointed out there were to be no directional signs. If under construction, the builder's sign could also be displayed only on Saturday and Sunday. There was some disagreement as to whether the 100 square inch sign could be displayed on Saturday and Sunday alongside the residential sale sign. Councilman Crippin stated when the new ordinance was adopted, Section 15-102(e) would be eliminated. City Attorney Winn said ultimately the 100 square inch sign would not be allowed. Councilman Lyons suggested that the realtors quit using the 100 square inch sign since the ordinance was going to be changed. Mr. West wondered if an "open" sign could be used. The answer was affirmative if it were the only sign displayed.

Status Forms: Mayor Alt presented two status forms of temporary employees who had been overlooked when wages and salaries were reviewed at the beginning of the year. On motion by Councilman DeKinder, seconded by Councilman Wise, the following increases were approved:

Ruth Kuder, part time Clerk, from \$3.00 to \$3.40 per hour, retroactive to January 1;

June Lile, secretary to the Council and Board of Zoning Appeals, increase from \$3.65 to \$3.96 per hour retroactive to January 1, 1977.

Status of Bills in State Legislature: Mayor Alt reported Senate Bill 260, revenue sharing, was killed; House Bill 2202, special highway funding, was presently awaiting House action; Senate Bill 27, local sales tax, passed both houses (the City opposed it); Senate Bill 207, authorizing cities to establish a local property tax lid, was killed; House Bill 2368, providing for law enforcement and police and fire equipment, had passed and was before the Governor.

Administrative Order Regarding Implementation of 1977 Salary Schedules: Mayor Alt said councilmen had received a copy and all department heads received the entire schedule, including the policy proposal. He requested that the Administrative Committee review salaries in the proposal and in the ordinance, then make the changes in the ordinance.

OLD BUSINESS

Report from Telephone Committee: Councilman Haas said the City had a survey by the Bell System and by one other private system. Their proposals had not been received. It was his understanding that Bob Sirchia did receive a date by which the Bell System would submit its proposal.

Discussion of Plan Commission Resolution Concerning Zoning Ordinance Relating to Parking of Vehicles: Mayor Alt said the Plan Commission had published a notice of public hearing on the fourth Monday of April regarding deletion from zoning ordinances of the ordinance concerning parking of certain vehicles. Mayor Alt requested that the Ordinance Committee, assisted by City Administrator Lawler, City Attorney Winn, and Police Chief Blume, draft a revised ordinance regarding parking of various vehicles by the next meeting. He said he would like to discuss ramifications of the matter in executive session. Councilman Crippin reported the Plan Commission passed a resolution and requested that the resolution be entered into the record with the recommendations contained therein. A copy of the resolution is attached hereto as part of the record. Councilman Lyons asked that the committee be given more time. City Attorney Winn said there were some critical reasons for it to be done promptly. Mayor Alt requested an executive session at the end of the regular meeting.

NEW BUSINESS

Resolution Regarding Establishment of Long Range Planning Organization for the City of Leawood: Councilman DeKinder stated he would defer the matter since it had become a political football.

Saddle & Sirloin Club Request for Approval of Sign: Mr. Lawler said the Saddle & Sirloin Club had requested permission to display a sign 15 feet by 20 feet and containing the following words: "Saddle & Sirloin Club Annual Horse Show, June 3 & 4, 105th and Mission Road." The sign was

RESOLUTION.

The Leawood Plan Commission at its regular meeting March 28, 1977, considered the matter of paragraph J Article I (15-102) regarding parking of certain vehicles in residentially zoned areas, and does recommend to the City Council the following:

WHEREAS the Plan Commission at its regular meeting in March did review the present provision for parking certain vehicles, and

WHEREAS it was the sense of the meeting that some change in this section was needed, both for clarification and enforcement, and

WHEREAS it was also the sense of the meeting that recreational vehicles should be disallowed in terms of permanent positioning on residential property, and

WHEREAS it was also recommended that the Public Safety Committee formulate some method of enforcement whereby enforcement is a fair practice throughout the City and whereby a police officer can effectively enforce the ordinance,

NOW, THEREFORE, BE IT RESOLVED the Leawood Plan Commission does request the City Council's consideration of this section with a view to a more effective handling of specific cases.

J. Calvin Spradley, Chairman
Leawood Plan Commission

March 28, 1977

Second side - tape -
start 141

Hodes: It is hard for me to sit and not say anything on something I believe very strongly in - I won't be in town next Monday night at Council meeting - by the way, my name is Phillip Hodes, I am a councilman in Ward 4 - I receive the same pay that you fellows receive each year - I spend a lot of hours working for a city I love - I have lived here nine years, and we each have selfish reasons why we are serving for the city. I receive a lot of phone calls, about a lot of issues, as do all the councilmen and the mayor and probably you folks - but probably the biggest thing and the thing that I get the most phone calls on are these campers, or boats or motor homes, whatever they are, they are the items that are parked in driveways on State Line, 95th, wherever you may see them and there has been a list compiled of homes supposedly in violation of the code - I am not a lawyer, I don't know about the constitutional aspects of maintaining such an item in your home - I do know we live in a country and a city and a state governed by laws written by men and women, dedicated servants, in many cases, trying to come up with something for the general welfare of the people that live in the community. I would be very disappointed if Leawood, one of the few good places left to live in, allowed this type of home - or trailer or boat, to become commonplace in the city.

Mrs. Cox - I would like to ask the councilman and the other people - other than being bigger than the average automobile - what else is wrong with them? I really don't want to get into a debate - Spradley - no, I am not going to permit that.

Mr. Hodes --- Spradley - I think we very clearly understand the various positions that were portrayed here tonight in a most articulate way and we certainly appreciate everyone's interest and willingness to come forth and make it felt - now, I want to ask the Commission - is it your pleasure - do you feel you know enough - do you feel you have our minds made up - do you prefer to make the resolution to the council tonight, if so, is there a motion to that effect that we might entertain. Bonjour - Mr. Chairman, my mind is not made up - considering the fact that we have actually been charged with two separate things - where within the realm of our ordinances does this belong? if it belongs there at all, and if it does, what form it should take - I think this makes it pretty complex, and I would move that this be taken under advisement, and I personally want to do some research on my own, to formulate my opinion, but I don't think we can do it this evening - so I move this be taken under advisement. Is there a second? There being no second to the motion - the motion dies - is there other motion - Mrown - Mr. Chairman - I would like to make a motion that a variance, if we have the power to do so, not be ----- ordinance. I make a motion that a variance not be permitted changing the existing ordinance on motor homes - is there a second to that motion? Mr. Chairman - Mr. Crippin - I would move that the Section J of the Zoning Ordinance - that a recommendation regarding Section J of the Zoning Ordinance be forwarded to the City Council, whereby the ordinance would indicate that motor homes, campers, trailers, boats, etc. recreation vehicles, and vehicles of the nature described here this evening, that they be disallowed in terms of permanent positioning on the property, however, for purposes of use by the individuals, that they be able to be on the property for purposes of readying to the pleasure of the owners - I might also add that as a part of that recommendation to the city council, public safety committee formulate some method of enforcement whereby enforcement is a fair practice throughout the city and that it be - the method be initiated or that methods be formulated, whereby a police officer can with some ease enforce the measure without running into some of the problems he has run into in the past - that's specifically is my motion and I have some other comments associated with that after the chairman has a second - is there a second to Mr. Crippin's motion - second by Mr. Ottenad - K. C. I don't think anybody in the City of Leawood wants anyone to be kept from utilizing their property - I think we want something - and I think one of the problems that has arisen is

168 that because of the way the ordinance is currently written, it is very difficult to enforce - and the police officers of this city as well as any city across the country have a difficult enough time enforcing the law that they have in terms of various criminal codes, misdemeanors, etc., but I personally think that a person can have these types of vehicles and utilize them in a manner whereby they do not become a permanent fixture and in discussing this particular problem with the public safety committee and the police officers and the chief of police, we find it is just almost impossible to enforce, so I think what will happen - I cannot speak for the council, but as chairman of the ordinance committee with the committee that I work with and the other councilmen, I think what I am going to propose to them, is to prepare an ordinance, after considerable research with Mr. Lawler, the City Administrator, to determine exactly how these vehicles can be utilized by the property owners and people can own them and people can own them in the city of Leawood, but at the same time if there are violations, if they can be properly enforced and is enforced fairly, in terms of all vehicles of this nature, and I have discussed it with other council members and this is primarily their concern also, so with that I would close my comments and, depending on the vote here this evening, I will introduce this recommendation to the City Council next Monday evening - May I ask you a question about your proposal - you said no permanent installation - that would be leaving the door wide open - I assume that what you are saying and you correct me if I am wrong, is that they are permitted to load - unload and that sort of thing - their vehicles on the premises - but not park them on the premises overnight, let's say or over two night, or over three nights - specific time - permanent might mean moving them once a year - you have got to understand where we are at this point in time - in the motion, and study that needs to go on by the city staff, in coming forth with the appropriate language to put this ordinance in a form that we can all live with, and the things that I have said in the motion - the intent is there, let me say that, to come forth with the most appropriate language for the ordinance, and you brought up a good point and I think anyone else that has points along that line should bring them up, however, I can assure you that with the attorneys that represent the city and the attorneys that are on the council, they will do everything possible to include the appropriate language - so there is not that misrepresentation or misinterpretation that could be made such as you just brought up - if I understood you right you are saying that they should have access to the home for loading, unloading - but not parking on the property - not to store it - that's right - you see we are already running into problems when you say you can't park it on the property - yeah - you get into a lot of problems when you get into enforcement - yeah, that's right and the language will be worked out - I can't guarantee you when the ordinance will come before the council (181) - there is considerable research and also in the drafting of the appropriate language - that we don't have the misinterpretations - parking - storing - etc. I would like to make it clear that we did not intend that they could not drive the vehicles into Leawood, for the purpose of loading their possessions, and that sort of thing, but we are against storing that vehicle on their property - I think we all understand, and I think that's what we all have in mind, not only that vehicle but I am talking about all recreational vehicles, boats, campers - we just had a case about a week ago where we took care of a case like that and another one and we hope they will not occur again, but if they do, we hope that the courts will see fit to again penalize them - is there any further discussion amongst the commission before we vote - Bonjour - Kent, does your motion direct itself to this being in or out of the zoning ordinance. The ordinance could be amended for the zoning ordinance - council, I am sure, is going to take that under consideration, but if you so desire --- J. S. as I understand it, this is just a recommendation to do something -- acknowledged Dr. Cox - I withdraw. You have all heard the motion and second - all those in favor of the motion - let the record show that all members present voted for the motion. Motion passed Resolution will be tendered to the governing body - (191)

April 4, 1977

proposed to be displayed from May 1 to June 5, 1977, north of I-435 at the Saddle & Sirloin Club. Mr. Lawler said it had been stressed that it would contain no commercial advertising. On motion by Councilman DeKinder, seconded by Councilman Lyons, the Saddle & Sirloin Club request for sign was approved.

Contractor's Application for Payment No. 5 - Fire Station No. 2: Councilman DeKinder presented the contractor's application for payment of \$40,094.88, bringing the total paid to \$141,805.58. Councilman DeKinder moved for approval; seconded by Councilman Lyons. Councilman DeKinder stated John Granstedt had approved the application. Motion carried. Councilman DeKinder moved for approval of the summary of credits and extras dated March 28, 1977, showing a credit balance of \$3,153.00; seconded by Councilman Haas. Chief Toman explained the summary showed credits with one additional charge of \$921 to provide the man hole for the sewer system. Motion carried.

Request for Permission to Install Septic Tank - Leewood South Golf & Country Club: Mr. Lawler stated the request had been withdrawn.

On motion by Councilman Roberts, seconded by Councilman Lyons, the Council adjourned to executive session at 8:26 p.m. to discuss legal ramifications of the zoning ordinance on parking of vehicles. Mayor Alt requested that Mr. Lawler, Chief Blume, and H. A. Block attend the executive session.

The Council returned to regular session at 9:01 p.m. The same councilmen were present.

On motion by Councilman Lyons, seconded by Councilman Crippin, the meeting adjourned to Monday, April 18, 1977, 7:30 p.m.

Eugene E. Alt

Mayor

Jane Lile

Council Reporter

Attest:

J. Charles Anderson

City Clerk

April 18, 1977

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 18, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Crippin, Haas, Watts, Lyons, Hodes.

Others present were City Administrator Lawler, Police Chief Blume, Fire Chief Toman, City Attorney Winn, Treasurer Pendleton, Will Gray, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Lyons, the minutes of the meeting of April 4, 1977, were approved as submitted.

Visitors: Dr. and Mrs. Jack D. Cox, Carole LaFee, G. David Dixon, Mrs. Wade Williams, James D. Witkop, Jim Thompson, Sheri McIntyre, Jack G. Woolf, Sharon Soper, Joan Glissmeyer, Mrs. Pat Round, William W. Thompson, John Carper.

On motion by Councilman Haas, seconded by Councilman Watts, the agenda was changed to accommodate visitors.

#28

Stop Light at 135th and State Line: Mayor Alt stated Councilman DeKinder, chairman of the Public Safety Commission, had written to the Director of Transportation of Kansas City, Missouri, and received a reply. He stated most of the intersection at 135th and State Line was in Missouri; however, it was a joint state highway (Kansas and Missouri). The Director of Transportation of Kansas City was having an analysis made to evaluate improvements and will provide the results to both state offices and the City of Leawood. Letters have been written to the Kansas and Missouri Highway Departments. Mayor Alt stated there was a fatality at the intersection last week. Mayor Alt proposed that he write Mayor Wheeler after more statistics are developed, and to the Kansas and Missouri State Highway Departments, along with copies to the County Commissioners, asking that the intersection be improved. Councilman Roberts stated it was an atrocious corner, particularly coming from the west to make a north turn, and in addition there was a 55 miles per hour speed limit. Councilman Roberts said he felt recommendation for reduced speed limit approaching that intersection would be in order, and he felt the whole intersection needed to be reconstructed.

#58

Jim Thompson, Superintendent of Schools in Southeast Johnson County Unified School District, said he was present both individually and as a representative of the school

district with several others. Mr. Thompson said they would like to express their concern about the intersection, specifically the unsafe condition that it presented for cars driven by students and patrons and school buses from their school as well as those serving the Grandview School District. He said Grandview School officials were equally concerned and willing to help in contacting Missouri officials. He said they would do whatever they could to assist in trying to get the intersection improved--a light system, reduced speed. The matter was discussed. Councilman Crippin urged that the Council pursue some financial arrangement for the installation of a traffic signal in an expeditious manner and contact the right authorities. Councilman Watts suggested an alternative to look at would be a three-way stop until a light could be installed. Chief Blume said Kansas City could not do anything without permission of the State Highway Department in Jefferson City. Chief Blume said as it stood now, the Kansas City Transportation Director was compiling accident statistics from that intersection based on their records and had indicated he was causing an engineering study of that intersection to be made. Upon completion, he will forward it to Missouri Highway Department with copies to the Kansas Department of Transportation and to Leawood. Chief Blume said Leawood could urge the Kansas City Transportation Director to expedite the engineering study as a first step because he had been responsive to requests in the past.

There was discussion that the Council could take on the expense of the light out of franchise tax revenue if it decided to do so. Councilman Crippin suggested that the citizens present and their organizations write to the state highway departments, legislators, and county commissioners. Councilman Watts stated it would be particularly helpful if the three school districts would sponsor that. City Attorney Winn suggested that Chief Blume might contact the highway patrols of both states to see whether they would agree to a reposting of the speed limit or a three way stop on a temporary basis. Chief Blume will do so and report. Mayor Alt mentioned that there probably would be increased traffic through the intersection when the new school opened. Upon request from a lady in the audience, Mayor Alt stated he would ask the City Clerk to get the names and addresses of the appropriate officials to visitors present. Mr. Thompson said he was sure he could get the support of the school districts on the Missouri side. A gentleman in the audience said there were about eight school buses going through there twice a day. Mayor Alt said he would initiate the letters he had suggested and ask the organizations to do the same.

#140

Ordinance Relating to Parking of Vehicles (First Reading):
Councilman Crippin reviewed that at the last meeting of the Council a committee was designated to create an ordinance which would regulate recreational vehicles, the storing of such vehicles on single family lots. The ordinance was presented to the Council and Councilman Crippin moved that

it be placed on first reading. Mayor Alt stated the Council had until the second meeting in May, assuming the Plan Commission voted to delete the present ordinance from the zoning code. City Attorney Winn summarized the ordinance: That the Governing Body deemed it necessary and advisable to impose reasonable regulations on the permanent storage of recreational vehicles; that homes had uniformly been maintained in terms of value of appearance, and property values increased because of the maintenance; that all residential areas of the city have had imposed upon them extremely tight deed restrictions which would indicate that it was the desire of the people of Leawood for a lifestyle peculiar to our boundaries and the people are determined that this type of lifestyle and community neighborhood be maintained; that the influx of recreational type vehicles parked permanently and stored within the City would not be in the best interest of the public health, safety, welfare and environment of the residents of the City of Leawood, and for this reason the Governing Body was considering the enactment of the ordinance. Mr. Winn stated the ordinance then defined recreational vehicles and classified them. Classification 1 dealt with prohibited vehicles, not to be allowed in the City at all, except for loading and unloading, by virtue of the fact that they were designed or adaptable to human habitation by having within their confines either sanitary facilities, cooking facilities, or sleeping facilities which would give them the character of an additional residence, increasing the possibility that there could be additional people living on the premises of a single family residence. Classification 2 would be any other type of described recreational vehicle and they would be permitted to be stored within the City if they could be maintained within a fully enclosed garage meeting all the definitions of a garage under the BOCA and zoning codes, with the requirement that they be properly secured for storage to avoid fire hazards. Temporary parking of either Class 1 or 2 vehicles would be permitted on a paved driveway for a period of not to exceed twenty-four hours for the purpose of loading and preparing the vehicle for use, and an additional twenty-four hours for the purpose of unloading and securing the vehicle for storage. He said the ordinance provided that the adult resident of the premises was the person responsible.

#181

A lady asked how this would be enforced. City Attorney Winn stated it would be either an on-site view by a policeman or a complaint filed by a resident who reported the violation.

#193

Mrs. Wade Williams read from an article that, "the sensitivity and whim of a neighbor with nothing more has no relationship or bearing upon the health, safety or welfare of the community and would not afford a basis for the regulation of the parking of such vehicles and the exercise of the police power." City Attorney Winn said that was a problem with the old ordinance, whether the vehicle was visible by a neighbor; the consideration should be whether it was in the best interest of the city as a whole that it be regulated or restricted. Joyce Cox said she felt this particular ordinance, as well as the old

one, was unconstitutional as it capriciously and arbitrarily predecides that residents cannot fulfill their own recreational pursuits, discriminates against them without due cause, with nothing to do with health, safety or welfare. She said this ordinance did not go along with the spirit of the proposal made at the Plan Commission. She said it seemed to her that the proposal was that the ordinance would be cleaned up but it would also give those who had recreational vehicles a bit more say and a bit more leeway in using the vehicles. But this ordinance made it even less possible for them to use their vehicles. Dr. Cox said he had approved plans from the City signed by the City Architect for screening his motor home prior to the date set by the Board of Zoning Appeals, so he assumed it was correct for him to park his vehicle now. City Attorney Winn said he did not read the letter of the Board of Zoning Appeals as having approved it; he thought they gave Dr. Cox until April 1 to comply. Mr. Winn said he felt he would need to work with Dr. Cox individually on the matter. Councilman Lyons pointed out that under the proposed ordinance, no Classification 1 vehicle would be allowed in the City even in a garage. Upon inquiry by Councilman Wise, City Attorney Winn stated the difference in vehicles in Classification 1 and Classification 2 was that those in Classification 1 could be inhabited. Councilman Wise said she thought a minimum time frame should be specified as to how often the twenty-four hour periods for loading and unloading could occur. Dr. Cox pointed out that motor home garages were being built in the City at 103rd and Mission Road.

#228

David Dixon stated he had chosen Leawood because it was a well-to-do family community and he would suggest that to a certain extent only people who become affluent could afford to buy the recreational vehicles. He would also suggest that the activities that took place in those vehicles were basically family activities and a family community ought to encourage those kinds of activities. He said he had no objection to prohibiting permanent storage of such vehicles, but he thought everyone would object if people could not move in and out freely. He said he could not plan for a thirty-day trip and load in twenty-four hours, nor could he unload in twenty-four hours, nor could he bring it in in the spring and get it in shape to go anywhere in twenty-four hours. Mr. Dixon referred to an article in a recreational vehicle magazine concerning court decisions in favor of such vehicles. Councilman Wise stated there was on record the minutes of the last Plan Commission meeting at which the homes associations were represented and all of them said they did not want recreational vehicles parked in the City--there was strong feeling in the community about this. Mr. Dixon said he would guess a considerable number of the officers of the homes associations were retired people who liked to putter around in their yards. Councilman Roberts added that several of the homes associations brought petitions from homeowners. Mr. Dixon said it was utterly absurd for him to have to say to his brother-in-law that he could not stay at Mr.

#252

Dixon's house with his motor home. He said the present ordinance was perfectly adequate and suggested that the Council get a representative sample of motor home owners and the others and sit down and talk this thing over.

#265

Mayor Alt suggested that the first reading of the ordinance be continued. Mrs. Cox suggested that the ordinance merely say that under no circumstance shall such a vehicle be inhabited while it is on property in the City of Leawood. Councilman Hodes said he would hate for the City to become a haven for recreational vehicles and would urge the Council to consider this as the first reading and decide one way or another at the next regularly scheduled Council meeting whether to have an ordinance on the books that can be enforced. There was discussion that most of the vehicles were stored in caves and were subject to a lot of mildew or in an open facility where they were not as safe as a front yard in Leawood. The period of time allowed for loading and unloading was discussed. Mayor Alt said he would favor a period of time longer than twenty-four hours. Councilman Wise noted that to get a period of time long enough to really accommodate people would get back to the problem with the original ordinance. Councilman Roberts said he was in favor of considering this first reading but to give further consideration to several areas of it, particularly the time allotted to loading and unloading and also to the possibility of using it for a limited period of time for guest privileges on the premises. Mayor Alt suggested that Mr. Lawler, Mr. Winn, and Chief Blume get the input from the Council, take about a week to revise it, and then refer it to the Ordinance Committee for any finishing touches, so it can be brought back at the next meeting. Councilman Watts asked that the Fire Chief be included in that committee. Mayor Alt agreed. Dr. Cox suggested that several recreational vehicle owners sit down with representatives of the City to point out some of the things that might help make a better ordinance. Mayor Alt suggested that the recreational vehicle owners give their input to City Administrator Lawler, who will arrange a meeting. Councilman Hodes moved that this be considered firstreading; seconded by Councilman Watts. Motion carried.

#299

REPORTS

#311

Treasurer: Mr. Pendleton reported no further progress on the audit, and that discussion of the accrual method of accounting would be more appropriate in connection with this year's audit.

#314

Municipal Judge: Judge Winthrop's report was submitted and approved on motion by Councilman Wise, seconded by Councilman Watts.

#315

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

#316

Police Department: Chief Blume's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Wise. Councilman Roberts asked why there had not been more arrests on animal control. Chief Blume said they were still following their policy of warnings when apprehending an animal the first time and the majority of citizens then kept their animal under control.

#320

Public Works Department: Councilman Crippin stated in addition to the activity report the Public Works Commission had received bids from six automobile dealers with regard to a new truck for the Public Works Department. He said the bids ranged from \$8,803.85 to \$10,799.98. Councilman Crippin reported it was the recommendation of the Public Works Commission that the low bid of the Olathe Ford Company for \$8,803.85 be approved; seconded by Councilman Lyons. Motion carried.

#325

Sign Ordinance (First Reading): Mayor Alt stated two weeks ago 19 summonses were issued for sign violations, five the next week, and only one this week. Councilman Crippin said the ordinance submitted was a draft written in the form of a general sign ordinance with the prohibitions currently in the zoning ordinance and Sections 10-604 through 10-607 being included in Sections 10-701 and 10-702, 10-703 being the temporary real estate sign ordinance passed a few weeks ago. In Section 10-701, Councilman Lyons suggested that it be made clear that the 100 square inch sign would be placed by the resident. City Attorney Winn said the language went back to the original sign ordinance in the city for the 100 square inch sign to contain only the name and/or address of the resident. Councilman Lyons noted that the word "flags" had been omitted from Section 10-702, and suggested that in 10-703, "or in the street adjacent thereto" be added following, "There shall be no signs placed in the windows of residences or vehicles in a drive." Mayor Alt suggested that the 2 ft. by 2½ ft. limitation be changed to a certain square footage. Councilman Crippin agreed, saying he had received calls that typical real estate signs did not all fit the specified vertical and horizontal dimensions. There was discussion that six square feet would probably be acceptable. Chief Blume asked about magnetized or affixed signs on the doors of the automobiles of real estate representatives. City Attorney Winn said the ordinance specifically mentioned mobile signs in another section which he felt was about all that could be done. Councilman Lyons suggested raising each of the penalty provisions. Chief Blume suggested making it a minimum and a maximum and letting the judge decide on how flagrant it was. Councilmen Haas and Roberts agreed it should be left as is.

#365

Public Safety - Fire Department Status Forms: Councilman Hodes informed the Council that two status forms to replace two firefighters would be passing the Mayor's desk in accordance with the administrative order.

#368

Recreation Commission: Councilman Wise requested a short executive session to discuss the ongoing negotiations over conclusion of the swimming pool contract, and moved to defer this item to the conclusion of other business. So ordered.

MAYOR'S REPORT

#369

Notice to Mayors and Governing Body Members: A notice had been received of a workshop on May 7 of the Johnson County Council of Mayors including all council members from various cities. Mayor Alt urged councilmen to attend, spouses also invited.

State Legislation: Mayor Alt stated House Bill 2368 was signed which allowed cities to levy two mills in connection with police operation and police and fire equipment. He said he understood the bill to limit the one-half cent sales tax was before the governor; if signed, it would take away from the county the option to levy the other half cent sales tax and leave it in the hands of the cities which would not benefit Leawood.

#379

Foxhill Surgical Clinic: Mayor Alt reported the Foxhill Surgical Clinic hearing before the Overland Park Plan Commission would be April 25 at 2:00 p.m.

#380

Revenue Sharing: Councilman Crippin pointed out that one revenue sharing revision was that revenue sharing money could now be used for anything for which state or local law permitted use of funds. Mayor Alt added that this year for the first time the City would have to hold a separate public hearing on revenue sharing. Mr. Lawler said his information was that it would have to be a separate and distinct hearing on the revenue sharing use, and then the two hearings as far as the budget itself could be combined, but an hour would have to be allowed at that hearing for revenue sharing funds alone.

#385

CATV Report: Councilman Wise reported cable television had added a new channel; they now have satellite capacity and hope to bring in a couple more channels and to supplement their current movie service with another to be offered to subscribers at an additional charge of 95 cents. Councilman Wise reported a letter had been received stating they had extended coverage to all new areas in Leawood with the exception of some of the very newest areas in Leawood South. The deadline for all non-conforming franchises with the FCC regulations to be brought into conformance is now March 31, 1978, so Leawood will continue to receive the seven per cent franchise fee for another year. Councilman Wise said there was a case in a Federal District Court in New York that upheld the authority of the FCC to preempt cable TV rates over local franchises; however, two FCC rules had been held unconstitutional, one to impose a limit on the amount of sports offered and a second to limit the age of movies.

April 18, 1977

Mr. Lawler presented a copy of letter dated April 11 to the City Clerk enclosing a copy of an application to be filed with the Federal Communications Commission on behalf of the cable television company for its system. The letter was referred to the CATV Committee.

#401

Appropriation Ordinances: Nos. 366A and 353S in the amounts of \$114,796.15 and \$8,479.03, 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 for a report on the warrant payable to Inventory Data Systems for pens and bulbs, \$587.25. He said he had heard a Better Business report of a scheme operating through calls that merchandise was government surplus but always vended by a private concern. Councilman Hodes said he would like to see central purchasing implemented. Mayor Alt said that was being worked on.

At 9:36 p.m., on motion by Councilman Wise, seconded by Councilman Watts, the Council went into executive session to consider contractual matters. Councilman Lyons requested that possible appointments by the City, personnel matters, be added. Motion carried.

The Council returned to regular session at 10:28 p.m. The same councilmen were present.

#422

On motion by Councilman Hodes, seconded by Councilman Haas, the meeting adjourned to Monday, May 2, 1977, 7:30 p.m.

Jane Lile
Council Reporter

Eugene E. Alt
Mayor

Attest:
J. O'Connell
City Clerk
APR 30 1977

May 2, 1977

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 2, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Haas, Watts, Lyons, Hodes.

Others present were City Administrator Lawler, Police Chief Blume, Fire Chief Toman, City Attorney Winn, Will Gray, Bob Sirchia, John Granstedt, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Haas, the minutes of the meeting of April 18, 1977, were approved as submitted.

Visitors: Boy Scout Troop 83, Mr. and Mrs. Mark Medved, Marcus R. Braun, Sherry Soper, Lee Alt, Mr. and Mrs. John Alt, Rod L. Richardson, Mrs. Edwin Haas, Jerry Straf, Jesse Peterson, Dr. Don V. Youll, J. H. Rockwell, Mr. and Mrs. H. F. Griffey, Glenn Vallentine, Dr. Robert Hickey, Herbert W. Hastings, Joyce E. Abraham, John E. Abraham, Wade Williams, David Dixon, M.D., Gordon G. Greb, Mr. and Mrs. Jay Goodenow, Robert C. Buckner, Joyce Cox, Dr. Jack Cox. Member of the Press: Cecelia Alexander.

On motion by Councilman Haas, seconded by Councilman Watts, committee and commission reports were moved into the business of the new council immediately following appointment of special committees.

Appropriation Ordinances: Nos. 367-A and 354-S in the amounts of \$13,606.01 and \$302,058.51 (including \$300,000.00 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.

On motion by Councilman Watts, seconded by Councilman Wise, the Mayor's report was moved to follow the committee and commission reports.

#443

Oath of Office Administered to Newly Elected City Officials: City Clerk Jinny Oberlander administered the Oath of Office to the following: Mayor Eugene E. Alt; Councilman Kent E. Crippin, Ward 1; Councilman Andrew D. Lyons, Ward 2; Councilman Herbert L. Roberts, Ward 3; Councilman Phillip Hodes, Ward 4; and Municipal Judge Edward L. Winthrop.

Roll call of the new Council was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Haas, Watts, Lyons, Hodes.

NEW BUSINESS

#457

Election of President of the Council: On motion by Councilman DeKinder, seconded by Councilman Lyons, Councilman Kent E. Crippin was unanimously elected President of the Council.

#459

Resolution No. 416 - Designation of Official City Newspapers: On motion by Councilman Lyons, seconded by Councilman Roberts, Resolution No. 416, designating The Johnson County Sun and/or The Johnson County Herald as the official city newspapers for all documents requiring legal publication, was adopted. A copy is attached hereto as part of the record.

#461

Designation of Depositories for City Funds: On motion by Councilman DeKinder, seconded by Councilman Wise, Southgate State Bank and Trust Company, Kansas National Bank and Trust Company, and Johnson County National Bank and Trust Company were designated to continue as depositories for City funds.

#465

Appointment of City Officials: City officials were appointed for one year, as follows (the appointments being approved on separate motions duly made and seconded):

Fire Chief	Jourdan A. Toman
City Marshal/Chief of Police	Richard W. Blume
City Treasurer	James H. Pendleton
City Attorney and Public Officer for Substandard Structures	Larry Winn III
Assistant City Attorney	David M. Jancich
City Administrator	Frank Lawler
Chief Building Official and City Architect	John Granstedt
City Engineer	Shafer, Kline & Warren
Assistant City Engineer	Bogina Consulting Engineers
Assistant City Architect and Assistant Chief Building Official	John Casey
City Clerk	Jinny Oberlander
Consulting Attorney (Sanitary Sewers)	Max Bagby
Municipal Judge Pro Tem	Ray L. Borth
Municipal Judge Pro Tem	Gerald Rushfelt

Mayor Alt stated he had a letter from Ron Reuter asking that he not be considered for reappointment as Assistant City Attorney at this time due to business and other matters. Councilman Lyons introduced a motion of appreciation for Ron Reuter who had served the City as Assistant City Attorney for a period of six years; seconded by Councilman Roberts. Motion carried unanimously.

#485

Oaths of Office Administered to City Officials: Mayor Alt administered the Oath of Office to Jinny Oberlander, City Clerk. The City Clerk then administered the Oath of Office to the following: Jourdan A. Toman, Fire Chief; Richard W. Blume, City Marshal/Chief of Police; Larry Winn III, City Attorney; Frank Lawler, City Administrator; and John Granstedt,

Chief Building Official and City Architect.

#494

Authorization of Signatures for Warrant Checks for City Obligations - All Funds: On motion by Councilman Wise, seconded by Councilman DeKinder, the Mayor, City Treasurer, President of the Council, and City Clerk were authorized to sign warrant checks for city obligations.

#496

Appointments to Committees, Commissions, and Boards: The following appointments were approved:

ADMINISTRATIVE COMMITTEE

Mayor Eugene E. Alt, Chairman
 James H. Pendleton, Treasurer
 Jean Wise, Chairman of Budget and Finance Committee
 Kent E. Crippin, President of the Council

BOARD OF ZONING APPEALS

J. Calvin Spradley 1980

BUDGET AND FINANCE COMMITTEE

Jean Wise, Chairman 1980
 James H. Pendleton, Treasurer 1978
 Homer Evans 1980

NEWSLETTER COMMITTEE

Andrew Lyons 1978
 Jean Wise 1978

ORDINANCE COMMITTEE

Kent E. Crippin, President
 of the Council

PARK COMMISSION

Phillip Hodes, Chairman 1978
 Edward Summerville 1978
 Pearl Scott 1978
 James Barrick 1978
 Joe Neuner 1978

PLAN COMMISSION

J. Calvin Spradley 1980
 Ben W. Rockey 1980
 Richard Ottenad 1980
 John Granstedt, Ex Officio

PUBLIC SAFETY COMMISSION

Bill Judd 1980
 John Watts 1980

RECREATION COMMISSION

Mrs. Pat J. Round	1980
Edward Summerville	1978

INSURANCE COMMITTEE

Andrew Lyons	1979
Herbert Roberts	1978

CIVIL DEFENSE DIRECTOR

E. L. Akerly	1979
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JOHNSON COUNTY SOLID WASTE MANAGEMENT COMMITTEE

Phillip Hodes	1978
Frank Lawler, Ex Officio, and Director of Solid Waste Management	1978

JOHNSON COUNTY HUMAN RELATIONS COMMISSION

Gerald Rushfelt

CATV COMMITTEE

Jean Wise, Chairman	1978
Samuel DeKinder	1978
James Pendleton	1978

SPECIAL SEWER RENOVATION COMMITTEE

Eugene E. Alt, Chairman	1978
D. A. N. Chase	1978
Kent E. Crippin	1978
Larry Winn III, Ex Officio	1978
Max Bagby, Ex Officio	1978

COMMITTEE FOR FIRE STATION NO. 2

Samuel DeKinder, Chairman
Phillip Hodes
William Textor
Edwin Haas
Jourdan Toman, Ex Officio
John Granstedt, Project Architect

BUILDING CODE COMMITTEE

John Granstedt, Chairman	1978
George Ranallo	1978
Charles Duval	1978
Donald Dressler	1978

ADVISORY INVESTMENT COMMITTEE

John Watts, Chairman	1978
Eugene E. Alt	1978
James Pendleton, Treasurer	1978
Samuel DeKinder	1978

TELEPHONE COMMITTEE

Edwin Haas, Chairman
Phillip Hodes
Herbert Roberts

COMMITTEE AND COMMISSION REPORTS

#511

Ordinance - Plan Commission Resolution Regarding Removal of Section 15-102(j) from Model Zoning Code: Councilman Crippin reported the Plan Commission held a public hearing on April 25, 1977, relative to removal of provisions from the Model Zoning Code dealing with regulating parking of recreational and similar vehicles on residential property in the City of Leawood. The Plan Commission passed a resolution recommending to the Council removal of paragraph (j) subparagraphs (1) and (2), Article I, 15-102 from the Model Zoning Code. It was discussed that when the ordinance before the Council was passed, it would repeal the ordinance referred to in the Plan Commission resolution.

#518

Ordinance Relating to Recreational Vehicles (Second Reading): Councilman Crippin reviewed that the proposed ordinance concerning control of parking of recreational vehicles had been referred back to committee, which had prepared a revised ordinance. Frank Lawler said he had met with a number of recreational vehicle owners and most of them felt the time allowed for loading and unloading was not long enough. He said the revised ordinance contained provision for a longer period of 48 hours for loading and unloading; that if Class 1 recreational vehicles could be contained within the physical structure of a garage this would be an adequate storage facility; provision allowing use of this type of vehicle for transportation; provision that those who visit overnight would be able to obtain a permit and park within the community for a period of seven days, with an extension for up to an additional 72 hours; and the sleeping provision had been eliminated to some extent. City Attorney Winn stated the ordinance concerning garages incorporated the subdivision regulations by reference. Chief Toman stated he had no objections to such vehicles being stored permanently in enclosed garages provided that they conformed with the ordinance with regard to approved appliances, and if they were prepared for storage in a proper manner. City Attorney Winn said inside storage was restricted in terms of preparing the vehicle for storage, taking care of propane containers, sanitary refuse containers, plus no vehicle could be plugged in to any device, either plumbing, electrical or mechanical, that was a part of the home. Chief Toman explained proper preparation for

#555

storage as being that no outside energy sources which were part of the residence be hooked up to the vehicle, that the lp gas cylinders be approved and gasoline tank be the normal gasoline tank on the vehicle, that there be solid gas line connections as opposed to flexible gas line connections. A man asked if there was any restriction against running the power plant of the vehicle. Gordon Greb outlined the advantages of having recreational vehicles parked on driveways within the City in case of nuclear attack. Upon inquiry by Councilman DeKinder, Chief Toman explained that connection to an electrical outlet at the home was prohibited to discourage use of the vehicle for habitation, plus the chance of overloading the electrical circuit. Chief Toman stated the incidence of fire within a recreational vehicle was no greater than in a residence, but when such a fire did occur, the hazard to life and property was three to five times greater. Chief Blume said he thought there would be complaints for disturbing the peace of neighbors if the machines were run 24 hours a day to maintain their support systems. A man stated it seemed to him that prohibiting hook up to electricity in the house was a means of harrassment more than a safety factor.

#570

There was a short recess to reverse the recording tape.

Side 2
#0

Mayor Alt stated the electrical hook ups would be taken under advisement. Mr. Griffey said he was not at all clear as to whether a pickup truck was permitted to be parked outside with a small cover on it, or whether vans with windows or without windows were permissible. Dr. Dixon suggested a problem of classification of a Volkswagen minibus. City Attorney Winn stated if a vehicle was adaptable as a recreational vehicle, then it was a Classification 1 vehicle; if it was not adaptable as a recreational vehicle and met the requirements of another ordinance dealing with trucks and trailers, it may be parked. Mr. Lawler clarified that if a pickup truck or van were equipped with cooking or sanitary facilities then the vehicle would have to be parked inside the garage. City Attorney Winn stated there was some sentiment that a proliferation of recreational vehicles of the large magnitude may not be in the best interests of property values. Marcus Braun said it puzzled him that people were complaining about recreational vehicles when he saw some lots in Leawood that had six or eight automobiles parked almost constantly. Dr. Robert Hickey said the language of the proposed ordinance was confusing and misleading, non-specific, and boiled down to being nothing but harrassment.

#69

#82

Rod Richardson stated he was an attorney representing a number of residents opposing the ordinance. He presented petitions which he said contained the names of 86 persons who also opposed the ordinance. He said there was another petition with an additional 11 names. Mr. Richardson said he could not understand how the ordinance being proposed,

which had the practical effect of eliminating recreational vehicles from the City unless they were enclosed in a structure, met any regulatory aims. He said zoning for purely esthetic reasons was unconstitutional. He suggested that that was all the ordinance really did; that nobody could deny that by merely putting such vehicles inside an enclosure could in any way further elimination of fire hazards and certainly did not enlarge health safeguards. He added if the Council was interested in preventing living within these facilities, there was an ordinance to do that. He suggested that the ordinance simply prohibit cooking, use of sanitary facilities or sleeping in these vehicles while parked within the City of Leawood, and that they be parked in the most appropriate spot in consideration of esthetics of the neighborhood. He said the inevitable point of the ordinance was to eliminate recreational vehicles.

#129

Councilman Haas pointed out there were two different types of petitions presented. Dr. Cox said one petition contained the names of people who did not own recreational vehicles, the other contained the names of those who did.

The matter was discussed. Mr. Richardson stated he felt the proposed ordinance was grossly unconstitutional. Dr. Dixon said he had submitted to the City a draft ordinance containing provisions agreed upon by recreational vehicle owners who met with the City Administrator.

#235

#270

Marilyn Meyer stated she was for an ordinance that controlled permanent parking of recreational vehicles. Following further discussion, Councilman Watts moved that the Council refer the ordinance back to the Ordinance Committee for redrafting; seconded by Councilman Hodes. Councilman Wise said it seemed to her the Council would have to give the committee some direction on points to be resolved. Mayor Alt reviewed questions raised, including hooking up to electrical outlets, definition of minibus versus van, and parking on a slab with appropriate screening. City Attorney Winn stated all the points raised could be the subject of redrafting, that the Council should tell the committee whether they wanted an ordinance that prohibited the permanent storage of these vehicles or did they prefer an ordinance that tried to tell people where on their property they could keep them and under what conditions and what type of screening. Councilman Lyons asked that the Council be polled on permanent storage of such vehicles. Councilman Haas said he was against permanent storage but hoped something could be worked out on a seasonal basis so as not to limit access to the vehicles by people who used them frequently. Councilman Watts said he was against permanent storage. He liked the idea of a limited permit. Councilman Lyons was against permanent storage. Councilman Hodes was against permanent storage, in favor of a weeks or months permit, and then regulations dealing with the permanent storage. Mayor Alt said he was against permanent storage; he liked the concept of some

#299

kind of permit to give use of the vehicle for a certain period of time with certain regulations applied to it. Councilman Wise was against permanent storage, would like to see reasonable access to the vehicles, and suggested that there be some sort of registration of the vehicles in the City to determine whether they were safe. Councilman Roberts was against permanent storage of the vehicles but in favor of an ordinance to make the vehicles accessible for use by their owners. Councilman DeKinder said he was against permanent storage and believed there should be access to electrical facilities, some form of registration, and some opportunity to arbitrarily and esthetically pass judgment on the appearance of the vehicles. Councilman Crippin said he was against permanent storage and his comments would be incorporated in the ordinance. Councilman DeKinder added he was opposed to reasonable access which circumvented the intent of the Council concerning permanent parking. Motion to refer the matter back to committee passed unanimously. Mayor Alt requested that all councilmen put their thoughts in writing for the committee. Second reading continued.

#362

Ordinance No. 541 - Regarding Signs (Second Reading):

Councilman Crippin moved that the sign ordinance be placed on second reading. There was discussion that the ordinance could be passed before the public hearing so long as the take effect date was deferred. City Attorney Winn commented on a decision by the Supreme Court concerning the constitutionality of prohibiting real estate signs. He said he felt that case was clearly distinguishable. He said the proposed ordinance did not prohibit but reasonably regulated such signs. The ordinance was discussed. City Attorney Winn suggested that the Council go ahead and pass it and instruct the clerk not to publish it until such time as she had gotten the results of the Plan Commission public hearing. Councilman Lyons moved that the ordinance be amended to read that the ordinance not go into effect until it is published in the newspaper, that publication not to be until the first publication subsequent to the matter being heard by the Plan Commission. Amendment carried. Ordinance No. 541 was adopted as amended.

#409

Public Safety - Contractor's Application for Payment No. 6 - Fire Station No. 2: On motion by Councilman DeKinder, seconded by Councilman Hodes, payment in the amount of \$52,494.08 was approved.

MAYOR'S REPORT

Mayor Alt reported Senate Bill 27 had been vetoed by the Governor. Regarding Foxhill Surgical Clinic, he reported that the Overland Park Plan Commission recommended that the property be zoned CP-0. Mayor Alt will determine the date it will come before the Overland Park City Council. Mayor Alt reminded the Council of the seminar on May 7, at 9:00 a.m., at the Johnson County Community College.

- #424 135th and State Line: Mayor Alt reported there had been another accident at the intersection. He said the Johnson County Commissioners passed a resolution which was sent to the State of Kansas requesting that some action be taken. Councilman Roberts said he had asked five homeowners associations to write to the Commissions of Missouri and Kansas.
- #427 123rd and State Line: Land development at 123rd and State Line was discussed. Councilman Crippin reported a representative of Colonial Savings had appeared before the Plan Commission indicating that they had purchased or would be purchasing the northwest corner of 123rd and State Line for commercial development. Councilman Crippin stated the property was zoned commercial in the township when it was annexed by the City.
- #442 Ordinance No. 540 - Regarding Intangibles Tax: City Attorney Winn explained that the election on the intangibles tax was an advisory election, and the proposed ordinance should be passed on an emergency basis in order to have the protest time expire in time for the budget hearing. Councilman Lyons moved that the ordinance be passed on an emergency basis; seconded by Councilman Wise. Motion carried. On motion by Councilman Lyons, Ordinance No. 540 was approved.
- #450 Ordinance Regarding Parking (First Reading): Councilman Crippin stated this ordinance consolidated various parking ordinances. He moved that it be placed on first reading. There was discussion that the Council had passed an ordinance making park regulations enforceable. Mr. Lawler was asked to make sure that ordinance covered parking. Mr. Lawler suggested that a reference to "or recreation" in Section 14-313 be deleted so there would be no complication with the recreational vehicle ordinance.
- #458 Ordinance Relating to Duties of City Attorney (First Reading): Mayor Alt stated the ordinance was a redefinition of duties of the City Attorney to facilitate paying him on an hourly basis as the work was done.
- #465 Ordinance Relating to Schedule of Wages and Salaries for Part-Time Administrative Employees (First Reading): Mayor Alt stated the only change was to adjust the City Attorney's salary to \$50.00 per month and then pay on an hourly basis.
- #467 Plan Commission Resolution and Recommendation Regarding Major Street Plan: Mayor Alt stated the comprehensive plan was a general street plan but the City had to get into a more detailed street plan on development of streets. Councilman Crippin said a plan was needed to facilitate decisions on new subdivisions and various other problems related to major street design and being able to relate proposed subdivisions to those streets. The Plan Commission had passed a resolution requesting the Council's consideration for contracting with a consulting engineering firm to undertake preparation of a Major Street Plan for the

City, and outlining the scope of the work. Councilman Crippin said it would take between \$15,000 and \$20,000 to get the job done. He suggested that representatives of Public Works and the Plan Commission be authorized to interview engineering consultants to undertake this work. There was discussion that the funds could come from revenue sharing. Councilman Crippin suggested that Public Works and the Plan Commission proceed with preliminary aspects of selection and have it on the agenda of the next meeting for complete authorization.

#484

Telephone System: Councilman Haas stated the City had three proposals and Mr. Sirchia had been contacted by Communication Analysts, Inc., that they would be in the City on Thursday doing work for Farmland Industries and Old American Insurance Company. They proposed to make an evaluation of the proposals and give a recommendation for somewhere between \$250 and \$500. Councilman Haas asked if there was any objection to such an evaluation. Councilman Lyons suggested that the committee make the decision. Councilman Haas said he felt there should be an independent analysis made of the proposals. The Council discussed how to evaluate the evaluator. Councilman Crippin said he would call Old American and Mr. Sirchia will contact Farmland Industries.

#498

Settlement of Recreation Complex Dispute: City Attorney Winn announced that the recreation complex dispute had come to an end, and approval was needed to settle along the lines previously discussed. The disputed gutter blocks were replaced, Midwest had agreed to post an additional \$5,000 performance bond, and the supplier of the blocks had agreed to a twelve-month extension of their guarantee. He requested authority to go ahead and settle everything but the gutter block determination, set the liquidated damages at \$5,000, hold back all other items discussed, and resolve the matter with Midwest. Disbursement to be the difference between \$10,050.00 to be withheld and \$24,213.10. Councilman DeKinder moved that the City disburse \$14,160.00 and authorize the Mayor to sign appropriate release agreements with Midwest Construction; seconded by Councilman Hodes. Motion carried, Councilman Lyons opposed.

At 11:29 p.m., on motion by Councilman Lyons, duly seconded, the meeting adjourned to Monday, May 16, 1977, 7:30 p.m.

#509

Jane Lile
Council Reporter

Eugene E. Allen
Mayor

Attest:

[Signature]
City Clerk

May 16, 1977

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 16, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Lyons, Hodes.

Others present were Fire Chief Toman, Police Captain Sellers, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Roberts, the minutes of the meeting of May 2, 1977, were approved as submitted.

Visitors: Dr. and Mrs. Jack D. Cox, Mrs. H. F. Griffey, Dr. Dave Dixon, Gordon G. Greb, Hilda Straf, R. E. Knaack, C. H. Nichols, C. L. Rates, Jeanette Harriman, V. C. Thomas, T. R. Nordstrom, Bill Hadel, Douglas J. Patterson, Sherry Soper, Gary L. Corser, J. Calvin Spradley.

#516

Ordinance Regarding Recreational Vehicles: Mayor Alt announced that work on the recreational vehicle ordinance had not been completed. He invited written input for the committee. On motion by Councilman Lyons, seconded by Councilman DeKinder, the second reading of the ordinance regarding recreational vehicles was continued.

#520

Zoning of Leawood Drive-In Theater Property: There was a group of citizens present. Mayor Alt stated this was not a public hearing, and the City Plan Commission had not heard the matter. He said the assumption had been that the property had been zoned; however, the City's position, on advice of counsel, was that the owners would have to come before the City for zoning, which meant that the Plan Commission would have to hear the matter and consider all the factors involved. V. C. Thomas, president of Leawood South Homes Association, presented a letter drafted by himself, the president of Verona Gardens Homes Association, and the president of Leawood South Townhouse Association. The letter is attached hereto and made a part of the record. Jeanette Harriman requested that the Mayor and/or Council get the matter of zoning of the drive-in theater before the Plan Commission so that its status could be finalized. She said citizens stood with the opinion that the drive-in was never zoned commercial. She said she would like the Council to ask the Plan Commission to zone it or at least say it was not zoned. Mayor Alt said the matter would be taken under advisement. Tom Nordstrom said he also felt strongly about this matter; he said the homes association felt this was right in their back yard; they contended that no zoning exists and would like the Plan Commission to take positive

To: The Honorable Mayor and Council
City of Leawood, Kansas

Re: Status of former Drive-In Theater

May 10, 1977

It is our understanding that at one time the Oxford Township granted the owners of approx. 10 acres at 123rd and State Line Road the permission to operate a Drive-In Theater.

We understand that when the City of Leawood annexed said Drive-In the permission was allowed to continue.

Recognizing that permission and use of that property the 10 acres was listed in the 1975 Comprehensive Plan as commercial.

Now that the Drive-In is closed and will no longer operate we request that the City Council of Leawood reject that permit and revert the property to the use of the surrounding neighbourhood in both Kansas and Missouri, which is single family residential.

It is our further understanding that the original permit was quite implicit in that if the appearance of the property was not maintained in a satisfactory manner, the property would revert back to its original state.

Respectfully

V.C. Thomas

V. C. THOMAS

President
Leawood South Home Owners Ass.

V.L. Ritter

V. L. RITTER

President
Leawood South Town House Ass.

Thomas R. Nordstrom

THOMAS R. NORDSTROM

President
Verona Garden Home Owners Ass.

action to establish that no zoning presently exists and to act on their recommendation that it be zoned.

#538

Request for Permission to Display Signs for Spring Homes Tour:
On motion by Councilman DeKinder, seconded by Councilman Hodes, the agenda was changed to consider the request for permission for temporary signing at this time. Bill Hadel stated he was requesting a temporary permit for the period May 22 through May 30 to use posters, directional arrows and banners for the annual spring homes tour of the Home Builders Association. He said he was requesting this permission for five homes in Leawood South, Doug Patterson was present representing J. C. Nichols Company with four houses in Verona Gardens, and there was one other house in Saddlewood subdivision. Doug Patterson distributed copies of the plat of Verona Gardens showing the four display houses there. He said he would be willing to get written consent of property owners adjacent and across the street from the display houses. He was requesting permission to place the signs for homes in Block 6, Lots 1, 2, 3 and 4. Following discussion, Councilman Crippin moved for approval; seconded by Councilman DeKinder. Councilman Wise said she felt the Council should not get into the business of making exceptions for this or any other tour; she said the tour was well publicized and it seemed relatively easy for people to find the houses; she said the Council had modified the sign ordinance and should adhere to it. Councilman Lyons moved to amend Councilman Crippin's motion to include only the number of the house on the tour.

#564

There was a short recess to change the recording tape.

Tape No. 47
Side 1
Councilman Wise seconded Councilman Lyons' motion. There was discussion that the tour was from 12:00 noon until 8:00 p.m. Councilman Crippin suggested that the Home Builders Association sign and the number be allowed, to be taken down at 8:00 in the evening. During discussion, Mr. Hadel stated he would especially like the poster and the number of the house on the tour, he could eliminate the banners. He said it would be more difficult for people to find the homes without some identification arrows. Councilman Roberts commented that a lot of cars came into Leawood South looking for display houses and stopped to ask residents for directions. Councilman Lyons' motion to amend and the second were withdrawn. Councilman Lyons then moved to amend Councilman Crippin's motion to include the Home Builders Association sign on the house with the arrow bearing the identification number on the tour attached to that sign, during the hours 12:00 noon to 8:00 p.m., for the specific seven-day period; seconded by Councilman Wise.

Mr. Hadel stated he would still prefer to use both the sign and the arrows separately. Councilman Roberts said he thought it would be a bigger frustration to the residents to not have directional arrows than it would be to have directional arrows.

#78

Councilman Hodes suggested the Council allow a sign and a few arrows but no banners and flags. Councilman Wise said it seemed to her that the logical next request would be from specific developers wanting arrows at other times. The amendment failed by vote of 2 for, 4 against. The original motion and second were withdrawn and Councilman Crippin moved that the request be approved provided the poster and the numbered directional arrows be placed beginning Sunday, May 22nd, through Monday, May 30, and that during that period the signs only be posted during the hours the homes were on display, that being from 12:00 noon through 8:00 p.m., the poster to be placed on the house, the arrows, no more than two, one at the corner indicating the direction off the main thoroughfare, the other being in the yard pointing to the home; seconded by Councilman Hodes. Councilman DeKinder suggested that the number of arrows be left to the reasonable good judgment of the realtors and indicate that if the privilege is abused future requests would be viewed differently. Councilman Hodes withdrew his second to the motion and Councilman Crippin withdrew the requirement from the motion that they be limited to two arrows; seconded by Councilman Hodes. There was discussion that the arrows were to be removed at 8:00 p.m., as well as the posters. Motion carried, Councilmen Lyons and Wise voting nay. Councilman DeKinder stated he would like written notification to go to the three sales agents for the homes in Leawood indicating the Council's feelings so there would be no question but that they had on record the Council's thoughts. Mayor Alt said he would direct Captain Sellers to prepare an appropriate document for the Mayor's signature.

REPORTS

- #122 Treasurer: No report.
- #123 Municipal Judge: Judge Cope's report was submitted and approved on motion by Councilman Hodes, seconded by Councilman Lyons.
- #133 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Wise, seconded by Councilman Roberts.
- #139 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Hodes. Councilman Roberts said in Leawood South the ordinance on animal control was being flagrantly violated by a lot of people. Councilman DeKinder stated the public relations program in connection with enforcement would be discussed at the next Public Safety Commission meeting. Councilman Hodes suggested that there be a separate category in the municipal court report to signify animal control violations.

- #165 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Wise.
- #166 Ordinance No. 542 - Relating to Duties of City Attorney (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 542 was adopted unanimously (Councilman Hodes was out of the room at the time the vote was taken).
- #170 Ordinance No. 543 - Relating to Schedule of Wages for Part-Time Administrative Employees (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 543 was adopted unanimously.
- #179 Plan Commission - Recommendation Regarding Major Street Plan: Councilman Crippin reviewed that the Council had received copies of a Plan Commission resolution requesting the City to authorize a minimum of \$15,000 and a maximum of \$20,000 to be paid to an engineering firm to undertake a major street study and preparation of a major street plan for the City of Leawood. He said it was the hope of the Plan Commission and also the Public Works Commission that the money would be authorized and representatives of the Plan Commission and Public Works Commission consequently conduct interviews and recommend to the City Council that an engineering firm be employed to undertake this work. Mayor Alt added that the plan would specify widths of streets and would show in outline the manner in which streets were to be developed. Councilman Crippin stated there was quite a bit of work to be undertaken and it was hoped that the results of the study would give the Plan Commission and Council sufficient guidance whereby benefit districts could be formed to get developers to pay for the streets. Councilman Crippin estimated the study would be completed in four to six months. Councilman Crippin added that when the comprehensive plan was prepared Tomahawk Reservoir was still in the picture and there was now a question as to whether the streets should be placed as shown on that map. Councilman Lyons suggested that the comprehensive plan be updated. Councilman Wise moved that the Council authorize the expenditure of up to a maximum of \$20,000 from Federal revenue sharing funds for a master street plan and that the Council authorize the Plan Commission and Public Works Commission and whomever else they designated to proceed with interviews of engineering firms; seconded by Councilman Roberts. Following discussion, motion carried. Mayor Alt requested that Councilman Crippin and Mr. Spradley proceed with the interviews with their choice of representatives from their respective departments to assist them.
- #246 Plan Commission - Ordinance Establishing Zoning Classification of Limited Office District and Ordinance Establishing Zoning Classification of Planned Multi-Family District - Huntington Farms (First Readings): Councilman Crippin stated the Plan

Commission had considered and recommended approval of the zoning applications of Planned Communities for rezoning of certain tracts in Huntington Farms. Two ordinances were presented, one establishing zoning classification of Limited Office District and one establishing classification of Planned Multi-Family District. Councilman Crippin moved for approval of first reading; seconded by Councilman Hodes. Gary Corser, land planner and landscape architect, showed the original plan of Huntington Farms which had 20 acres of planned multi-family residential plus a 5-acre tract fronting on Roe zoned limited office district. He said the owners had acquired fifteen acres adjacent to the south. They proposed to turn the limited office district facing Roe Avenue and to wrap the proposed residential development around the existing residential development, adding about 59 residential units to the property. The matter was discussed.

#320

Public Safety - Recommendation Regarding Purchase of Two Motorcycles: Councilman DeKinder reviewed that the purchase of two motorcycles had been previously approved at a total cost of \$10,730.00; following that, additional information was gained that the particular motorcycle approved experienced certain difficulties. As a result, additional bids were received for better quality, safety features, and lower maintenance vehicles. Councilman DeKinder moved that the Council authorize the purchase of two Kawasaki motorcycles for \$7,210.00 as specified in bid dated 3 May 1977, as amended; seconded by Councilman Hodes. Following discussion, motion carried.

#344

Public Safety - Request for Permission to Solicit - Gregg A.M.E. Church: On recommendation of the Public Safety Commission, Councilman DeKinder moved that the Council deny the request for solicitation from Gregg A.M.E. Church; seconded by Councilman Lyons. Councilman DeKinder stated the reasons for the denial were lack of money going back to the organization and general inaccuracy of the application itself. Motion carried unanimously.

#349

Public Safety - Request for Permission to Solicit - American Medical Center: Councilman DeKinder explained the request was for sidewalk solicitation for cancer research from June 1 through June 4 only in Ranch Mart. He said it was granted last year. Councilman DeKinder moved for approval of the request subject to the same information as approved last year; seconded by Councilman Wise. Councilman DeKinder stated information had been received late and it would be impossible to grant permission if it were delayed. Motion carried, Councilman Roberts opposed.

#361

Public Safety - Resolution No. 417 - Regarding Intersection of State Highway 150 and State Line Road: Councilman DeKinder stated the Public Safety Commission felt the additional impact of a resolution requesting immediate action would be helpful. On motion by Councilman DeKinder,

seconded by Councilman Lyons, Resolution No. 417 was unanimously approved. A copy is attached hereto as part of the record.

#371

Public Works - Resolution No. 418 - Establishing Annual Sanitary Sewer Assessment: Councilman Crippin explained that the resolution related to those sewer services for which final collection was handled by the City of Kansas City, Missouri, and the sewage treated in their treatment plant. He said in reviewing the Public Works budget and considering that Kansas City had informed representatives of Leawood they would be raising the sewer service charge, it was the general agreement of the Public Works Commission that the sewer assessment be raised from \$55.00 to \$65.00. With the increase, \$12,171.00 would go into the sewer construction fund. Councilman Crippin moved that the resolution be approved; seconded by Councilman Hodes. Resolution No. 418 was adopted. A copy is attached hereto as part of the record.

MAYOR'S REPORT

#390

Mayor Alt stated he would issue a proclamation recognizing National Public Works Week, May 22 through May 28. He said the Foxhill Surgical Clinic was before the Overland Park City Council this evening and he understood they were to continue it. He said Frances Farrar was at that meeting representing Leawood. He reported on the city officials seminar and the Council of Mayors meeting. He explained that Chief Blume was absent from the Council meeting because his father was critically ill.

#408

Appropriation Ordinances: Nos. 367-A(b) and 354-S(a) in the amounts of \$83,349.82 and \$4,939.19, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman DeKinder. Councilman Hodes inquired about a warrant in the amount of \$223.79 to install and repair lighting. Mr. Sirchia was asked to check the item. There was discussion as to whether an expenditure for antennae and channel guard in the amount of \$2,010.00 had been approved.

Report on Flagpole Plaza: It was reported that the flag was up and the lights installed at the flagpole plaza in the park.

Councilman Crippin requested that as soon as the Mayor received anything on zoning of the Leawood Theater property from the City Attorney that each member of the Council be forwarded the information; he said it disturbed him that there was confusion generated toward the property.

#447

Authorization of Expenditure for Radios on Motorcycles: Councilman DeKinder requested authorization to equip the two motorcycles approved earlier in the meeting with the

May 16, 1977

necessary radio gear for \$2,650.00, which would be below the amount budgeted. Councilman DeKinder moved that the Council approve the expenditure of \$2,650.00 for radio equipment for two motorcycles; seconded by Councilman Lyons. Following discussion, motion carried.

#460

Services for Seniors: Councilman DeKinder asked what the experience had been with the handyman service. Councilman Hodes said there had been no complaints.

Discussion of Additional Lighting at the Park: Councilman DeKinder suggested that if there were some extra lights that they be installed behind the bathhouse. Captain Sellers stated vandalism had been reduced since police patrols were being run in the park.

Mayor Alt reported he would sign ^{a status form} ~~an administrative order~~ for David Jancich as City Prosecutor at the rate of \$300.00 per month.

#473

At 9:55 p.m., on motion by Councilman Roberts, seconded by Councilman Lyons, the meeting adjourned to Monday, June 6, 1977, 7:30 p.m.

E. E. Alt
Mayor

Jane Lile
Council Reporter

Attest:

J. J. [Signature]
City Clerk

June 6, 1977

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 6, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Haas, Watts, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Attorney Winn, City Administrator Lawler, Treasurer Pendleton, Will Gray, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: Mayor Alt suggested that the minutes of the meeting of May 16, 1977, be corrected by changing "an administrative order" to "a status form" in the fourth paragraph on page 2269. On motion by Councilman Hodes, seconded by Councilman DeKinder, the minutes were approved as corrected.

#481

Visitors: Gordon G. Greb, Dr. David Dixon, Clarence Gunckel, Frank Shinn, R. Price Hays, Dale H. Meyer, Sherry Soper, Gene Kroh, John Granstedt.

On motion by Councilman Watts, seconded by Councilman Wise, the agenda was changed to consider the ordinance regarding recreational vehicles at this time.

#485

Ordinance Regarding Recreational Vehicles (First Reading): Mayor Alt stated that there had been a number of revisions, including change of the title, so this would be a first reading. He said there had been considerable input and asked that comments be limited to new ideas. Councilman Crippin emphasized the importance of the preamble of the proposed ordinance, and read it. He then highlighted major items of change. Councilman Crippin said the three classifications were: (1) Self-Propelled Motor Vehicles, Trucks and Buses; (2) Trailers; (3) Mounted/Unmounted Campers. He stated the ordinance recognized all vehicles and the limitation of size was probably the newest item included in terms of regulation. There was discussion that a Class 1 and 2 vehicle could be on the property 96 hours for loading and unloading or securing the vehicle for storage. Councilman DeKinder suggested a limit of the number of loadings and unloadings within a seven-day period. Councilman Hodes questioned the provision under Section 10 concerning propane or mechanical hook-ups. Councilman DeKinder suggested using, "The only external power source or service facility permitted is electricity." Mayor Alt suggested that the City should have the right to make inspection of propane, etc. Councilman DeKinder noted the term "light trucks" was not defined. There was discussion concerning clarifying the number of Class 1 and 2

vehicles permitted. Councilman DeKinder suggested clarification about visitor and owner vehicles being parked at one time.

Councilman Lyons entered the meeting at 8:00 p.m.

#570

Rod Richardson said there was no point in reviewing the opposition and the reasons for it; he stated those he represented were renewing their objections on the same ground stated before, and they would try to make specific objections known at the appropriate time. He added they did not think it was possible for the Council to completely ban the parking of this type vehicle in the City of Leawood. City Attorney Winn stated this ordinance continued the same general premise of prohibiting certain vehicles as did the basic ordinance which had been on the books in the City from the early 50's, it was merely being brought up to date. During discussion, Councilman Crippin said anyone who had a vehicle parked on the property before the ordinance is passed, who had been given approval for screening by the City Architect, would be grandfathered in. Dr. Dixon commented that he thought the maximum fine was excessive. He said under the proposed ordinance the vehicles to which there was the most objection, the campers, back-end mounted pick-up campers, and small motor homes, would be allowed indiscriminately. He said the large, expensive vehicles were much less objectionable to the people to whom he had spoken. He said allowing a vehicle to park in a garage without an inspection was inviting a fire problem, and suggested a mandatory inspection. Mayor Alt asked that written comments be submitted within the week.

#587

#619

Ordinance No. 544 - Establishing Zoning Classification of Limited Office District - Huntington Farms (Second Reading): Councilman Crippin stated that the parcel involved was several feet south of College Boulevard. The zoning for Limited Office District was being revised in conjunction with the multi-family property. There was discussion that the developer would provide right-of-way for Roe Boulevard. On motion by Councilman Crippin, Ordinance No. 544 was unanimously adopted.

#631

Ordinance No. 545 - Establishing Zoning Classification of Planned Multi-Family District - Huntington Farms (Second Reading): On motion by Councilman Crippin, Ordinance No. 545 was unanimously adopted.

#633

Ordinance Relating to Acceptance of Sewer Easement from G. A. L. Corporation - Ensley Court (First Reading): Councilman Crippin stated in order to obtain a sewer connection for the property it was necessary to proceed in a northwesterly direction along property lines to reach a sewer located at 88th Street. He moved that the ordinance accepting the easement for the sewer through these properties be placed on first reading.

#649

Ordinance Relating to Reimbursement of Travel and Mileage Expenses of City Officials and Employees (First Reading): Mayor Alt requested that the first reading be continued to the next meeting.

#650

Plan Commission Resolution Regarding Section 15-102(e), Model Zoning Code: Councilman Crippin stated a public hearing had been held and the Plan Commission recommended that Section 15-102(e) remain in the Zoning Code. Conflict with the general sign ordinance was discussed. City Attorney Winn suggested that a copy of the general sign ordinance be sent to the Plan Commission urging strongly that they consider incorporating the new one in the zoning code. The matter was discussed. There was discussion that the new sign ordinance had been passed but not published pending action by the Plan Commission. Councilman DeKinder moved that the City Clerk be directed to publish the new sign ordinance in the appropriate publications and that Mr. Sirchia be directed to summarize the reasons for repealing Section 15-102(e) from the Model Zoning Code and incorporation of the new sign ordinance into the ordinances of the City of Leawood; seconded by Councilman Watts. Motion carried. Mayor Alt read his reply to a letter from Leo Mullen, president of the Homebuilders Association, regarding signs.

#674

Plan Commission Resolution Relative to Changes in the Comprehensive Plan: Councilman Crippin stated the Plan Commission had reviewed the comprehensive plan and determined that no changes to it were necessary at this time. The plan was discussed. Relative to Oxford Township zoning, Mayor Alt stated he had directed the City Administrator and the City Attorney to prepare a resolution which he hoped to have before the Council at the next meeting which would clear up the zoning matters in Leawood. There was discussion that the City had approved an expenditure for the Plan Commission and Public Works to hire a consultant for development of a street plan for the entire city. Mr. Granstedt said the water district would not bring water up the street for the fire station until the curbs on 127th Street were installed. Gene Kroh said the contract for installation of sewers had been let, weather would determine how fast the job progressed. He said their plan was to put in the street as soon as the sewers were installed. Mr. Granstedt said he needed to know the width and grade of Mission Road when the radius cutting was made for the driveways in front of the fire station. Mayor Alt asked the Public Works Commission to review the matter.

#730

Councilman Roberts moved that in response to the Plan Commission resolution, the Council agrees that a comprehensive street plan is needed, and further agrees that no changes are necessary in the comprehensive plan at this time; seconded by Councilman Hodes. Motion carried, Councilman DeKinder abstained.

#738

Plan Commission Resolution Relative to Hiring Full Time City Engineer: Councilman Crippin presented the Plan Commission resolution. Mayor Alt said the City budget provided for a full time city engineer in 1978. The matter was discussed, including the role of such a city engineer in the comprehensive street plan. Councilman Wise said it seemed to her the City should set a target date for hiring a city engineer. The need for a full time city engineer was discussed. Councilman Hodes said he would like to see a committee formed to determine if needed and, if so, when. Mr. Lawler said the City was in need of the technical background and qualifications to look at the engineering problems facing the community, and needed to have somebody responsible for getting needs in systematic order and trying to attack them by priorities. He said a lot of inspection was not being done. Councilman Haas pointed out the City would not be spending the total amount of his salary above and beyond what was being spent now. Councilman Roberts said with all the development the City had before it, the Council could certainly justify the expense of a city engineer. Councilman Watts moved that the Council express to the Plan Commission its appreciation for its resolution recommending that the Council consider hiring a city engineer, and further tell them that the Council presently has the proposition under consideration and is contemplating including an expense category for that in the 1978 budget; seconded by Councilman Lyons. Councilman Crippin said he would hope if it became possible, that a city engineer be employed later this year. Motion carried.

#789

Approval of Final Plans - Leawood South Townhouses - 128th and State Line: Gene Kroh displayed the final plan on the development approved last November. He said subsequent to that time, the City requested a fifty foot right-of-way which would allow access to vacant property. He said the plan had been revised to show that right-of-way. Following discussion, Councilman Watts moved that the Council approve the final plan for Leawood South Townhouses, 128th and State Line; duly seconded. Motion carried unanimously.

#816

#818

MAYOR'S REPORT

Approval of Bill for Repair of Trojan Loader: Mayor Alt said he had authorized the repair of the loader. Bob Sirchia stated the loader needed extensive repairs which Public Works could not do. The repairs needed to be made immediately for reasons of safety. The estimate was \$1,800. Mr. Gray and Mr. Lawler explained the nature of the repairs, stating the actual cost was about \$2,400. Councilman Hodes moved that the Council approve the expenditure; seconded by Councilman Watts. Motion carried.

#829

Foxhill Surgical Clinic: Mayor Alt reported the Foxhill Surgical Clinic was before the Overland Park City Council this evening and Leawood had a representative there to

read its letter and resolution. He announced there would be a hearing on the appeal from the Kansas Health and Environmental Department ruling at 2:00 p.m. on June 16th at the Johnson County Court House, 6000 Lamar. Mayor Alt said he planned to enter into the record the letters Leawood sent to the Kansas Department of Health and Environment, as well as the resolution in connection with the Foxhill Surgical Clinic.

#831

Kansas City Power and Light Company Franchises: Mayor Alt stated part of the committee met with Kansas City Power and Light and specified changes desired in the contract on street lights and traffic signals. A report will be made in a couple of weeks. Mr. Lawler stated Kansas City Power and Light Company had advised that they could make no additional installations until the franchises were approved.

#837

Report on 135th and State Line: Mayor Alt reported he had conferred with Missouri officials; their studies had been finished and sent to the State of Kansas; Kansas had finished its studies, and there had been an exchange of letters. Mayor Alt said he had directed Chief Blume to follow this every two weeks.

NEW BUSINESS

#840

Approval of Payment No. 7 to Contractor - Fire Station No. 2: Councilman DeKinder moved for approval of the expenditure of \$73,352.69, the seventh payment to contractor on construction of Fire Station No. 2; seconded by Councilman Watts. Councilman DeKinder stated total construction of the station was first class; they had done an outstanding job. Councilman Watts said the design was excellent. Gene Kroh estimated the sewer would be completed in September or October. Motion carried.

#848

Approval of Transfer of Funds from General Operating to Workmen's Compensation Fund (\$2,800): Mr. Lawler explained the original amount budgeted for Workmen's Compensation insurance was \$12,140.00 but additional audit expense raised the total for the year to \$14,931.12, so a transfer of funds was needed. On motion by Councilman Lyons, seconded by Councilman Watts, the transfer of funds from General Operating to Workmen's Compensation Fund was approved.

#852

Animal Control: Councilman Lyons said he had very little sympathy for people who let their dogs run and then got mad at police and city officials. He said he didn't think the City should be hoodwinked by an angry citizenry that refused to follow the law. Mayor Alt stated warnings were not being issued any more except in unusual cases, and dogs were being picked up. Councilman Roberts agreed with Councilman Lyons; he added that the animal control officer had been doing a better job recently in his area. Councilman Crippin stated two specific instances on the report submitted to the Council were to the manner of enforcement, not necessarily to the ordinance per se. Councilman Hodes said he felt the law

should be strictly enforced. Councilman Wise asked why hunt the owner, just pick up the dog. Chief Blume said the reasons for allowing the procedure of contacting the owner were that many dogs were difficult or dangerous to catch and, secondly, when the animal was picked up the owner was not only incurring a fine but also a board bill. Councilman DeKinder stated the overwhelming sentiment of the citizens was for stronger enforcement of the animal control ordinance and he would hope the Council would continue to stress enforcement of the present ordinance. Councilman Watts said he hoped the Council's discussions would not preclude use of a little common sense in the enforcement proceedings, he would not be against the issuance of one warning ticket per individual. Councilman Hodes mentioned that he had requested that the Municipal Judge's report contain a separate category for animal ordinance violations.

#893

Comment on Cooperation from Realtors During Homes Tour:
Councilman Lyons said the Council bent over backwards to help the realtors but their actions were a sad commentary, perhaps the Council should repeal the new ordinance.

#897

At 10:08 p.m., on motion by Councilman Haas, seconded by Councilman Watts, the meeting adjourned to Monday, June 20, 1977, 7:30 p.m.

Eugene E. Alt
Mayor

Jane Lile
Council Reporter

Attest:
J. DeKinder
City Clerk

June 20, 1977

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 20, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Watts, Lyons, Hodes.

Others present were Police Chief Blume, Fire Chief Toman, City Administrator Lawler, City Attorney Winn, Will Gray, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman Roberts, the minutes of the meeting of June 6, 1977, were approved as submitted.

Visitors: Mrs. H. F. Griffey, Rod Richardson, Dr. David Dixon, Mrs. Jack D. Cox, Dr. and Mrs. Donald Youll, Gregory Youll, Joe Minardi, J. S. Skaptason, W. C. Harralson, Jim Borders, Carl Michel, E. D. Moran, Fred Nelson, Vernon G. Downing, Pearl A. Scott, Jack Nagel, Gus Vasen, Walter Morgenstern, Phil Kline, Robert E. Simon, Paul J. Leonard. Member of the Press: Roxi Taylor.

#904

Leawood Lions Club Presentation of Water Fountain: Jim Borders, president of the Leawood Lions Club, reviewed the Club's service activities and introduced Pearl A. Scott who made the presentation of a water fountain for the Leawood Park. Mayor Alt accepted the fountain and expressed appreciation for the support given the City by the Leawood Lions Club over the years.

Councilman Crippin entered the meeting at 7:38 p.m. during the presentation by the Lions Club.

REPORTS

#930

Treasurer: No report.

#931

Municipal Judge: Judge Winthrop's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Hodes.

#932

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

#933

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

#934

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

#935

To accommodate visitors, on motion by Councilman Wise, seconded by Councilman Watts, the agenda was amended to take up the ordinance relating to parking at this time.

#936

Ordinance Relating to Parking (Second Reading):

Councilman Crippin stated the revisions indicated at the last meeting had been made. City Administrator Lawler reviewed the changes. There was discussion that Classification 3 vehicles would be permitted to be parked at all times. Mayor Alt asked if the provision regarding campers was sufficiently worded and if screening was defined. Mr. Lawler said screening would have to be approved by the City Architect. Councilman Wise suggested that a height limitation be considered in addition to length and weight limitations. Councilman Crippin suggested in view of the questions raised that the Council table the ordinance. Councilman Wise moved that the second reading of the ordinance be continued and referred back to the Ordinance Committee for more work; seconded by Councilman Roberts. Councilman Hodes urged that the Council make the necessary changes and go ahead and vote on it. Councilman Crippin wondered how effectively various size limitations could be enforced. Councilman Lyons said he felt if a property owner could screen a recreational vehicle, he should be allowed to keep it on his property full time. He said he was worried about enforcement. He said he felt a suggested ordinance submitted by Dr. Dixon was a workable solution. It provided that recreational vehicle owners report when they were bringing their vehicle onto their property and that it be allowed to remain for fourteen days from that time. Dr. Dixon said he proposed that as long as an individual was using his vehicle that he have unlimited storage. Rod Richardson said the group that he represented maintained that any limitation on the permanent storage of these vehicles on private property was beyond the power of the City. Mr. Richardson said he was having difficulty deciding whether the proposed ordinance was a parking ordinance or a zoning ordinance. Chief Blume said he doubted that a court would accept the arbitrary decision of a law enforcement officer or city official as to whether or not a vehicle was in fact being used over the weekend. City Attorney Winn said any regulations would have to be reasonable and justifiable in terms of serving some public need. He said he felt it needed more study. Mayor Alt stated the Council was on record as opposing permanent parking of these vehicles. Rod Richardson wondered how a weight limitation would be enforced. Motion to continue the second reading carried, Councilman Hodes opposed.

#1005

COMMITTEE AND COMMISSION REPORTS

#1010

Budget and Finance: Councilman Wise referred to packets distributed containing 1978 budget material. She noted that the police and fire department budgets were not included as they were being re-coded. She said the Council

would be asked to approve the budget on July 18, at which time a quorum would be required. Final approval would be on August 15, quorum also required. She said the public hearing was tentatively set for August 9. The budget will be on the agenda of the next meeting. She referred to items in the packet concerning assessed valuations from 1974 through 1977, Kansas budget forms, revenue projections, proposed expenditures, citywide salary totals and related calculations, revenue sharing, mill levies for various funds, and the Administration, Public Works and Recreation budgets. Councilman Wise said the total mill levy which would be required as the budget now stood was 18.449 mills, compared to 14.77 mills last year, over two mills being approved by the voters to replace intangibles tax. She said the mill levy could be reduced some by using carryover and revenue sharing funds. The Parks and Recreation levies were discussed. Councilman Crippin questioned the appropriation of \$100,000 for parks, he said in previous administrations it had been mentioned that the City should do everything possible with the fee structure to get the park on at least a break-even basis. Councilman Wise explained there was a small form of tax relief called local ad valorem tax reduction fund which would mean a net increase of about \$8,750.

#1060

Ordinance No. 546 - Accepting Sewer Easement (Second Reading): Councilman Crippin stated the sewer easement was for the subdivision known as Ensley Place located at approximately 89th and Ensley, allowing the developer to extend the sewer across private property to 88th Street. On motion by Councilman Crippin, Ordinance No. 546 was unanimously adopted.

#1066

Ordinance Relating to Reimbursement of Travel and Mileage Expenses of City Officials and Employees (First Reading): City Administrator Lawler stated the proposed ordinance brought the rate of reimbursement into compliance with fees set by the administrative department of the State, presently 13 cents per mile.

#1071

Ordinance Relating to Public Nuisance and Abatement of Same (First Reading): Mr. Lawler explained that in the past the City really did not have the authority to go in, clean up property, and assess the cost against the property. The old ordinance provided for mowing weeds but it did not extend to removing other things. The matter was discussed. Chief Blume asked that consideration be given to separating by paragraph debris, dirt, etc. on a street, eliminate any ten-day warning period, and make those people liable to arrest immediately. The Council agreed. Councilman Roberts moved that the ordinance pass first reading with the understanding that provision be made to include traffic hazard as suggested by Chief Blume; seconded by Councilman Watts. Councilman Lyons was concerned about application of the ordinance in farm areas. Motion carried, Councilman Lyons opposed.

#1095

Ordinance No. 547 - Relating to Detached Structures:

There was discussion that this ordinance had been referred to the Plan Commission for public hearing but never brought back to the Council. Mayor Alt stated the Plan Commission held a public hearing on November 22, 1976, and referred the matter to the Zoning and Platting Committee. He said minutes of January 24 stated this would be taken care of by changes in the zoning ordinances. Councilman Lyons suggested that the ordinance be passed on an emergency basis. Councilman Watts moved that the ordinance relating to detached structures and repeal of a section of the Model Zoning Code, 1973 Edition, be submitted on an emergency basis; seconded by Councilman Lyons. Motion carried. Councilman Lyons moved that the ordinance be amended under 15-102(1) changing "The Board" to "The Board of Zoning Appeals"; seconded by Councilman Watts. City Attorney Winn noted that dog houses had previously been restricted to twelve square feet. Councilman Lyons said that restriction was deleted because it would allow a detached shed. Mayor Alt recommended that it be limited to one dog house and that the size be limited. Motion to amend carried. On motion by Councilman Watts, Ordinance No. 547 was adopted as amended. The City Clerk was asked to direct a letter to the Plan Commission with a copy of the amended ordinance.

#1121

Enforcement of Ordinances: Councilman Crippin requested that Chief Blume present to the Ordinance Committee or the Public Safety Commission a list of those ordinances whereby it was becoming extremely difficult for a police officer to make a decision because of the wording of the ordinance. Mayor Alt said it was being discussed that such citations possibly go through the administrative department for notification and, if not acted upon, turned over to the police for issuance of a citation. Chief Blume said the majority of the problems had been solved. City Attorney Winn said he was concerned that the Police Department was involved in too many aspects of ordinance enforcement. Chief Blume stated on certain types of ordinances process could be issued by mail.

#1130

Parks: Councilman Hodes reported that the Parks Commission was now meeting with the Recreation Commission. He stated the Commission was requesting authorization of the following items for the park at 106th and Lee: (1) twelve 8-foot molded fiberglass picnic tables with attached seats, \$2,800; (2) five 15-foot aluminum bleachers, cost \$2,975; (3) one mile long, 4-foot wide circular jogging trail with markers, cost \$700; (4) two horseshoe pits, \$57; and (5) bridle trail to conform to request of donors of park land, cost \$50. He said the total maximum would be \$6,644. Councilman Hodes said there seemed to be a parking problem at the south end of Lee Boulevard during soccer matches. The Commission will get figures on graveling or asphaltting an area to the west. Mr. Krebs was present to answer questions. Councilman Lyons said he could see a real

#1149

problem with insurance and liability with bleachers falling down.

There was a short recess to reverse the recording tape.

Side 2
#0

Public liability was discussed. Councilman Crippin suggested that bark be used instead of gravel under the picnic tables. Mayor Alt said it was fine chat, not gravel. Councilman Hodes said he thought bark was a fire hazard. Councilman Crippin said he could not vote for a \$700 expenditure for a jogging trail. Mr. Krebs responded to the points raised. Councilman Hodes moved that all the items be approved as a group; seconded by Councilman Wise. There was discussion that Parks had \$15,000 in carryover and that the 1978 budget figures excluded these dollars. Motion carried, Councilmen Lyons and Crippin voting nay.

#78

#100

Councilman Crippin moved that the agenda be changed to take up as the next item the resolution regarding creation of a main sewer district at State Line and 123rd Street; seconded by Councilman Watts. Motion carried.

Resolution No. 419 - Relating to Creation of Main Sewer District Located at 123rd and State Line: Phil Kline stated the district involved approximately 62.9 acres at the southwest corner of 123rd and State Line which drained by gravity eastward into Kansas City, Missouri. He said the County Commissioners and Kansas City, Missouri, had been negotiating for Kansas City to receive this effluent by gravity into their system. He said the County Commissioners were expected to approve the contract. If they should reject the contract, sewage could be pumped over the hill to the northwest. Resolution No. 419 was approved unanimously. A copy is attached hereto as part of the record. At the suggestion of Councilman Crippin, Mayor Alt requested that Mr. Lawler attach a letter to the County Commissioners to accompany the resolution stating that if anything other than gravity flow was intended, Leawood wanted an opportunity to look at what was proposed as a pump station.

#127

Public Safety: Councilman Watts stated a new designation of Z-9 had been added to the Municipal Court report to show disposition of animal ordinance violations.

Public Safety - Placement of "No Parking" Signs - Mission Road from 95th Street North to City Limits: On recommendation of the Public Safety Commission, Councilman Watts moved that parking be prohibited and appropriate "no parking" signs be placed on the east side of Mission Road from 95th Street north to the city limits; seconded by Councilman Hodes. Councilman Crippin urged that discretion be used concerning where the signs were placed. Motion carried.

#141

Recommendation Regarding Proceeds from Police Auction:

On recommendation of the Public Safety Commission, Councilman Watts moved that the Police Department be authorized to place monies realized from the annual police auction of lost and unclaimed property into the police benefit fund, said monies to be utilized for charitable causes and endeavors; seconded by Councilman Hodes. Chief Blume explained in the past the proceeds had been placed in the general operating fund of the City; the suggestion had been made that they would like to use the proceeds of the auction for a charitable cause. There was discussion that the funds had been included in miscellaneous revenues in the past. City Attorney Winn said he was concerned about the money being taken into the general fund and then paid out as charitable donations. He said he was not sure the City was authorized to make cash charitable donations. He suggested turning the auction over to a charitable institution and letting them conduct the auction and use the proceeds. Councilman Watts moved that the motion be tabled; seconded by Councilman Lyons. Motion carried.

#178

Discussion of Proposed Interlocal Agreement Regarding School

Safety Patrol: Councilman Watts referred to a letter and form of agreement from the school district concerning school safety patrols indicating that patrol members not on school property were under the jurisdiction of the City, and asking the Council to declare them agents of the City of Leawood and agree to hold the school district harmless for liability resulting from using these children. City Attorney Winn stated the City could continue its present program. He said the City needed to determine whether liability coverage would cost anything additional and, if it did, how it would compare with using fewer paid adults and getting out of the program to some extent. It appeared the program was to use one supervisor of the student safety patrol. Mr. Winn said Leawood had a particular problem in that two of its schools were on major thoroughfares. The Insurance Committee will investigate liability insurance and give the results to the Public Safety Commission for a report at the next meeting. Councilman Watts suggested that the Mayor ask the City Administrator to call the school district representative and tell him we are looking into it, not ignoring the request.

#200

Request by Saddle and Sirloin Club for Permit for Fireworks

Display: Councilman Hodes said Chief Toman had reservations about the situation mainly because of the Dorset Manor development at 103rd and Howe Drive, but following a meeting of the interested parties resulting in moving the site for shooting the fireworks, Chief Toman was now satisfied. Councilman Hodes moved that the permit be granted; seconded by Councilman Watts. Motion carried, Councilman Lyons opposed.

#209

Public Works - Request for Bids - 1977 Street Overlay Program: Councilman Crippin displayed a map indicating streets to be overlaid as determined by Bill Gray and Phil Kline. Amount budgeted is \$50,000; engineer's estimate, \$47,500. In addition, he said there had been considerable discussion about what could be done to 123rd Street and 127th Street (each estimated at \$9,000) and Overbrook in Leawood South was considered. Mr. Kline said he had suggested that if the streets shown were completed and there was money left over, that it would be a good use to start on Overbrook at the entrance to Leawood South and go as far as it would go. There was discussion concerning whether or not to use revenue sharing funds for streets. Following discussion, Councilman Crippin moved that the Public Works Commission be authorized to solicit bids for street improvements which would be financed from the \$50,000 budgeted and an amount up to \$20,000 to be obtained from revenue sharing funds; seconded by Councilman Watts. Motion carried.

MAYOR'S REPORT

#307

Resolution No. 420 - Pertaining to Status of Zoning on Annexed Land: Mayor Alt explained the resolution was to set forth a policy on behalf of the City as a guide to the Council, Plan Commission, developers, and owners. Following discussion, on motion by Councilman Wise, seconded by Councilman Watts, Resolution No. 420 was adopted. A copy is attached hereto as part of the record.

#321

Franchise With Telephone Company: Mayor Alt said there was still time to notify the telephone company that the City wanted to reopen the franchise and renegotiate it. Councilman Watts moved that the Mayor be authorized to reopen the franchise with the telephone company assuming it can be done; seconded by Councilman Lyons. Motion carried.

#332

Resolution No. 421 - Regarding Remuneration for the City Architect: Mayor Alt stated the resolution was to increase the City Architect's fees by \$2.50 per hour, effective June 1, 1977. On motion by Councilman Watts, seconded by Councilman Hodes, Resolution No. 421 was adopted. A copy is attached hereto as part of the record.

#334

Foxhill Surgical Clinic: Mayor Alt reported he had testified, and circulated material that would go into the file of the City.

#336

Appropriation Ordinances: Nos. 368-A and 355-S in the amounts of \$110,815.86 and \$503,471.39 (including investments of \$450,000.00), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Wise.

At 10:55 p.m., on motion by Councilman Watts, seconded by Councilman Roberts, the meeting adjourned to Tuesday, July 5, 1977, 7:30 p.m.

#358

June Lile
Council Reporter

Attest: 7:00

Joe Oberlander 2282

Eugene E. Alt
Mayor

July 5, 1977

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, July 5, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Haas, Watts, Lyons, Hodes.

Others present were Fire Chief Toman, Police Captain Sellers, City Administrator Lawler, City Attorney Winn, Treasurer Pendleton, John Granstedt, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Watts, seconded by Councilman Lyons, the minutes of the meeting of June 20, 1977, were approved as submitted.

Visitors: Menno A. Schmidt, Theodore F. Knapp, Wilma Richardson, Mrs. C. V. McCune, Sr., C. V. McCune, Jr., Mrs. Jimmy Tucker, Alice Glenn, Rod Richardson, Cliff Johnson, Ed Bopp.

#367

Leawood Woman's Club Presentation to Leawood Fire Department: Mrs. Jimmy Tucker, president of the Leawood Woman's Club, introduced Alice Glenn who presented a check in the amount of \$1,000 to Chief Toman for rescue unit equipment. Chief Toman accepted the check and said it would purchase medical anti-shock trousers. Mayor Alt expressed appreciation on behalf of the City for the continued support of the Leawood Woman's Club.

#384

On motion by Councilman Crippin, seconded by Councilman Lyons, the agenda was changed to consider at this time the request of Leawood United Presbyterian Church for permission to install a new sign.

#386

Request of Leawood United Presbyterian Church for Permission to Install New Sign: Menno A. Schmidt displayed a sketch of the sign proposed to be installed in place of the existing metal sign, indicating that it would be in front of the church, about two feet from the property line. On motion by Councilman Watts, seconded by Councilman Wise, the request for sign was approved.

#399

On motion by Councilman Watts, seconded by Councilman Lyons, the agenda was changed to consider as the next item the ordinance relating to issuance of permit to Cure of Ars.

#400

Ordinance Relating to Issuance of Permit to Cure of Ars (First Reading): Councilman Crippin stated zoning regulations required that public or quasi-public buildings

#424

constructed in residential districts come before the Plan Commission for public hearing and the Council for approval of the plan by ordinance. He said the Leawood Plan Commission approved the plan for the new Cure of Ars Church on June 27 and had forwarded it to the City Council for approval. Councilman Crippin moved that the ordinance relating to issuance of a permit to Cure of Ars be placed on first reading; seconded by Councilman Watts. A site plan was displayed. The building would be set back 52' 6" from the property line. The exterior would be brick to match existing buildings; the roof would be pre-finished anodized aluminum. Rod Richardson, attorney for Vic Regnier, said Mr. Regnier would like to know whether storm drainage was going to be taken care of to protect Ranch Mart, and would like some indication by the City as to whether or not the City owns the sewer system and would bear the cost of maintenance. Councilman Crippin said there was some question as to who owns the sewer line, and suggested that the City take whatever measures were necessary to investigate the ownership of the sewer and who has the responsibility of maintenance of the sewer. Phil Kline said he understood most of the storm drainage would be taken to an existing adequate storm sewer in Mission Road. Mr. Knapp said all of the storm drainage generated by the new construction of the church would be taken to the existing 18-inch storm sewer on the southwestern corner of the property which would completely bypass Ranch Mart. Mayor Alt stated Mr. Granstedt had responsibility for issuing building permits thus the responsibility to look at storm drainage and the adequacy of it, could call in consultation, and it would not necessarily have to go through Public Works. He added Mr. Lawler would take care of determining who owns the sewer.

On motion by Councilman Watts, seconded by Councilman Roberts, the agenda was changed to consider the resolution concerning Leawood Meadows at this time.

#479

Resolution No. 422 - Approving Plat of Leawood Meadows:
Councilman Crippin presented a Plan Commission resolution recommending approval of the plat of Leawood Meadows by the City Council. Councilman Crippin moved for adoption of a resolution approving the final plat with the provision that there be installation of berms and plantings along Mission Road in those sections where houses back onto Mission Road; seconded by Councilman Watts. Plans for the subdivision were examined by the Council. Ed Bopp, developer, was present. Councilman Hodes said he was opposed to developments going in with the backs of houses facing major streets, and he felt that somewhere along the line the Council or Plan Commission must adopt a philosophy on this and stick to it. Mr. Bopp said the reason for the houses backing up to the street was that with a single entry development thievery was cut down considerably; he said relatively few houses backed on Mission, and they

intended to put the berms and plantings on the homeowners' property so they would be taken care of. Maintenance of the property out to the roadway was discussed. Councilman Crippin said the Plan Commission felt the City was in a position of either requiring the berms and plantings or requiring facing onto a major thoroughfare, and they felt it depended upon each particular situation. With the depth of the Leawood Meadows lots, they felt the berms and plantings would suffice. Mayor Alt suggested a covenant requiring the owners of those lots to maintain the property to the roadway and make it a part of the plat. City Attorney Winn said a provision could be added to the deed restrictions that the owners of those numbered lots have that maintenance responsibility or separate private covenants on each of the four lots to be filed simultaneously with the plat. The matter was discussed. Mr. Bopp agreed to put in a deed restriction that the berms, plantings and the property all the way to the roadway be maintained by the owners, and to allow the City Attorney to go over the deed restrictions prior to filing with the plat. Councilman DeKinder moved that the motion approving the plat be amended to include a satisfactory deed restriction or covenant to be filed at the time the plats are filed for maintenance of the property out to the roadway by the owner; seconded by Councilman Wise. City Attorney Winn said the provision might take the form of a private covenant with the City. Amendment carried. Motion as amended carried, Councilman Hodes opposed. A copy of Resolution No. 422 is attached hereto as part of the record.

COMMITTEE AND COMMISSION REPORTS

#557

Budget and Finance: Councilman Wise emphasized that a quorum would be necessary at the next meeting to approve the budget, as well as on August 15. The budget was discussed. Councilman Crippin said he hoped that money in the Recreation Commission budget designated for long term maintenance could be put in escrow to avoid its being used for other purposes. Councilman Wise said they were looking into the possibility of putting those funds in another account. Mayor Alt stated the budget had not been set up to levy the two mills authorized by the state legislature for police operations and fire equipment.

#585

The budget was discussed, including revenue projections, expenditures in department budgets, revenue sharing, and the mill levy. Councilman Wise said an "allowance for merit increases" had been budgeted in each department. Councilman DeKinder stated he would not be in favor of planning to spread the allowance across a whole department, but that it be for true merit increases. Mayor Alt agreed. Mr. Lawler said he thought it was advisable to give a full step merit increase to maintain the integrity of the step plan and to make it easier for accounting purposes. Councilman DeKinder said he would like to see the City of Leawood go on record as saying to elected state officials

that the Council wants the law implemented concerning real estate reassessment when a certain number of sales exceed assessed valuation by a certain percent.

Councilman Wise said there were a couple of changes in the mill levy because the City was supposed to levy an additional three per cent for delinquent taxes, so that was added to the KPERS, Unemployment, and Bond and Interest levies.

#701

Councilman Watts asked to be excused at 9:25 p.m.

Councilman Wise said the total mill levy as the budget stood at present would be 18.6446 mills, including 2.1 mills authorized by the voters to replace the intangibles tax and the required levy for unemployment of 1.368 mills. Councilman Wise said the question was whether or not the Council wanted to reduce carryover to reduce the mill levy. Mayor Alt recommended not getting too deeply into carryover. Councilman Wise stated the City could use the new law to levy two mills outside the tax lid for law enforcement and purchase of fire equipment, and put KPERS and Social Security under the general fund. Councilman DeKinder said he would be opposed to reducing carryover but thought the City should make use of the effort expended to get the law passed for law enforcement and fire equipment; he suggested making an even swap. Mayor Alt recommended using the law enforcement and fire equipment levy. Mayor Alt summarized that the consensus was to leave the mill levy as it was, to levy the two mills for law enforcement and fire equipment, and trade it off (probably reducing KPERS and Social Security) to keep a maximum under the general fund to collect the maximum amount of sales tax.

On motion by Councilman Lyons, seconded by Councilman Haas, the agenda was changed to consider acceptance of bid for street overlay program as the next item of business.

#761

Public Works - Acceptance of Bid for Street Overlay Program: Phil Kline stated bids were opened for the street overlay program and Reno Construction Company was the low bidder at \$63,807.40 with ten working days to complete the job. The engineer's estimate was \$69,925. Mr. Kline recommended that Reno be awarded the contract. Following discussion, Councilman Hodes moved that the Council approve the Reno Construction Company bid of \$63,807.40 and authorize the Public Works Commission to extend that at the same unit price to a maximum of \$69,925; seconded by Councilman Haas. Motion carried.

#783

Ordinance No. 548 - Regarding Reimbursement of Travel and Mileage Expenses (Second Reading): On motion by Councilman Crippin, Ordinance No. 548 was unanimously adopted.

#784

Ordinance No. 549 - Regarding Public Nuisance and Abatement of Same (Second Reading): On motion by Councilman Wise, Ordinance No. 549 was adopted.

- #788 Public Safety - "No Parking" Signs - Mission Road from 95th Street North to City Limits: Action taken at the previous meeting.
- #791 Contractor's Application for Payment No. 8, Fire Station No. 2: Councilman DeKinder moved for approval of the contractor's application No. 8 in the amount of \$30,696.82; seconded by Councilman Lyons. Motion carried.
- #795 Status of Construction of the Fire Station: Councilman DeKinder stated there was a problem on acquisition of sewers for the fire station and with acquisition of water. He said the water district had agreed to bring the water line on past 127th Street which would allow the City to hook into the water line on the fire station side of 127th Street, so water would be available coincidental with completion of the fire station. He said the sewer would not be available at the time of completion of construction of the fire station and the best solution seemed to be to have a temporary out-house behind the fire station until a permanent sewer connection was available. In the meantime, an automatic sump pump would be installed in the manhole immediately outside the fire station. He said the best estimate for availability of a permanent sewer connection was October.

Contractor's Request for Extension of Allowable Construction Time: John Granstedt said an extension should be granted because the City was taking bids on things the City wanted the contractor to do in addition to the contract and also because of delay in obtaining some of the material. Councilman Lyons moved that the Council give the contractor a thirty-day extension; seconded by Councilman Haas. Motion carried.

MAYOR'S REPORT

- #811 American Revolution Tricentennial Fund Report: Mayor Alt read the letter of instruction of the previous mayor concerning the tricentennial fund, and reported a balance of \$1,080.56 in the fund.
- #824 One-half Cent County Sales Tax: At the suggestion of Mayor Alt, Councilman Lyons moved that the Mayor be authorized to put Leawood on record at the Council of Mayors meeting urging that the necessary resolution be passed there to get the additional one-half cent county sales tax on a countywide basis to be effective as soon as possible; seconded by Councilman Wise. Motion carried.
- #832 Federal Power Commission Ruling on Gas: Mayor Alt asked that this item be removed from the agenda.

NEW BUSINESS

- #833 Request for Extension of Sick Leave: Mayor Alt stated this matter had taken care of itself, the employee would be back tomorrow.

#834

Status of Traffic Signal at 135th and State Line: Mayor Alt said Mr. Satterlee had said Leawood could go ahead and put up a signal light. Mr. Lawler determined that the cost would be \$100,000. Mayor Alt stated the City would pursue other alternatives.

Insurance on School Crossing Guards: Councilman Lyons reported the City's insurance carrier had advised that if the school crossing guards were included in the general umbrella policy, the City's insurance would be cancelled because of the risk. The Mayor referred the matter back to Public Safety for final recommendation.

#843

Resignation: Councilman DeKinder reported an excellent police officer, Michael Stewart, had resigned to take a position with the postal service.

#845

At 10:22 p.m., on motion by Councilman Lyons, duly seconded, the meeting adjourned to Monday, July 18, 1977, 7:30 p.m.

Eugene E. Alt
Mayor

Jane Lile
Council Reporter

Attest:
J. Oberlander
City Clerk

July 6, 1977

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 6:00 p.m. on Wednesday, July 6, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Watts, Lyons, Hodes.

City Administrator Lawler, the City Clerk, and the Council Reporter were present.

Resolution No. 423 - Levying Special Taxes for Law Enforcement and Fire Equipment: Mayor Alt stated the purpose of the meeting was to discuss adoption of Resolution No. 423 to levy special taxes for the purpose of providing law enforcement services and ambulance and/or fire-fighting equipment pursuant to Senate Bill 486 of the 1977 session of the state legislature. He explained that subsequent to the meeting on July 5, it was found that the Kansas statute which allowed the City to levy the quarter mill for special fire equipment was null and void by the new bill.

Councilman Wise explained that at the last meeting, the Council had discussed levying the maximum two mills for law enforcement and fire equipment. To do that, \$39,000 of police vehicle and maintenance expenses originally budgeted under revenue sharing and another \$45,000 from the police and fire budgets had been pulled; nothing would be levied under KPERs, Unemployment, or Workmen's Compensation. The proposal was to budget KPERs in revenue sharing which would leave an uncommitted balance of \$20,500, and to budget Workmen's Compensation and Unemployment in the general fund. This would give a net decrease in general fund expenses of \$24,000 which would then become contingency. The mill levy would remain essentially the same. Councilman Wise said there were a couple of very minor changes in the mill levy because of the fact that the County gave a new assessed valuation figure, down \$28,500. She said the forms would be prepared both ways and if there was a protest, \$12,000 for fire equipment would be taken out of carryover in the general fund. There was discussion that the general fund levy was not decreased. On motion by Councilman Lyons, seconded by Councilman Watts, Resolution No. 423 was adopted.

At 6:16 p.m., on motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Monday, July 18, 1977, 7:30 p.m.

#52

Jane Lile
Council Reporter

Eugene E. Alt
Mayor

Attest:

J. Oberlander
City Clerk

2289

July 18, 1977

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 18, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Haas, Watts, Lyons, Hodes.

Minutes - Meeting of July 5, 1977: On motion by Councilman Watts, seconded by Councilman Lyons, the minutes of the meeting of July 5, 1977, were approved as submitted.

Minutes - Meeting of July 6, 1977: On motion by Councilman Wise, seconded by Councilman Lyons, the minutes of the special meeting of July 6, 1977, were approved as submitted.

Visitors: Mr. and Mrs. Jim Cope and daughter, Phil Kline, James Hixon, Thomas E. Allen, Mr. and Mrs. James Garland, William Haney.

- #63 Presentation of Certificate of Appreciation: Mayor Alt presented to Jim Cope a certificate of appreciation for six years of service to the community as Municipal Judge.

REPORTS

Treasurer: No report.

- #73 Municipal Judge: Judge Winthrop's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Wise.
- #78 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Lyons.
- #80 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Watts.
- #81 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Lyons.

COMMITTEE AND COMMISSION REPORTS

- #83 Budget and Finance: Councilman Wise reported the total of the 1978 budget as it stood at present was \$3,577,050.00, which was an increase of \$511,050.00 over 1977, but about \$375,000.00 of that was in long term capital expenditure and contingency funds. In addition, another \$76,000 of the increase was in wages and wage-related items. Increases in other expenditures in the budget totaled about \$61,000.00.

The mill levy would be 17.42 compared to 14.85 last year; 2.1 mills was approved by the voters for replacement of the intangibles tax, another .3 mill was mandated by the State in the form of unemployment tax; another mill was needed to grant a one-step increase in wages. Councilman Wise had distributed notice of the public hearing to be held on August 9th, list of expenditures and revenues in each budget fund, and a sheet showing the actual operating costs of each department and how much of each department budget was for long term capital expenditures and contingency. She briefly reviewed the changes made in the individual budgets since they were initially distributed, comparing them with last year's. There was discussion concerning the projection of \$240,000 from sales tax. Councilman Wise said the Public Safety Commission met and discussed the fact that there were a number of expenditures, totaling about \$46,000, they had hoped to make for the new fire station that could not be made out of the bond issue. She said the Council needed to decide whether or not there was sufficient carryover as the mill levy now stood or should the levy be increased. Councilman Haas said there would be a recommendation to update the communication system involving an initial outlay of about \$27,000. He added that the \$46,000 for the fire station would make it a functioning fire station, without frills. Councilman Wise stated there would be about \$208,000 in contingency and capital expenditure items in the general fund plus almost \$40,000 from revenue sharing, or between \$240,000 and \$250,000 in carryover. Allowing \$30,000 for a phone system and \$45,000 to \$50,000 for the fire station would make a maximum of \$80,000 of non-budgeted expenses to come out of carryover; then there was a possibility, if approved, of a cost-of-living increase at the end of the year which would add another \$10,000 for each one per cent increase. All these would total \$100,000 to \$110,000. Mr. Lawler mentioned that carryover from the original fire equipment fund would be a legitimate place from which to draw for any fire equipment in the items for the new fire station. Councilman Lyons moved for approval of the budget as presented and that the long form be published as the official budget; seconded by Councilman Watts. Motion carried.

#217

Ordinance No. 550 - Relating to Suspension of Aggregate Tax Levy Limitation (First Reading): Mayor Alt explained that at the time of the election in April when the citizens authorized the Governing Body to reduce the intangibles tax and increase the property tax, an enabling ordinance was not passed. Councilman Watts moved that the Council adopt the ordinance authorizing suspension of the aggregate tax levy limitation on an emergency basis; seconded by Councilman Lyons. Motion carried. On motion by Councilman Watts, Ordinance No. 550 was adopted unanimously.

#251

Notice of Budget Hearing: Councilman Wise presented a paragraph written by Mr. Lawler to go along with the notice of hearing stating that if there was a protest the intent of the Council was to put the items levied in the law

enforcement-fire equipment fund back into the general fund and to move items out of the general fund in like amount. Mr. Lawler explained that this paragraph was to take the place of the paragraph at the top of the budget hearing notice. Councilman Wise moved for approval of the notice of public hearing on the 1978 budget which would take the place of the statement printed on Budget Form 5A; seconded by Councilman Lyons. Motion carried.

#255

Resolution No. 424 - Regarding Publication of Notice of Public Hearing on Proposed Budget: Mr. Lawler explained that this resolution was recommended by Mr. Pendleton as a matter of information to the County Clerk and the State. Councilman Wise moved that the resolution be approved; seconded by Councilman Haas. Resolution No. 424 was unanimously adopted. A copy is attached hereto as part of the record.

#261

Ordinance No. 551 - Relating to Permitted Use of Property - Cure of Ars Church (Second Reading): Councilman Watts moved for approval of the ordinance. Councilman Haas said he understood there had been more questions raised particularly about surface drainage into Ranch Mart Shopping Center. Phil Kline said he had not heard any new questions since the last Council meeting. Mayor Alt said the statement was made that this storm water drained into a separate drainage system, not into Ranch Mart, but he was not sure that was a correct statement. Mr. Lawler reported he had checked on the ownership of the sanitary sewer in that area and determined that there was a deed from Kroh Brothers to the City of Leawood granting all right, title and interest in the Leawood Sewer System, so it clearly was owned by the City. Phil Kline stated it was his understanding there was a six-inch line from the Cure of Ars property down to the north row of buildings at Ranch Mart, at which point it became an eight-inch line to serve Putsch's and the rest of those buildings. Storm drainage was discussed. Phil Kline said until additional parking was added, which he understood was not proposed at this time, he could see no material change in storm water problems. Ordinance No. 551 was adopted unanimously.

On motion by Councilman Watts, seconded by Councilman Wise, approval of the Oxford Hills Second Plat was added to the agenda as the next item of business.

#301

Resolution No. 425 - Approving Oxford Hills Second Plat: Mr. Sirchia said he had distributed copies of the plat in question and a resolution of the Plan Commission indicating they had approved the plat, as well as a proposed resolution for adoption by the Council. He said the property was south of 119th Street, approximately halfway between Mission Road and the existing Verona Gardens subdivision. Mr. Sirchia said the plat had been seen by the Public Works Commission, the Police Chief, and the Fire Chief. Phil Kline, engineer on the project, and Mr. Hixon, the developer, were present.

The storm drainage and street plans had not been submitted. Mr. Sirchia said the developer was requesting approval of the plat and had agreed to have the City hold it contingent upon approval of the street plan by the Public Works Commission and the Assistant City Engineer. There was discussion concerning the procedure of approving plats. Mr. Kline said it was standard procedure in most cities for the cities to review plats for approval before requiring the developer to go into the expense of having street and storm plans approved. He said in the preliminary plat stage, they submitted a preliminary plat which showed the location of sanitary and storm sewers in schematic form, without construction design, and the gradients of the streets. He said it was not clear cut in Leawood at the present time what the procedure was. City Attorney Winn clarified that the developer was not seeking signature for filing purposes at this stage. Councilman Hodes moved that the Council approve the plat subject to submission of storm drainage and street plans which are approved by the appropriate commissions; seconded by Councilman Watts. Councilman Lyons objected to the practice of voting on matters that were not on the agenda. Motion carried.

#344

Request for Permission to Keep Three Dogs - 9718 Overbrook Road: Councilman Watts moved that the request of Miriam S. Krum to keep three dogs at 9718 Overbrook Road be approved; seconded by Councilman Lyons. Following discussion, Councilman Watts moved that the motion be amended to add "for a period of one year"; seconded by Councilman Lyons. Amendment carried. Motion as amended carried. Mayor Alt commented that he thought all such requests should be limited to one year for better control.

#355

Approval of Two Grants - Crime Prevention Unit and Administrative Officer Training Course: Councilman Hodes moved that the City of Leawood accept GCCA Grant No. 77-A-3182-2-D, entitled "Crime Prevention Unit"; seconded by Councilman Watts. Chief Blume stated the grant would provide one officer on a funding ratio with Leawood contributing 5 per cent the first year, 12½ per cent the second year, 20 per cent the third year. Motion carried.

#361

Councilman Hodes moved that the City of Leawood accept GCCA Grant No. 76-A-3183-2-C, entitled "Administrative Officer Training Course"; seconded by Councilman Watts. Chief Blume explained it consisted of sending Captain Robert Becker to the Southern Police Institute at Louisville probably in the spring of next year; this would approve the cost of that project if the City chose to send him. The City would pay Captain Becker's salary and transportation for visits with his family during the eleven weeks. Motion carried.

OLD BUSINESS

Report re Ownership of Sanitary Sewer to Service Cure of Ars: Report made during discussion of ordinance concerning

permitted use of Cure of Ars property.

#368

On motion by Councilman Lyons, seconded by Councilman Watts, the agenda was changed to consider authorization for the Mayor to sign amendment to grant as the next item of business.

NEW BUSINESS

#371

Authorization for the Mayor to Sign Amendment to Grant:
Councilman Wise moved that the Mayor be authorized to sign Amendment No. 2 to grant No. C-200657 01 which would provide an additional \$37,000 in the sewer fund; seconded by Councilman Watts. Motion carried.

Councilman Hodes moved that the Council consider the appropriation ordinances as the next item of business; duly seconded and carried.

Appropriation Ordinances: Nos. 369-A and 356-S in the amounts of \$116,855.09 and \$9,164.48, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted. Councilman Hodes questioned the charge of \$120 for leveling a flood light pole at the tennis courts. Councilman Watts moved for approval of the appropriation ordinances subject to approval by Mr. Beasley of the item for leveling the flood light pole. Motion carried by roll call vote.

MAYOR'S REPORT

#415

Minutes of the Council of Mayors meeting had been distributed. Mayor Alt said the flood insurance ordinance would have to be passed. A public hearing is to be held July 25; first reading September 5, second reading September 19, final filing on September 23. He urged that councilmen respond to a letter from the Kansas League of Municipalities asking ideas on problems of cities. He announced that the Junior Chamber of Commerce was forming a chapter in Leawood. Material had been distributed on open meeting legislation.

#421

Councilman Watts moved that the Council go into executive session to discuss the following two items (1) Recreation Complex matters that could involve litigation, and (2) personnel subjects, the executive session to conclude on or before 9:15 p.m.; seconded by Councilman Haas. Councilman Wise moved to amend the motion to provide that the executive session conclude no later than 10:00 p.m.; seconded by Councilman Haas. Amendment carried. Motion as amended carried.

The Council went into executive session at 9:08 p.m.

The Council returned to regular session at 9:58 p.m. Councilman Watts had left the meeting.

July 18, 1977

On motion by Councilman Wise, seconded by Councilman Lyons,
the meeting adjourned for lack of a quorum to Monday,
August 1, 1977, 7:30 p.m.

#432

Eugene E. Allen
Mayor

June Lile
Council Reporter

Attest:

J. Oberlander
City Clerk



August 1, 1977

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 1, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Roberts, DeKinder, Crippin, Watts, Lyons, Hodes.

Others present were City Administrator Lawler, Police Chief Blume, Fire Chief Toman, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman Roberts, the minutes of the meeting of July 18, 1977, were approved as submitted.

Visitors: Sharon Soper, Jeanette Harriman, Dean P. Lintecum, Dr. James C. Thompson, Curtis G. Chavers, Gordon G. Greb, Dr. David Dixon, Mrs. N. B. Browne, John and Sophia Wayland. Member of the Press: Rea Wilson.

COMMITTEE AND COMMISSION REPORTS

#444

Ordinance Relating to the Regulation of Recreational Vehicles: Mayor Alt explained that this was not the first reading but a review of the recreational vehicle ordinance which had been rewritten. Councilman Crippin reported that the Ordinance Committee and the City Attorney had met and came to the conclusion that from a legal point of view and as a practical matter from the standpoint of enforcement recreational vehicles could be regulated, but to legislate prohibition of these vehicles on residential lots in the City of Leawood would be extremely difficult. He said the ordinance which had been drafted was not too far removed from that which Mr. Lawler proposed, there being additions to it relating to the location of the recreational vehicles by type on a residential lot. In essence, the ordinance provided that a person with a motor home could permanently store the motor home on a residential lot provided that the motor home was kept in a fully enclosed garage or on the driveway portion of the property, and provided the vehicle did not project more than 25 feet from the front building line into the front yard area of the home. Permanent side and rear yard parking would be permissible only on a driveway providing access to a garage attached to the residence, provided it is screened from the adjoining properties. Councilman Crippin said camping trailers and similar vehicles, as well as boats, snowmobiles, and other trailers, could be parked in the side yard and also in the rear yard of a dwelling unit provided they had adequate screening. He said the ordinance would not allow the parking of a motor home on a concrete pad in the rear yard. A specification was included that screening, if plant material was used,

shall have a minimum height of at least fifty per cent of the height of the motor home or trailer parked in the area and must be a minimum of four feet in height at the time of initial planting. With regard to temporary parking, the ordinance provided 72 hours for loading and unloading, which would allow an individual using a motor home every weekend to have the home in his driveway over the period of a week. There was provision for temporary registration for visitors for a period of seven days, and an additional seven days upon making request of and approval by the City Administrator. Councilman Crippin acknowledged that the ordinance did not comply with the desires of individual councilmen stated in earlier meetings; however, the Committee came to the conclusion that it might be best to have an ordinance of this nature allowing their use and for all practical purposes, refer it back to the homes associations where their covenants could be amended to prohibit these vehicles. He said the City Attorney had expressed the opinion that the City could not accept the responsibility for problems that developed between neighbors with regard to taking responsibility for lawsuits, testing ordinances in court, etc. He said this ordinance was the recommendation of the Ordinance Committee which also recommended that councilmen study it, and that it be put on first reading at the next meeting.

Councilman Hodes stated it appeared to be the exact opposite of the way the Council originally felt they wanted to handle the recreational vehicle ordinance. He said he felt this ordinance would allow a proliferation of recreational vehicles in the City; he thought it should be more prohibitive. Councilman Lyons said the police department could not be a watchdog for recreational vehicles. Councilman Watts questioned how the provision allowing 72 hours could be enforced. Councilman Crippin said unfortunately with many ordinances of this nature, enforcement was dependent upon complaint. He said it would go through an administrative procedure yet to be established in the City, and the police department would not become involved unless so instructed by the department of administration. Enforcement was discussed.

On motion by Councilman Watts, seconded by Councilman Roberts, the agenda was changed to consider the bridge at 98th and Belinder as the next item of business.

#523

Bridge at 98th and Belinder: Mr. Lawler explained there was a bridge south of 98th and Belinder which had been constructed in two stages. As a consequence in a rain of any size, considerable debris came down the creek and impounded itself on the face of the tubes of the lower structure and sealed off that drain. As a result, the water went up and through the second opening which had contributed to erosion problems in the area. He said the City was now faced with the obligation to protect the bridge and keep the underpinning safe, but a serious

question arose as to how far the Council wanted to go as far as that structure itself was concerned. He said if the tubes were removed water would flow much more freely. Mr. Lawler recommended that it be referred to the engineers to determine what it would cost.

Curtis Chavers said about eight years ago this was brought to the Council by neighbors who were having their property torn up. He said live trees were now being washed down. He presented a letter to the Council signed by neighbors requesting that the ditch be straightened up. He said the water was 75 feet across at times. Mr. Chavers said he was asking the Council to re-evaluate its priorities on the flood districts. Mayor Alt said he had referred the matter to the Public Works Commission for investigation and recommendations. Councilman Watts asked that the City Clerk let the people know what was finally recommended.

#558

Fence Appeal - Mr. and Mrs. John Wayland: Mr. Wayland said they had a unique problem and wanted to put up a fence along the side of their yard facing 103rd Street, but the Board of Zoning Appeals felt the fence could be put up next to the house rather than the location they wanted. He said they were confused about how the Board could make an exception for one person and not do it for everybody concerned, because down the block from them other people had a fence in line with where they wanted to put theirs. Mr. Wayland said they came to the Council to find out by what reasoning the Board could discriminate from one to another. Mayor Alt said he would have the matter investigated. He added that the action of the Board of Zoning Appeals was final except through court proceedings.

On motion by Councilman Watts, duly seconded, the agenda was changed to consider a resolution relating to zoning a tract for an elementary school as the next item of business.

#569

Ordinance Relating to Zoning Tract for Elementary School (First Reading): Councilman Crippin introduced Dr. Thompson, Superintendent of Schools of Blue Valley District, and Architect Dean Lintecum. He said the project for construction of an elementary school had been presented to the plan commission. He said ordinance provided that before construction began on any public building in a residential district, the City Council had to approve the project by ordinance. Councilman Hodes asked if there had been any requirement placed upon the school district as to street improvement contribution on 123rd Street. Mr. Sirchia said the right-of-way had been discussed. Dr. Thompson said they were not prepared to speak to street improvements at this time and their tax dollars were very limited; he said adequate street access was important but it was not his desire to locate an elementary school right next to a major thoroughfare, and if it would result in that kind of benefit district, they were very much opposed to it. Councilman Crippin stated the Plan Commission had

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passed a resolution stating that 123rd Street should have no greater than a 60-foot right-of-way for a two-lane collector type street. He said it was his understanding that the developer to the south would like 123rd Street improved to a boulevard type street. Councilman Crippin said there might be a street 1600 to 1800 feet west of State Line and he wondered if there was a possibility of providing a 50-foot right-of-way to tie the two streets and provide some exit onto 123rd Street. Dr. Thompson said they were aware of that possibility and had discussions with the new owner to the west regarding exchange of property that would allow continuation of High Drive. Councilman Watts wondered if a benefit district agreement could be drafted in such a way that the school district would participate provided that there would not be over 60 feet of right-of-way. Councilman Roberts said he felt the school should be a part of the benefit district and he thought there was a definite need for sidewalks along both sides of the street because of the school. Width of right-of-way was discussed. Chief Blume asked that the Council begin to consider what needed to be done at the intersection of 123rd and State Line.

Mr. Lintecum said the school was a couple of hundred feet removed from the street so buses and cars would have to come on the property to pick up children. Councilman Hodes moved to amend the ordinance to include a benefit district provided it would be acceptable to the school board; seconded by Councilman Watts. Councilman Crippin suggested that the Council might go ahead and pass the ordinance and at the time the school came in for a building permit, review the situation. Mr. Lawler suggested that the Council reconsider putting anything of this nature into the ordinance itself, he felt it was probably inappropriate because it was a zoning ordinance, but that it be a matter of understanding between the Council and the school board in the form of a letter from the Council to the school board. Motion and second to amend were withdrawn.

Dr. Thompson said they anticipated the school would be open in the fall of 1978. Mr. Lintecum showed a site plan for the school, pointing out the dual lane entry to a circle drive, parking lot, and exit. He said it was 220 feet to the face of the building. Dr. Thompson said they had no specific plans for the remainder of the 37-acre tract. He said it could be the site for another school later, a middle school perhaps. Councilman Hodes asked that the matter be placed on the agenda of the next Public Safety Commission meeting and that the police and fire departments take a look at 123rd Street. Chief Blume confirmed that there would be hard surface play areas around the building so a police car could drive around to make security checks and for use by the rescue unit in case of an injury. Mayor Alt requested that the Public Safety Commission and the Public Works Commission examine the safety and road design aspects prior to the second reading at the next Council meeting.

#641

Parks - Request for Approval of Parking Area - Leawood Park:
 Councilman Hodes reviewed that the Public Safety Commission had recommended to the Recreation Commission that something be done about the parking situation at soccer games, and that the matter had been referred to the Parks Commission. Councilman Hodes said he had met with Bob Sirchia and Phil Kline and examined the parking. He said the plan presented for approximately twenty parking spaces was the deluxe way. He said if gravel were used there was concern about dust. The best way would be to put down five inches of asphalt and no gravel which could be done for approximately \$3,500. Chief Blume said there was a parking problem during soccer games. Councilman Hodes said he felt something should be done. Mr. Sirchia said it was estimated that gravel only would be about \$400. Councilman DeKinder suggested putting in gravel and trying it for one year. Mr. Lawler stated calcium chloride could be applied to the gravel to hold down the dust. Councilman Hodes moved that the Public Works Department be authorized to put down gravel and calcium chloride treatment for the gravel to provide approximately twenty parking spaces near the soccer fields at the south end of Lee Boulevard; seconded by Councilman Watts. Motion carried.

Resolution Approving Final Plat - Leawood Country Manor:
 Councilman Crippin stated the matter had been withdrawn from the agenda.

#680

Resolution No. 422 - Approving Final Plat - Leawood Meadows:
 Councilman Crippin reviewed that this subdivision plat was approved approximately two meetings ago; however, due to an oversight, a resolution was not presented at the Council meeting, and it was now being presented to get a resolution into the record. Councilman Crippin moved that the resolution approving the Leawood Meadows plat be adopted; seconded by Councilman Watts. Resolution No. 422 was adopted unanimously. A copy is attached hereto as part of the record.

#687

Public Safety - Contractor's Application for Payment No. 9 - Fire Station No. 2: Councilman DeKinder stated approval of this payment of \$25,991.86 would bring the total to \$298,349.17, all certified by John Granstedt. He moved for approval of payment of contractor's application No. 9 in the amount of \$25,991.86; seconded by Councilman Watts. Motion carried.

MAYOR'S REPORT

#691

Resolution Regarding Kansas City Power and Light Rate Increase: Mayor Alt asked that the matter be removed from the agenda.

Resolution No. 426 - Regarding County-Wide Sales Tax:
 Mayor Alt stated he felt the resolution should be adopted supporting a county-wide election to increase the present one-half cent sales tax in Johnson County to a one-cent

sales tax and directing the Mayor to actively solicit the support of the mayors of other Johnson County cities in calling for a county-wide vote on an additional half-cent sales tax. Mayor Alt said he felt the City should make use of alternative tax sources to replace the intangibles tax. Councilman Hodes moved that Resolution No. 426 be adopted; seconded by Councilman Watts. Councilman Watts said he would go on record as saying that if this proposal to have an extra half cent sales tax ultimately passed, the intent was to use that to offset the ad valorem tax levy to replace the intangibles tax. The Council agreed. Resolution No. 426 was adopted. A copy is attached hereto as part of the record.

#705

Establishment of a County Planning Agency: Mayor Alt said he would like to encourage the establishment of a county agency that would coordinate development in the unincorporated areas and which the City could work with on roads, parks, etc. He said the matter was before the Council of Mayors and he would like to approach it on a positive basis but to leave it open for the Council to take action after more was known about involvement, etc. He said it was not the intent that this supplant city planning commissions.

#715

Budget Hearing: Mayor Alt reminded the Council of the public hearing on the budget on August 9 at 7:30 p.m.

NEW BUSINESS

#717

Application for Retail Liquor Occupation License: Councilman Hodes moved for approval of retail liquor occupation license for Martin's Food Store; seconded by Councilman Lyons. Motion carried.

#719

Request to Connect to Leawood Sewer System at 8029 Canterbury: A memorandum from Mr. Lawler outlining what had transpired had been distributed. There was discussion that the note was co-signed by the minister of the church for a family the church was sponsoring. Mr. Lawler stated the home had been on a septic tank and the City Engineer had recommended that they be allowed to attach. Mayor Alt stated they had asked for a waiver of the fee as a charitable gesture but he did not waive it. There was discussion as to whether a minister had authority to sign for his church. Mr. Lawler suggested that he might be signing it personally. There was discussion that the City Attorney had not checked the note. Councilman Watts moved that the Council approve the request for a sewer attachment for 8029 Canterbury, Prairie Village, for the stated and customary \$800 fee provided that a note is signed for the payment of that fee at the rate of \$20 per month until the \$800 is satisfied, said note being subject to the approval of the City Administrator; seconded by Councilman Lyons. Motion carried. Mayor Alt said he thought the only thing that needed to be done was to make sure that the person who has responsibility for the church signs the note.

August 1, 1977

#739

At 9:15 p.m., on motion by Councilman Roberts, seconded by Councilman Crippin, the meeting adjourned to Monday, August 15, 1977, 7:30 p.m.

Eugene E. Allen

Mayor

Jane Lile

Council Reporter



Attest: *[Signature]*

[Signature]

City Clerk

August 9, 1977

Minutes of a budget hearing of the Governing Body of the City of Leawood, Kansas.

A hearing in connection with the proposed 1978 City budget and Federal revenue sharing was held at 7:30 p.m. on Tuesday, August 9, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. *See pg. 2305. *pg. 2305.*

Councilmen Roberts, DeKinder, Crippin, Watts, and Lyons were present. Others in attendance were City Administrator Lawler, Police Chief Blume, Fire Chief Toman, City Attorney Winn, Treasurer Pendleton, Dorothy Holtsclaw, the City Clerk, and the Council Reporter.

Visitors: J. A. Giesch, Henry E. Pride, George R. Raupp, Mrs. R. A. Anderson, Hazel Sharp, Ann Kellogg, E. F. Phillips, Joe Payne, Robert F. Vincent, Gordon Greb, Mrs. John Watts, Mrs. E. E. Alt.

Mayor Alt stated notice of the hearing was published in The Johnson County Sun on Friday, July 22, 1977. Copies of the budget were available. Mayor Alt presented the proposed 1978 budget. *See pg. 2305.* He presented a chart showing expenditures for 1977 and for 1978, the increase or decrease, and the percentage of change. He said wage related items for all departments had been included in the administration budget, as well as all insurance except false arrest. He explained that by authorization of the Kansas legislature a levy outside the tax lid was made for law enforcement and fire equipment.

A man in the audience suggested that residents in the southern part of the City be assessed for the new fire station just as residents in the northern part of the City were assessed for the sewer system. In answer to inquiry by a resident, Mayor Alt explained what the money in the sewer fund would be used for. A lady asked if there was some way recreation could be self-supporting. A man said he would like the Council to consider an extra user's fee for the people who used the recreation facilities. Councilman Watts pointed out that part of the amount budgeted for recreation was from user's fees.

Mayor Alt said there was a budget increase of \$511,000 or 16.7 per cent. He said the 1977 budget increased 28.6 per cent over 1976, and 39 per cent represented the increase of 1976 over 1975, so he thought the City was headed in the right direction. Mr. Greb asked if he could have a five year brief summary showing the total budget, the total number of employees each year, the population, and the number of firemen and policemen each year. Mr. Greb said he did not think citizens quarrelled much with firemen and policemen, they were essential, but had any study been made of clerical efficiency, comparing the City with a private business operation. A man said the

escalation in sewer assessment irritated him a little more than some of the other things. Mayor Alt explained the assessment was raised to keep from eating into the capital improvement fund for renovation of the sewer system. The sewer situation was discussed. A man wondered if the Council had considered establishing a sewage processing plant in Leawood. Mayor Alt reviewed the three sewer plans before the State at the present time. There was discussion that the \$65 annual sewer assessment was for maintenance, the charge by Kansas City, Missouri, and the fund for renovation.

A man said it looked a little out of balance to spend \$123,000 for streets and \$193,000 for recreation, and he wondered about the \$87,789 for capital outlay in the recreation budget. He said the total of \$114,000 in capital outlay for parks and recreation seemed to be out of proportion to what it should be. Mr. Krebs reviewed the usage of the pool and tennis courts. He said thirty per cent of the population had memberships in either the pool or tennis courts. Mr. Greb suggested that family pool memberships be \$50 or \$60. Mr. Krebs stated the Leawood fee was among the highest of any municipality in Johnson County.

Councilman Lyons pointed out that the City taxes were only about ten per cent of the total tax bill. A man pointed out that the population had increased only three per cent since 1975 and the City budget had increased 77.68 per cent.

Mayor Alt discussed the mill levy in the general fund. He pointed out that the citizens had authorized the City to do away with the intangibles tax amounting to an increase of 2.1 mills in the ad valorem tax levy. The total increase of 2.368 mills for the levies under the lid, less the 2.1 mills for replacing the intangibles tax was .27 mills. Of the levies not subject to the tax lid, the increase was .322 mills. Mayor Alt reviewed sources of revenue. The projected revenue total was \$3,577,050 for 1978. Mayor Alt pointed out that ad valorem tax was roughly a little more than one-fourth of the total general revenue fund.

#965

City Administrator Lawler presented the Federal revenue sharing budget. He said in 1976 the City had only \$7,193 in revenue sharing funds which were actually expended; in 1977 there was \$97,000 in the budget of which a good portion was carried forward, and in 1978 there were two items in the budget of \$97,013 (Kansas Public Employees Retirement System \$57,478, and \$39,535 for improvements or equipment).

A gentleman again referred to the 61 per cent increase in recreation in one year and said it was preposterous. A man asked the cost of elections in Leawood, and wondered

why an election in March and another in April. The same gentleman asked what the Leawood newsletter cost; he said he did not get one unless it was the Saturday before an election. He suggested that a newsletter should be sent out publicizing the public hearing on the budget. A man asked the average income of a full time city employee of the City of Leawood. Mr. Lawler quickly calculated it and said it would be over \$15,000 in 1978 including overtime. A lady asked if recreation only included swimming and tennis. Mr. Krebs explained the recreation program. The lady referred to the program at the Jewish Community Center.

#1028

Councilman Roberts said he would hate to live in a community that did not have good recreational facilities. He said he hoped that eventually the City could have small neighborhood parks. City Attorney Winn pointed out that the Council was made up of well-educated businessmen who were generally as conservative with the citizens' money as they would be themselves.

#1034

At 9:42 p.m., Mayor Alt declared the public hearing on the 1978 City budget and Federal revenue sharing closed.

Eugene E. Alt

Mayor

Jane Lile

Council Reporter

Attest:

J. P. Oleschander

City Clerk

* Mayor Alt opened the public hearing on the proposed budget of the City of Leawood and federal revenue sharing as required by law. *jo.*

** He explained that the City could not spend more than was budgeted nor could the City spend more than it received in revenue even though it was budgeted. *jo.*

August 15, 1977

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 15, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Haas, Watts, Hodes.

Others present were City Administrator Lawler, Police Chief Blume, Fire Chief Toman, City Attorney Winn, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes - Meeting of August 1, 1977: On motion by Councilman DeKinder, seconded by Councilman Watts, the minutes of the meeting of August 1, 1977, were approved as submitted.

Minutes - Budget Hearing of August 9, 1977: Councilman Watts moved for approval of the minutes of the budget hearing of August 9, 1977; seconded by Councilman DeKinder. Mayor Alt proposed that the minutes be amended by adding: "Mayor Alt opened the public hearing on the proposed budget of the City of Leawood and Federal revenue sharing as required by law"; and adding the following sentence in the fourth line of the fourth paragraph: "He explained that the City could not spend more than was budgeted nor could the City spend more than it received in revenue even though it was budgeted." On motion by Councilman Watts, seconded by Councilman DeKinder, the minutes were amended to include the sentences proposed by the Mayor. Minutes of the budget hearing were approved as amended.

#1041

Visitors: Jack Giesch, Betty O'Brien, Mr. and Mrs. Howard I. Wittenmyer, Mr. and Mrs. James C. Garland, Jeanette Harriman, E. V. Reichley, V. C. Thomas, Dr. David Dixon, Rod L. Richardson, George Raupp, Rick Stuey, Phil Kline, Gene Kroh, Tom Allen, Gary Corser, Joseph S. Davis, Jr., Saul Ellis, Ron Bonjour, Richard J. Bono, Tom Colgrove, Ruth C. Westring, Doug Patterson, John H. Moffitt, Richard Sailors, Ed Mulcahy, Herbert J. Johnson, R. L. Sparks, L. Hower, Kenneth Levitz, George B. Roth, Bud Buser. Member of the Press: Roxi Taylor.

REPORTS

Treasurer: No report.

#1046

Municipal Judge: Judge Winthrop's report was submitted. There was discussion concerning warnings issued by the court. Chief Blume said the Court had interpreted the provision for a warning as emanating from the court when the offender first appeared before it. On motion by Councilman Watts, seconded by Councilman Wise, the report was approved.

- #1054 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman DeKinder, seconded by Councilman Watts.
- #1055 Police Department: Chief Blume's report was submitted. Councilman DeKinder pointed out a typographical error on the first page. He said total part one crimes, first 7 months 1976, should be 249 instead of 159. On motion by Councilman Watts, seconded by Councilman Roberts, the report was approved.
- #1058 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Wise.

COMMITTEE AND COMMISSION REPORTS

- #1060 Budget and Finance - Final Approval of 1978 Budget and Levies: Mayor Alt stated a public hearing had been held on Tuesday, August 9, and due to a misinterpretation on the City's part the Council could not give final approval at this meeting because there was a requirement for seven days to elapse between the hearing and the date of final approval on Federal revenue sharing. Mayor Alt suggested that the budget be discussed and that the Council adjourn to a meeting for final adoption of the budget. Councilman Wise called for questions or comments. Jack Giesch noted that the proposed recreation capital outlay for next year was \$84,789 which was more than a seventy-five per cent increase over the estimated capital expenditures in 1977, and the proposed budget contained a quarter of a million dollars for parks and recreation which he thought was outrageous. He said the recreation complex was an asset to the City but it should not be a country club; he suggested that the Council consider a user's tax for recreation, eliminating children under a certain age and people over a certain age. Another gentleman said the recreation budget had increased 78 per cent in three years. Councilman Watts stated the mill levy had not increased for that operation. Councilman Wise elaborated on the capital outlay budget, saying almost no money was included for the existing park, \$34,000 was for long term maintenance, \$35,000 was for planning and to acquire parks in the south part of the City, and most of the \$14,000 under capital improvements would be used to make the last payment on the swimming pool contract. A lady in the audience asked that the Council figure out a way to let more people know about the budget hearing; she suggested that a flyer be sent to each residence concerning it. Councilman Roberts moved that the Council approve the budget at an adjourned session to be held at 7:30 a.m. on Friday, August 19, 1977; seconded by Councilman Haas. Motion carried.
- #1083
- #1109 Newsletter Committee Report: Councilman Wise announced there would be a newsletter in October. She asked for copy or suggestions for articles which should be written. She

stated the Newsletter Committee intended to write and submit for Council approval a publication designed to be handed out to newcomers to the City containing basic information concerning the City. Copies would be available at City Hall. Councilman Hodes suggested including a partial map of the City showing the various homes associations and their phone numbers, as well as homes association restrictions. Councilman Wise reported it was the recommendation of the administrative staff and the Newsletter Committee that the Council give some thought to changing the City letterhead. The Committee will get some designs which will be brought to the Council.

Ordinance Committee:

#1117

Ordinance Relating to the Regulation of Recreational Vehicles (First Reading): City Attorney Winn stated two changes had been made in the proposed ordinance: Under 10-803, General Definitions, in the 6th line, strike "but not for profit nor commercial use," and that the first sentence of the second paragraph of 10-806(a) read, "A classification #1 vehicle may be permanently kept on the driveway of a residence provided the vehicle does not project more than twenty-five feet from the front building line." Mayor Alt suggested that it read, "does not project more than twenty-five feet into the front yard area of the residence measured with the vehicle parked perpendicular to the front of the house." Councilman Haas asked for clarification of the second paragraph under 10-806(b) related to a camping trailer or pick-up (slide-in or shell) camper. City Attorney Winn said it was intended to apply only to the trailer portion or shell portion, not the vehicle itself. He suggested that the parenthesis be deleted from "slide-in or shell." Mayor Alt suggested a change in the last paragraph of 10-806(a) to add the word "temporarily," to read, "no such vehicle may be occupied other than temporarily for sleeping purposes." City Attorney Winn explained what this boiled down to was an ordinance pointing out the problem with recreational vehicles and asking people to try to keep them out of their front yards and to screen certain types or put them in the garage; there was no absolute prohibition concerning the parking of Classification #1 vehicles other than the attempt to keep them up against the house so they did not create a visual safety problem for passersby on the street, to prohibit cooking in them, and sleeping in them to be allowed only temporarily. Councilman Hodes repeated that he felt this ordinance was the exact opposite of what the Council several months ago wanted in the form of an ordinance dealing with recreational vehicles. Councilmen Haas and DeKinder agreed.

#1114

There was a short recess to reverse the recording tape.

Side 2
#0

Ordinance Relating to Recreational Vehicles (continued):
The procedure involved in putting recreational vehicle

#20

restrictions in deed restrictions was discussed. Councilman Haas suggested that the ordinance go back to the drawing board because it did not reflect the wishes of the Governing Body. Councilman Watts read an ordinance from another city in another state prohibiting parking of recreational vehicles except for a period not to exceed 24 hours for loading and unloading; upon registration with the police department permission for temporary parking of such vehicles may be granted for a period of seven days to non-city residents; going on to allow for exceptions upon application to the planning board to allow parking of such vehicles in the side yard, rear yard and buildable area provided said vehicle is effectively screened from view of adjoining property and public right-of-way. Councilman Haas suggested that the matter be put on the ballot of the next election.

#50

V. C. Thomas of the Leawood South Homes Association said he thought the proposed ordinance opened Pandora's Box, he said the association was opposed to the parking of recreational vehicles in private driveways. He said he liked the ordinance from the other city. There was discussion that various homes associations had appeared before the plan commission at the public hearing with petitions supporting a restrictive ordinance. E. V. Reichley, president of Brightwater Homes Association, said his people were very much in favor of an ordinance which would limit the parking of recreational vehicles; he too liked the short ordinance of the other city. City Attorney Winn read the ordinance presently in force in Leawood.

#78

George Roth, a resident of the Leawood South Townhouse Association, reported that his association already had a restriction against parking of recreational vehicles in driveways. A lady referred to a situation in her neighborhood where recreational and other vehicles were parked on the street, in driveways, etc. There was discussion that the present ordinance depended upon a neighbor filing a complaint. Rod Richardson said he felt compelled to make

#119

one statement on behalf of the people he represented who owned recreational vehicles. He said it would behoove everyone to remember that simply because somebody's tastes, likes or dislikes were different or objectionable from an esthetic standpoint was absolutely no reason to deny them the use of their land. He said his clients had no objection to reasonable regulation. Councilman Hodes observed that many of the City's ordinances, especially ordinances

#147

dealing with fencing, were purely for esthetics. Dr. Dixon responded to those who had spoken, saying it was clear there was only one reason people wanted these rules and that was for esthetics. He said opinions expressed at coffees were entirely different from those expressed by signing a petition. He said homes associations could not take official positions until they had taken a vote of their membership. He said Leawood was a residential community, as such was an organization of families, and recreational vehicles were a family activity. He said

to change deed restrictions would take a one hundred per cent vote of the homeowners and mortgage holders and that was utterly impossible. He said the Council would have to come up with something for the citizens to vote on and he felt that also would be utterly impossible. He said he was personally against vehicles permanently parked in front driveways. Dr. Dixon said it was not the duty of this Council to regulate esthetics. He said the majority of the people supported his position.

#171

Councilman Watts moved that the ordinance be referred back to the Ordinance Committee for redrafting roughly along the lines of the sample ordinance of the City of Summit, New Jersey; seconded by Councilman DeKinder. Councilman Watts added he would prefer a forty-eight rather than twenty-four hour restriction on parking. Mayor Alt asked the Council to work closely with the Ordinance Committee on the drafting of the ordinance. Motion carried.

On motion by Councilman DeKinder, seconded by Councilman Watts, the order of the agenda was changed to consider the resolution prohibiting houses which back onto major thoroughfares as the next item of business.

#183

Resolution Prohibiting Houses Which Back Onto Major Thoroughfares: Mr. Sirchia presented the resolution saying this discussion had come before the Plan Commission several times. Mayor Alt said part of the reason this was being brought up was the maintenance of the street right-of-way behind the homes. A cover letter from Councilman Crippin and the proposed resolution were read. Councilman Roberts stated there was an area where houses backed up to State Line Road at Verona Gardens which was a no man's land, consequently the City had been mowing the area. The matter was discussed. Councilman Wise said there were some attractive developments with houses backing on a street with berms and it seemed that if the Council could come up with a way of assuring that the back yards would be maintained this would give more leeway. City Attorney Winn read from city ordinance stating that each property owner shall be responsible for area between his property and the pavement. Mr. Winn stated he questioned the value of the resolution other than some general indication of intent to the Plan Commission and he felt that the Plan Commission should take each plan on its merits, work with the developer or planner, and encourage them to have it esthetically pleasing. He thought the matter should be referred to the Plan Commission for some intensive study as to control, the berm concept, requiring maintenance language in homes association regulations, etc. He suggested that the City consult with land planning people. Mayor Alt said he would like to get it down in writing in a deed restriction, covenant, resolution or ordinance. Councilman Haas said as the resolution was written it would absolutely prohibit houses from backing on any street and he didn't believe that was the right way to approach the problem. Councilman

Hodes referred to a developer who came in and outlined exactly what would be done in relationship to berms and how they were going to be maintained, and while he was not in favor of rear facing situations, he would like to refer this to the Plan Commission with a general policy statement, not a clear-cut resolution saying houses backing on a major thoroughfare would not be allowed.

#271

Gene Kroh said his company currently had the Sixth Plat of Leawood South before the Plan Commission and a question had come up concerning thirteen lots backing onto Mission Road which were shown on their original plan. Mr. Kroh said he hoped their Sixth Plat could be approved so they could get on with it and furnish the City sewers and water and the necessary street improvements for the fire station. He said there was no way they could sell lots currently facing Mission Road, and he felt the rules were being changed at halftime in the ballgame. He said he felt it could be taken care of to preserve the esthetic values the City of Leawood had been noted for. Councilman Hodes asked what assurances the Council could give to that area that there would be an attractive-looking situation. Mr. Kroh said they could restrict the area, saying no fences, no swimming pools, no detached structures, and could come up with a suitable landscape plan for berms and plantings. Councilman Watts suggested that the Council, rather than prohibit backing on streets, say that if a subdivision be proposed where houses back up to streets, that adequate provision be made for proper maintenance and care of those properties all the way to the pavement line.

#313

#320

Gary Corser, land planner, said there was a lot more at stake than merely esthetics in backing onto thoroughfares; he explained the different classifications of streets. He said he felt on thoroughfares the desirability for residential frontage was diminished. If there was the situation where there had to be houses on thoroughfares, planners tried to discourage as much direct residential traffic on the thoroughfares as possible by requiring a frontage road, by asking people to side on it in the form of cul de sacs or loop streets, or to back on it which he felt was the best solution. Mr. Corser said planning standards and lot sizes today were totally different than those involved along Ward Parkway or Lee Boulevard. He suggested that developers be asked for a bit more in continuity of planning with berms, common fencing, plantings, etc.

#381

Tom Allen, representing Garland Investment Company, said they felt strongly that the maintenance of lots backing on streets could be handled by deed restrictions or by the present ordinance which he felt did not refer to front or back yards and could be applied to both. Bob Simon, developer, said he was concerned about what the discussion at this meeting would do to those developers who had plats in now that had this problem, would the Council advise the

the Plan Commission to consider it on an individual basis or would they be held up? He hoped the Council would provide that direction immediately. Joe Davis said there was considerable urgency in Leawood South because sewers were being installed now. Mayor Alt said his suggestion would be to have the Plan Commission look at the plats on an individual basis and to come up with some specific recommendations, within thirty days or so, to bring before the Council. The matter was discussed further. Mr. Lawler said at this point there was no contribution by the developer for streets and he felt this could not very well be addressed until the street plan was completed. Councilman Watts moved that the Council refer this back to the Plan Commission with the advice that the Council did not pass on this resolution because it felt the resolution was too rigid to fit the vast spectrum of circumstances that would come before the Plan Commission and the Council, that the Council would encourage the Plan Commission to come up with a general set of policies to be followed in the approval of such plats, and that the Council suggest the Plan Commission consider the hiring, if they deem it necessary, of an outside consultant to help them with the broad policy formation; seconded by Councilman Wise. Motion carried, Councilman Hodes opposed.

#425

#440

Ordinance Relating to Zoning And Permitted Use of Property for Elementary School (Second Reading): Mr. Sirchia reviewed that at the first reading of this ordinance questions had arisen concerning right-of-way and contribution to a benefit district for improvement of 123rd Street. He said the school district had responded that they would dedicate 80 feet of right-of-way from center line on 123rd Street and they would contribute to a benefit district at the time it was set up if they would be allowed to make input into what kind of street was contemplated. Councilman DeKinder reported that the Public Safety Commission had reviewed the situation and recommended that consideration be given to working with the City of Kansas City, Missouri, on traffic control at the intersection of 123rd Street and State Line in terms of the amount of traffic that would be coming in and out at that intersection when the school was opened. As far as the street itself, because of the setback, off-street parking, and the fact that it was an elementary school it wasn't felt that parking along 123rd Street while dropping off or picking up school children would be a major problem. Mr. Sirchia reported the Public Works Commission did not meet but Councilman Crippin had reviewed the plan and suggested to Dr. Thompson, Superintendent of Schools, that they consider extending High Drive through the property to 123rd Street. Dr. Thompson felt this would divide the school property and make the part on the other side of High Drive unusable for their purposes. Councilman Hodes said he felt that street should be cut through. Chief Toman said he thought it should be a requirement that the projected street be provided a right-of-way through that property. At the suggestion of Mayor Alt, Councilman Wise moved that the second reading be continued until such time as the street

could be worked out; seconded by Councilman Watts. Motion carried, Councilman DeKinder opposed.

#477

Approval of Final Plat - Leawood Country Manor: Mr. Sirchia said the developer was seeking contingent approval of the plat based on the approval of the storm drainage and street plans which were not finished. The Council examined the plat. On motion by Councilman Hodes, seconded by Councilman Wise, the plat was approved contingent on the conditions being met. Motion carried.

#489

Final Development Plan - Huntington Farms: Mr. Sirchia stated the City did not yet have the storm drainage and street plans. The Council examined the plan with Phil Kline. Saul Ellis, developer, said the houses would be a little larger but it was basically an extension of the project. Councilman Hodes moved for approval; seconded by Councilman Haas. Motion carried.

#510

Resolution No. 427 - Approval of Final Plat - Leawood Country Manor, and Resolution No. 428 - Approval of Final Development Plan - Huntington Farms: There was discussion that approval of final plat and final development plans should be by resolution. It was agreed that Resolution No. 427 should be amended by adding a paragraph, as follows, "Whereas approval of this plat is contingent on approval of storm drainage and street plans, by the Assistant City Engineer, and by the Public Works Commission," and that in Resolution No. 428 "sanitary sewer and storm drainage plans" should be changed to "storm drainage and street plans." Councilman Wise moved that Resolution No. 427, approving final plat of Leawood Country Manor, and Resolution No. 428, approving final development plan of Huntington Farms, be adopted as amended; seconded by Councilman Hodes. Motion carried. Copies of Resolution No. 427 and Resolution No. 428 are attached hereto as part of the record.

#536

Recommendation Regarding Engineering Firm to Prepare Major Street Plan: Councilman Roberts reported the selection committee composed of Councilman Crippin, Cal Spradley, Herb Block, Don Bonjour and himself, recommended that the firm of Johnson, Brickell, Mulcahy and Associates be retained for a comprehensive street plan project. Messrs. Johnson and Mulcahy were present. Mr. Mulcahy stated the end product of the study, depending upon the scope of services to be developed jointly with the Plan Commission and Public Works Commission, would be development of a street network that would reflect the quality of life and needs within the City of Leawood that could be built within the reality of construction costs today and also be capable of being phase programmed. He said land use statistics and details should be translated into traffic volume so that the Council could relate the development impact to the road system. Mr. Mulcahy said their report would include the general concept of type of construction,

right-of-way widths, etc. He said the approximate timetable would be six to eight months. He said they would address methods of financing street improvements. City Attorney Winn emphasized that the City faced a severe time deadline. Mr. Mulcahy stated they had indicated to the interview committee that they would staff their time and input into the program to meet specific deadlines that would be imposed. Cost was discussed. Councilman Roberts said the committee discussed that they would stay within the \$20,000 allotted by the Council. Mr. Mulcahy said the variants that would come into play would be the detail that they would get into, for instance, in specific engineering design, and the availability of data (such as topographic maps from the Corps of Engineers). Following discussion, Councilman Roberts moved that the Council engage the firm of Johnson, Brickell, Mulcahy and Associates to proceed with a major street plan for the City not to exceed the authorized amount of \$20,000; seconded by Councilman Hodes. Motion carried.

Discussion Relating to Procedure for Plat Approval: An outline of procedure for plat approval had been distributed. Councilman Hodes suggested that the Public Safety Commission be added to the procedure since it signed after streets were approved.

#610

Public Safety Commission - Resolution No. 429 - Establishing a Four Way Stop Sign at the Intersection of 101st and Mohawk: Councilman DeKinder moved for approval of Resolution No. 429 establishing a four way stop sign at the intersection of 101st and Mohawk; seconded by Councilman Hodes. Resolution No. 429 was adopted. A copy is attached hereto as part of the record.

#613

Status Forms - Police Department: Councilman DeKinder stated the following changes in pay were necessitated by resignations and terminations. On motion by Councilman DeKinder, seconded by Councilman Roberts, the following changes in pay were approved:

Craig Hill, from Master Police Officer to Detective, pay raise from \$1,103 to \$1,125 per month;

Jack Livella, from Police Officer First Class to Master Patrolman, pay raise from \$1,020 to \$1,049 per month;

Sidney Mitchell, from Police Officer to Master Patrolman, pay raise from \$942 to \$999;

Pat McCarthy, from Police Officer First Class to Master Patrolman, pay raise from \$1,021 to \$1,050;

Timothy Dennis, from Police Officer to Police Officer First Class, pay raise from \$943 to \$970;

John Cameron, completion of six months probationary, pay raise from \$926 to \$955.

Status Form - Fire Department: On motion by Councilman DeKinder, seconded by Councilman Watts, the following promotion was approved:

Jerry Strack, promotion from Captain and Training Officer to Assistant Fire Chief, pay raise from \$1,337 to \$1,505 per month.

#627

Public Works Commission - Resolution No. 430 - Approving Installation of Septic Tanks to Serve Residential Structures in Leawood Meadows: On motion by Councilman Hodes, seconded by Councilman Watts, Resolution No. 430 was adopted. A copy is attached hereto as part of the record.

#630

Public Works Commission - Report Regarding County Road Conference: Mayor Alt had distributed copies of his report on the county road conference. He charged the Public Works Commission with submission of road priorities.

#631

Telephone Committee Report: Councilman Haas stated councilmen had received copies of the recommendation of the Telephone Committee. Through an oversight, the cost figures had not been presented to Budget and Finance Chairman Wise. Ken Levitts asked Councilman Haas what the ultimate decision was that was unfavorable to his company. Councilman Haas said nothing of an unfavorable nature was discovered, but using their best judgment, independently and collectively, they felt the installation of the Dimension 100 would best serve the needs of the City for now and the future. Councilman Wise said she found it difficult to follow the discussion without any figures. Councilman DeKinder said apparently there was a net cost differential between the two systems of about \$260 per month. He said it was hard to visualize that kind of cost differential coming in on recommendation to the City unless there was some overriding operational or reliability consideration. Mr. Lawler said in trying to evaluate they considered that the ^{Chestel} ~~Chest~~-L-50 system had limited expansion capability and a larger system would diminish the differential, so with the dependability of the Bell System that was their recommendation. Councilman Haas stated the committee considered a lot of criteria and it was unanimous to recommend the Dimension 100. Councilman Hodes moved that the City approve a contract with Southwestern Bell Telephone Company for the Dimension system as proposed; seconded by Councilman Roberts. George Roth said he was a citizen of Leawood and had purchased both a Dimension system and a ^{Chestel} ~~Chest~~-L-system, and had a vested interest in the ^{Chestel} ~~Chest~~-L-system. He asked if the Council did not know the difference between one telephone system and another why it did not hire a consultant to give the correct facts. Councilman Haas stated an independent consultant was hired. Mr. Roth said he failed to see

#672

where the consultant's input was considered. Councilman Wise said she did not feel comfortable voting on a \$30,000 system when she had no idea what it does, and suggested that a vote on the motion be deferred until the next meeting so those not on the committee would have a chance to read the two proposals. Councilman Hodes said he did not feel all council members could go through all the proposals and effectively analyze them, that was why a committee was appointed. Councilman Wise said she thought all councilmen needed some basic information. Councilman Watts suggested, in light of the late hour, that at the next meeting the Council be presented a one-page summary showing the difference in the numbers and the three or four points of the difference in the systems and perhaps converting the ^{Chestel} ~~Chestel~~ in five years. In light of that, Councilman Watts moved that the motion on the floor be postponed to the next regularly scheduled Council meeting; seconded by Councilman Wise. Motion carried, 4 votes for, 2 against.

MAYOR'S REPORT

#714

Resolution No. 431 - Requesting Denial of the Proposed Kansas City Power & Light Company Rate Increase Application: Mayor Alt stated the County Commissioners, Overland Park, Prairie Village, and the Council of Mayors had taken similar action. On motion by Councilman DeKinder, seconded by Councilman Wise, Resolution No. 431 was adopted, Councilman Watts opposed. Councilman Watts explained that he could not see governmental units automatically going on record against a rate increase when they did not know what the economics were.

#728

Resolution No. 432 - Regarding County-Wide Sales Tax: Mayor Alt explained this was a formal resolution to bring to a vote the one-half cent county-wide sales tax. Councilman Watts moved for approval of the resolution; seconded by Councilman DeKinder. Mr. Lawler stated the resolution should be corrected by adding "1976 Supplement" after each K.S.A. reference; that "levying a retailer's sales tax," should read "levying a county-wide retailer's sales tax," and reference to the State Department of Revenue should read "State Secretary of Revenue", and delete the rest of that paragraph after "provided by law" except the "and". Councilman Watts moved to amend the motion to incorporate the phrases Mr. Lawler just added; seconded by Councilman DeKinder. Amendment carried. Motion as amended carried.

#737

Schedule for Adoption of New Zoning Code and Subdivision Regulations: Mayor Alt stated he had set up a schedule to try to get the zoning code and subdivision regulations adopted which he would send to councilmen. He said the Council had until September 30 to get their comments in to the Ordinance Committee.

NEW BUSINESS

#739

Application for Extension of Sign Permit: Mr. Lawler stated there was a "for sale" sign on a lot at 8010 State Line, permission for which was granted as a temporary permit in January for a period of six months. They were now asking for an extension. Mr. Lawler said he did not read anything into the new sign ordinance to cover lots or subdivisions of houses for sale. Councilman Haas moved that the Council approve the extension of sign permit at 8010 State Line for a period of six months or until the property is sold, whichever comes sooner; seconded by Councilman Watts. Motion carried.

#752

Ordinance Authorizing City Administrator to Sign Warrant Checks (First Reading): Mayor Alt explained this ordinance was to authorize the City Administrator to sign drafts in the absence of the City Clerk.

Appropriation Ordinances: Nos. 370-A and 357-S in the amounts of \$297,735.52 (including \$200,000.00 in investments) and \$307,575.28 (including \$300,000.00 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.

#768

At 12:16 a.m., on motion duly made and seconded, the meeting adjourned to Friday, August 19, 1977, 7:30 a.m.

Ernest E. Alt
Mayor

Jane Lile
Council Reporter

Attest:
P. Oberlander
City Clerk

Tape No. 48
Side 2
#769

August 19, 1977

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 a.m. on Friday, August 19, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Crippin, Haas, Watts, Hodes.

Others present were City Administrator Lawler, Police Chief Blume, Bob Sirchia, the City Clerk, and the Council Reporter.

Final Approval of 1978 Budget and Federal Revenue Sharing:
Mayor Alt stated the purpose of the meeting was to give approval to the 1978 budget. Councilman Haas moved that the 1978 budget be approved as presented at the public hearing and to the Council, and that the appropriate forms be filed with the proper authorities as required by statute; seconded by Councilman Roberts. Councilman Wise moved that the motion be amended to also approve the 1978 Federal revenue sharing budget; seconded by Councilman Watts. Amendment carried. Councilman Watts suggested that a summary of the budget in booklet form be prepared. Motion as amended carried unanimously on roll call vote. Mayor Alt asked councilmen present to sign budget forms.

At 7:35 a.m., on motion by Councilman Watts, duly seconded, the meeting adjourned to Tuesday, September 6, 1977, 7:30 p.m.

#778

Eugene E. Alt
Mayor

June Lile
Council Reporter

Attest:

J. J. Lawler
City Clerk



September 6, 1977

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 Tuesday, September 6, 1977, in the Police and Court Building, 9617 Lee Boulevard. Mayor Eugene E. Alt announced at 7:30 p.m. that due to lack of a quorum the start of the meeting would be delayed. Mayor Alt called the meeting to order at 7:45 p.m. Roll call was answered by Councilmen Wise, DeKinder, Crippin, Lyons, Hodes.

Others present were City Administrator Lawler, Police Chief Blume, Fire Chief Toman, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes - Meeting of August 15, 1977: Councilman Lyons moved for approval of the minutes; seconded by Councilman Wise. Mayor Alt suggested that the minutes be amended by correcting the spelling of "Chest L" to "Chestel" on pages 2315 and 2316. On motion by Councilman Lyons, seconded by Councilman Wise, the minutes were amended as suggested. The minutes were approved as amended, Councilman Lyons abstaining because he had not been present at the meeting.

Minutes - Meeting of August 19, 1977: On motion by Councilman Wise, seconded by Councilman DeKinder, the minutes of the meeting of August 19, 1977, were approved as submitted.

Visitors: Larry Bender, Mark C. Owens, Nancy MacIsaac, Gene Kroh, Phil Kline, J. S. Skaptason, Mrs. R. Plisky, Sheldon M. Crossette, Dr. David Dixon, Mr. and Mrs. James C. Garland, Barbara Crist, Douglas Patterson, Jerry Manning, Fred Gibson, Mrs. Gary Swanson, Bob Sparks, Marcia Rinehart, Sheri McIntyre, Dr. James C. Thompson, Dr. Jim Owens, Allen R. Slater, Richard Kellenberg, Larry Hower, Bud Buser, Michael Wray. Member of the Press: Debbie Corso.

Ordinance Regarding Regulation of Recreational Vehicles: Mayor Alt announced that since the ordinance had just been revised, the Council did not plan to enter into any extensive discussion or to vote on it at this meeting.

COMMITTEE AND COMMISSION REPORTS

#790

Plan Commission Report: Mayor Alt stated the Council had a letter from the Chairman of the Plan Commission.

Ordinance Committee:

#791

Ordinance No. 552 - Authorizing City Administrator to Sign Warrant Checks (Second Reading): On motion by Councilman Crippin, Ordinance No. 552 was adopted unanimously.

#792

Ordinance No. 553 - Relating to Zoning and Permitted Use of Property for Elementary School (Second Reading): Dr. James C. Thompson, Dr. Jim Owens and Allen R. Slater were present. Mayor Alt reviewed that a question concerning the streets had come up at the last meeting so the second reading had been continued. Councilman Crippin asked school district officials if they had taken into consideration the possibility of indicating to the City an intent to work with developers to the west of the property at the time that land was subdivided to bring High Drive across the northwest corner of the property to provide circulation from the Verona Gardens area into 123rd Street. Dr. Thompson stated they had reaffirmed their commitment to discuss in the future with the developer to the west the extension of High Drive. Mayor Alt then read from a letter affirming that commitment. Councilman Crippin said he would recommend that when the developer to the west comes in with a preliminary plat if he did not show a road outlet coming across school property to tie in with High Drive, the City require that he get in contact with the school district.

Mr. Sirchia presented a drawing representing a conceptualization of what the school board might do with the rest of the property, indicating High Drive coming into the parking lot in front of a proposed middle school. Dr. Thompson stated the letter accompanying the plan emphasized that it was pure speculation at this point, the only school planned at this time on that site was the elementary school on the southern portion. He said the plan was based on the natural topography of the site. Councilman Crippin explained the City was concerned that there be as many access points coming through as possible and mentioned that Aberdeen would come through, but from a safety point of view there should be two. Herbert Johnson, traffic consultant, said he felt pinpointing the location of the school drive on 123rd Street was critical for design of 123rd Street with proper school crossings.

L. D. McDonald, Jr. urged that the Council be very careful not to let happen what had happened at North Oxford Elementary School concerning the safety factor and traffic problem. Chief Toman stated he was concerned from a public safety standpoint that there be more than one access into developments. Mr. Johnson stated High Drive would not really be a through street because it would swing over. Councilman Crippin moved for approval of the ordinance. A roll call vote resulted in three ayes, one nay and one abstention. Councilman Hodes said he wanted some assurances for the record that some sort of street would be placed to give access from 123rd Street to 121st. Councilman Crippin said he would recommend that the Council approve the zoning based upon what the school board said concerning providing access through the property either in their campus design plan or to negotiate with the developer of adjoining property to get the street connected through there. City Administrator

Lawler suggested that High Drive be designed in a circular fashion. Councilman Hodes read from Dr. Thompson's letter of August 24th that a dissecting roadway would make the site unusable for their purpose, but confirming that they would discuss with adjoining land developers the possible continuation of High Drive. Dr. Thompson said his reference to dissecting the property was to running High Drive straight south. Councilman Hodes stated he had changed his vote. The Council was polled again, resulting in four aye votes, one nay. Mayor Alt cast the deciding vote aye. Ordinance No. 553 was adopted.

#867. Ordinance Relating to Parking (Second Reading): Councilman Crippin moved that consideration of the ordinance be continued until the next meeting; seconded by Councilman Lyons. Motion carried.

#868 Ordinance Relative to Flood Plain (First Reading): On motion by Councilman Crippin, seconded by Councilman Wise, the ordinance passed first reading.

#870 Ordinance Relating to Regulation of Recreational Vehicles (First Reading): Councilman Crippin moved that consideration of this ordinance be continued to the next meeting; seconded by Councilman Lyons. Motion carried.

Plan Commission:

#871 Resolution No. 433 - Approving Third Plat for Oxford Hills Subdivision: On recommendation of the Plan Commission, Councilman Crippin moved that the Council adopt a resolution approving the Third Plat for Oxford Hills subdivision; seconded by Councilman Wise. Councilman Crippin stated he was opposed to subdivisions with homes backing onto streets in the City of Leawood; however, in this instance the topography was such that it was literally impossible for the homes to back other than on the street; if they did face Mission Road the driveway cuts would be through a ledge of stone.

Sheldon Crossette, attorney representing the developer, referred to a buffer planting plan along both of the major streets that had been submitted, and a letter regarding the developer's intent, as requested by the Plan Commission, regarding the further development of both Mission Road and 119th Street. Mayor Alt read from the letter that Mr. Garland "did not now nor would he in the future oppose the formation of a special benefit district for the improvement of 119th Street and Mission Road to standard minimum residential streets as the two roads abutted his property." The term "standard minimum residential street" was discussed. Mr. Crossette stated the developer had no objection to putting in or paying into a benefit district for a normal two-lane street. He added the developer did not feel a four-lane street would be a benefit to the property, so

anything beyond the normal two-lane street should become subject to the City at large. Councilman Crippin stated it was his understanding that Mr. Garland would extend 119th Street in the same fashion as it had been constructed to the east, however, he would only pay one-half the cost. Mr. Johnson said the street was basically 37 feet in width. Mr. Crossette clarified that Mr. Garland would pay his half as long as the other property owner does the same. City Attorney Winn stated he hoped to have a document creating a benefit district submitted within the next twenty to thirty days.

Mr. Crossette stated as far as maintenance of the buffer area was concerned, there were provisions for the maintenance in the deed restrictions which might be called emergency provisions, covering all the land now platted or hereafter platted as Oxford Hills.

Mr. Johnson said he would like to see both Mission Road and 119th Street initially developed to 37 feet of pavement with the provision that sewer inlets be placed back far enough so the streets could be developed as collector streets. City Attorney Winn explained the developer would be paying based on the cost equivalent of a two-lane street, the future cost was the City's. Messrs. Garland and Crossette indicated their agreement to develop 119th Street to collector width, 37 feet. Mr. Johnson stated it would be beneficial for the six-foot strip along the sides to be graded initially. Mayor Alt commented that the commitment on Mission Road was about the same as on 119th Street as far as the developer was concerned. Councilman Winn explained the City was seeking the money equivalent to build a road virtually identical to 119th Street. Mr. Lawler said the question was who would pay for the additional grading which may be in solid rock. Mr. Crossette stated for the record orally, and said they would follow up with a letter, that the developer would enter into the benefit district to the same extent that other developers and other abutting property owners participate in the benefit district.

City Attorney Winn suggested that the Council act on the plat, get everything on the plat but withhold the Mayor's signature until the City had a letter in satisfactory form from the developer on the benefit district.

Councilman Roberts entered the meeting at 9:00 p.m. and Councilman DeKinder departed.

Resolution No. 433 was adopted. A copy is attached hereto as part of the record. Councilman Crippin requested that the planting plan submitted for the buffer strip be attached to the plat as a matter of record and that the city engineer or building official, as they inspect the construction, also inspect the landscaping to make sure it is put in accordance with the plan. Mayor Alt requested that Mr. Lawler

prepare a letter to the developer to that effect with a copy to the proper building official. City Attorney Winn asked Mr. Crossette to furnish the City a copy of the recorded deed restrictions.

#969

Resolution No. 434 - Approving Sixth Plat for Leawood South: Councilman Crippin reported that the Plan Commission recommended that the plat be approved. He stated the Plan Commission was very much in agreement that lots backing onto Mission Road should not occur; however, the Plan Commission members felt, with one dissenting vote, that the project had moved so far along that the developer should not be held back. Councilman Crippin indicated some lots were of such a nature that the designer of the subdivision had to present blow-ups of the lots to show how houses could fit on them, and one of the houses had nine sides in order to fit it on the lot. He emphasized that this was one of the very definite reasons the Council needed to approve the proposal to be presented later in the meeting with regard to employing a planning consultant who had the experience and technical knowhow to review plats. During discussion, Mr. Kroh stated no plans for berms or plantings had been requested.

Councilman Watts entered the meeting at 9:11 p.m.

Councilman Crippin showed photographs of 123rd Street, 83rd and Nall, and Somerset and Nall, with weeds growing between the property line and the street. Councilman Crippin said if the proposed new subdivision regulations were passed at this point, this subdivision would not be approved. Councilman Hodes agreed concerning houses backing on Mission Road. Mr. Kroh agreed that provision for maintenance of the right-of-way could be written into the deed restrictions, he said they had restrictions on file. Mr. Kroh said he did not think esthetic values were damaged by looking at nicely landscaped back yards. He reviewed the history of the development and said he did not think they had done anything at this point except to add to the attractiveness of that area of Leawood. Mr. Kroh said because of the lack of depth between the golf course and Mission Road, it was doubtful whether the lots could face on Mission Road.

Lee Wolfe of Butler Consulting Engineers said he felt the comment about the nine sided house was unfair, that the house was oversized as to what was required. Mr. Kroh said they had gone back over those lots carefully and very good-sized well-designed houses could be built on any of the lots. Mr. Kroh said they would put in berms and plantings along Mission Road on the rear of those lots and they would stand their part of any benefit district for the improvement of Mission Road. Mr. Kroh said north of the Fire Station the elevation of the land was high so there would be steep driveways coming down

to Mission Road which was one of the reasons they were asking to face the lots the other way. Mr. Kroh said if they could not develop this land they could not get the sewers and the street to the Fire Station. Mr. Kroh said, in his opinion, they could not develop the property with those lots facing on Mission Road. The matter was discussed.

City Attorney Winn stated he would prefer that restrictions contain specific maintenance provisions for the common areas, direct tie-in with the homes association, and direct action against people who did not do it. He suggested that lot owners be specifically advised that they have front yard and back yard maintenance responsibility up to the curb line. Mr. Kroh agreed.

Mr. Kroh stated in about half of the thirteen lots if they faced Mission Road there would be a terrific driveway problem because of the elevation above the street grade. Councilman Crippin stated backing houses onto a thoroughfare was standard practice, but not on a typical residential street. Councilman Hodes said he would vote no on having rear-facing houses.

#1073

A motion by Councilman Wise to defer approval of the plat pending study by the consultant to the Plan Commission died for lack of a second. Councilman Lyons moved that the Council adopt the resolution approving the plan subject to a landscaping plan being approved, the benefit district on Mission Road, and a revision of the deed restrictions to make them more restrictive as to the maintenance of that area up to the roadway itself, to be passed on by the Plan Commission; seconded by Councilman Watts. Motion carried with three aye votes, two nay, and one abstention. A copy of Resolution No. 434 is attached hereto as part of the record.

#1088

Resolution No. 435 - Approving Tomahawk Farms Plat: On recommendation of the Plan Commission, Councilman Crippin moved for adoption of the resolution approving the Tomahawk Farms plat; seconded by Councilman Watts. Larry Bender presented the plat. He said the property was about 600 feet south of 119th Street on Mission Road. Mr. Bender said they were willing to do whatever needed to be done to get Mission Road developed. The Council discussed that a benefit district should be a part of approval. Councilman Crippin amended his motion to include, "subject to the provision that they would participate in a benefit district for the improvement of Mission Road"; seconded by Councilman Watts. Mr. Bender stated as soon as Mr. Skaptason's new house was completed, the old house would be moved or demolished. Motion carried. A copy of Resolution No. 435 is attached hereto as part of the record. City Attorney Winn said he hoped to have the actual benefit district petition prepared within twenty to thirty days.

- #1106 Councilman Crippin moved that application for approval of septic tank permit be moved from its present place on the agenda to the next item of business; seconded by Councilman Hodes. Motion carried.
- #1108 Approval of Septic Tank Permit: Councilman Crippin stated Mr. Skaptason, 12000 Mission Road, was requesting approval of a septic tank permit. He had received approval of the Johnson County Health Department for the permit. Councilman Crippin moved that the septic tank permit be approved; seconded by Councilman Hodes. Motion carried.
- #1110 Councilman Hodes moved that the agenda be revised to take up approval of Telephone Committee recommendation as the next item on the agenda; seconded by Councilman Wise. Motion carried.

OLD BUSINESS

- #1111 Action to Approve Telephone Committee Recommendation: Councilman Hodes moved that the City of Leawood enter into a contract with the Southwestern Bell Telephone Company for the purchase and installation of a Dimension system as proposed to the City; seconded by Councilman Roberts. City Administrator Lawler stated the total project cost would be over \$29,000. He said he thought it was originally contemplated that the funds would come from revenue sharing funds for this year; if not, then from the capital outlay fund. He said originally it was recommended that the City hire a telephone operator. He stated he now believed duties could be realigned to place it in the office of the City Administrator's secretary, and she could operate it provided all the duties she now had for copying would be shifted to another office, the mechanics for a lunch break being worked out between that office and the City Clerk's office, and some time reservation being made for someone to man the board while filing was being done. In view of this, he would recommend that the work now being carried on by the City Clerk's office for membership sales, etc. be transferred to the Recreation Department. Councilman Hodes stated the decision to go with the Bell system was unanimous in the committee. He said the reasons for this decision were enumerated in a memorandum sent out to all councilmen, along with cost figures. Mayor Alt emphasized that he objected to the hiring of an extra person to operate the telephone system.
- Mr. Lawler stated the system selected would include Public Works and the new fire station and had potential for expansion of city services in the office space provided in the new fire station. Mr. Lawler said the primary reasons for going to Bell were dependability, assurance of service, and maintenance capability.
- #1133

There was a short recess to change the recording tape.

Tape No. 49
Side 1

Councilman Lyons confirmed that the initial cost of the Bell system was an installation cost, whereas with the Sun Com system the City would be buying an asset; that either system would meet immediate needs, but the Bell system had twice the capacity of the Sun Com system. Mr. Lawler said after he learned there was additional office space at the fire station, Sun Com came in to bid on a larger system, then the cost differential was about \$103 per month. He said the circumstances changed after the consultant made his evaluation.

#35

Michael Wray of Sun Com commented their proposal was for \$32,000 or \$33,000, a one-time cost, the Bell system was \$29,000 initial cost not taking into consideration the monthly rate paid as rental; he said the minimum amount of savings with Sun Communications over Southwestern Bell was \$32,000 over a ten-year period, not considering rate increases of Bell. Concerning reliability, he said they had stated they would put up a performance bond for the necessary amount of money to cover the installation and back up their service, and there was a guarantee from the manufacturer. Mr. Wray stated the consultant had recommended the Sun Communications system and he questioned why the committee elected to unanimously go with Southwestern Bell. Councilman Wise commented that the Council had no guarantee that the people in Sun Communications would be in that business three or five years from now. Mr. Lawler stated the consultant never once specifically recommended Sun Com, he did point out where the savings would be.

Chief Blume wondered what the cost would be to move the equipment in the event the City went to a full-time dispatcher. He said he had not seen a list of equipment, what the equipment would do; he would like to know what the system selected would mean to the Police Department.

#146

The source of funds for the system was discussed. Councilman Roberts withdrew his second to the motion and Councilman Hodes added to his motion that the funds be provided from Federal revenue sharing budget funds; seconded by Councilman Roberts. Motion carried. Mayor Alt thanked the gentlemen from Sun Com and Southwestern Bell.

#158

Councilman Wise moved to amend the agenda to take up the Recreation Commission report as the next item of business; seconded by Councilman Watts.

#160

Recreation Commission Report: Councilman Wise stated there were two proposals, only one of which concerned recreation. She reported a committee consisting of Plan, Parks, and Recreation members met to consider implementation of a park plan. She said they felt an urgency now since plats were coming in at such a rapid rate and land was escalating in cost. The Council had copies of a

proposal with Richard H. Kellenberg, planning consultant, for his services to develop a park land acquisition program, the cost to be \$5,100, one-time cost, proposed to be funded out of Parks Commission funds, with up to a maximum of \$600 additional for printing. Mr. Kellenberg was present. Councilman Wise said they would like perhaps to develop a green belt area going from the existing park utilizing the flood plain area and, if possible, acquire a sizeable tract south of 135th Street for future development. The matter was discussed. Councilman Wise said money was budgeted in the 1978 budget both in Parks and Recreation under land planning and acquisition. About \$2,100 would be due sixty days following the date of the agreement. If that were the case, it would come out of capital improvement money, or Mr. Kellenberg would be willing to wait until the first of the year.

Councilman Lyons said he did not think the City should spend any more money, based on what a lot of people had said, for this type of work. Councilman Wise said if the City did not plan now, the land was going to be gone. Councilman Hodes pointed out they were not asking at this point to buy land, but were saying expert opinion was needed on what should be done. Councilman Roberts pointed out there were no park facilities in south Leawood because the present park was inaccessible, that the population growth was there, and there was no place for children to play except in the streets. Marcia Rinehart urged that the Council hire a qualified planner.

Mr. Lawler explained that the obligation must come from current funds. Councilman Wise moved that the Council approve \$5,100 for a park plan by Richard H. Kellenberg and Company, the \$2,100 to be expended in 1977 to come from either the Parks or Recreation capital outlay budgets, the balance to be expended in 1978 to come from the Parks budget under land acquisition and planning; seconded by Councilman Crippin. Mayor Alt said he was concerned about spending possible budget carryover prior to next year. Following discussion, motion carried, Councilman Lyons opposed.

Councilman Crippin moved that the Plan Commission report be considered as the next item on the agenda; seconded by Councilman Lyons. Motion carried.

#276

Plan Commission Report: Councilman Crippin referred to a letter from Mr. Spradley, Plan Commission chairman, as a result of the committee meeting to discuss the services of Mr. Kellenberg; it was also discussed at that time that Mr. Kellenberg provide continuing planning advisory services for the City. Councilman Crippin explained that Mr. Kellenberg would review materials prior to Plan Commission meetings and advise the Plan Commission, and also come to Council meetings in cases where it appeared his

consultation would be necessary. The cost would be \$475 per month; if additional extensive work was required within one month, the \$475 would be increased. Councilman Crippin moved that the Council adopt Item B of the proposed contract with Richard H. Kellenberg and Company; seconded by Councilman Hodes. Councilman Lyons expressed the hope that the City would not give up its function and just rely completely on Mr. Kellenberg. Councilman Crippin stated there was \$2,500 budgeted this year and \$2,500 next year. There was discussion that services would begin with the Plan Commission meeting this month. Motion carried.

#304

Discussion of Revised Model Zoning Code: Councilman Crippin reviewed the schedule for consideration of the revised model zoning code, the public hearing to be held on October 24. Copies were available. Councilman Crippin said the Plan Commission had gone over the revised code several times, Mr. Winn had prepared comments on two occasions which had been worked into the ordinance, John Granstedt had worked on it, and Herb Block had reviewed it thoroughly. Councilman Crippin asked that councilmen submit any comments prior to September 25. Councilman Crippin reviewed the potentially controversial items: the procedure for filing a subdivision plat, the procedure for seeking planned zoning, the lot sizes within a particular zoning, office development, industrial classification, planned unit development, and definitions. Mayor Alt called attention to the height of buildings being proposed as different from what Leawood was used to, and to planned unit development (warehouses included). Mayor Alt said he was asking Mr. Lawler to put in writing his comments to the Plan Commission with copies to the Council. Councilman Crippin suggested the Council look at it as handling potential situations and serving as minimum guidelines. Mr. Lawler suggested looking at the ordinance from the standpoint of this is what is permitted, and in relationship to the future tax base. Councilman Crippin said he hoped the Council would not get into a complete rewriting process.

#347

Public Safety - Contractor's Application for Payment - Fire Station No. 2: Councilman Crippin presented application for Payment No. 10 in the amount of \$23,803.70. On motion by Councilman Watts, seconded by Councilman Wise, the application for payment was approved.

MAYOR'S REPORT

#351

Appointment of Delegates to League's Cities Convention: Mayor Alt stated a poll indicated no one on the Council would be able to attend meetings on October 9th to 11th in Wichita. Mayor Alt suggested that he be authorized to attend as a voting delegate and that Mr. Lawler and Mrs. Oberlander be designated as alternates with authority to vote. On motion by Councilman Watts, seconded by Councilman Wise, the designation of delegates was approved.

#355

Sewer Report: Mayor Alt reported Phil Kline had finished his study and sent it to Don Boyd. The Mayor had met with Don Boyd and hoped the Special Sewer Committee could meet within a week or so for further discussion. Mayor Alt said the hearing between Kansas City, Missouri, and the EPA was scheduled for approximately November 10, 11 and 12. The City Attorney had requested that Leawood be allowed to make a statement of position. Mayor Alt said he had asked the City Attorney to draft another resolution reaffirming Leawood's position.

#359

County-Wide Half Cent Sales Tax: Mayor Alt stated November 8 was the date presently being thought of for holding that election.

NEW BUSINESS

#365

Discussion Concerning Requests for Erection of "No Parking" Signs for Special Occasions: Mayor Alt directed that Mr. Lawler prepare a revised ordinance.

At 11:55 p.m., on motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Monday, September 19, 1977, 7:30 p.m.

#369

Eugene E. Alt
Mayor

Jane Lile
Council Reporter

Attest:
[Signature]
City Clerk

September 19, 1977

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 September 19, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Watts, Lyons, Hodes.

Others present were City Administrator Lawler, Police Chief Blume, Fire Chief Toman, City Attorney Winn, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Watts, the minutes of the meeting of September 6, 1977, were approved as submitted.

Visitors: Sharon Soper, Curtis G. Chavers, A.E. Millis, Mr. and Mrs. George W. Stein, Mr. and Mrs. W. P. Brummet, Cal Spradley, Mrs. N. B. Browne.

"No Parking" Signs - Mission Road: Mrs. George W. Stein presented a petition which she said was signed by the homeowners along the east side of Mission Road between 89th and 91st Street in opposition to the "no parking" signs on Mission Road. She said at the time of the widening of Mission Road they were promised that at no time would there be any restricted parking along Mission Road on the east side. She said they were perfectly agreeable to having restricted parking during rush hours, 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. She said they felt that to have no time when they could park in front of their homes and that no guests could ever park there was not fair. She asked that the signs be removed and different signs be placed restricting parking only during rush hours. Councilman DeKinder stated the signs were put up on the advice of the traffic engineer and the Police Department because of the increased volume of traffic on Mission Road and the number of accidents and near-accidents that had occurred. He said it was the feeling of the Public Safety Commission that the signs should remain. Councilman DeKinder stated there were also peak traffic flows on Sunday morning and on Friday and Saturday nights.

It was pointed out that no parking was permitted on the west side of Mission Road. Mrs. Brummet asked why they should have to pay taxes to have a driving lane in front of their homes; she said they did not find they were in a traffic jam going to Cure of Ars. She said she resented the parking restriction. Councilman DeKinder said if the signs were removed, the City would be satisfying the number of people who live in the 18 to 20 homes on Mission Road at the expense of the other 12,000 to 13,000 people who live in Leawood and drive down that street. Chief

September 19, 1977

Blume said his department under state law had in fact quasi-enforced no parking there, particularly at night. Hearing no motion to rescind the action, Mayor Alt ordered the action to remain as taken on the basis that the Council had to look at the overall public safety and welfare for the majority of the people.

#448

P.O.
Storm Drainage: Cal Spradley, a Leawood resident, chairman of the Plan Commission, and member of the Board of Zoning Appeals, said he had taken the opportunity during the last few days to travel the City and was quite appalled at what he saw. He said he had talked to persons in the Public Works Department about what they were going through to repair things following the flood. He recommended and suggested to the Governing Body that the storm drainage situation in the existing city be considered an emergency nature problem; that all storm drainageways be cleared so that storm water can move through them as quickly as possible; recommended that the City employ on an emergency basis an engineering firm to design, not study, a proper storm drainage system for the existing city (including the construction and/or modification of all bridges in the City so they may be the self-cleaning variety); further, that ordinances be created to penalize dumping of debris into the storm drainage system; that the City obtain rights-of-way or easements, if necessary, to the creeks and storm drainageways so that maintenance can be advanced; recommended that the City maintain the storm drainage system, incurring ^{general} obligation bonds or other appropriate legal funding as necessary, because it was to the benefit of the entire city. He said he believed this maintenance would prevent further blockage of the storm drainageways and increase their capacity to carry storm water; recommended that the City hire its own city engineer to oversee this operation; and further that the Governing Body plan for the future storm drainage with regard to the new city. He urged that the Governing Body not let this keen recollection and keen feeling for this unfortunate situation escape them.

Councilman Hodes pointed out that a lot of the storm drainage would be multi-jurisdictional. Mr. Spradley said Public Works people said storm drainage maintenance was one of their main problems. City Attorney Winn said he thought the Plan Commission should pay even more attention to storm drainage on new plats not only within an individual plat but tie it in between plats. Mayor Alt said a storm drainage plan for the City had been in existence for some time, it perhaps needed updating. Mayor Alt said as far as the Plan Commission and the Council were concerned in approving further plats, etc., he felt that the developer should take care of all the water that was going to come to him and go through his development. Councilman Crippin said the Plan Commission had difficulty in doing that in that it was operating with zoning and platting subcommittee members who did not have the technical background to analyze storm drainage; Mr. Kellenberg, recently employed on a consulting

basis, was not an engineer and did not have the background and experience. He said this pointed up the need for the City to move expeditiously toward a full-time city engineer. It was discussed that the existing storm drainage plan was not working drawings, but a survey. City Attorney Winn stated when storm drainage was discussed in connection with the widening of 95th Street there was a separate vigorous protest from people not wanting to do anything to change the natural storm drainage and pay for it. Mayor Alt estimated the cost for taking care of storm drainage at more than \$5,000,000. Councilman Roberts suggested that the City start by adopting ordinances cleaning out the streams and making sure there is a waterway, and hiring an engineer. Councilman Wise suggested that citizens be involved in working on the matter. Mr. Lawler said he thought the City might run into some problems with saying the entire drainage that might come through a particular piece of property would have to be borne at the expense of the developer of that property. He said certain portions would become a general obligation of the city as a whole because they received run-off from almost the entire city; whereas others which handled only a small drainage district would become special benefit districts. The whole community would share in the major projects. Curtis Chavers said he wholeheartedly agreed with Mr. Spradley.

#508

Flood Report: Mayor Alt stated that on Monday night, September 12, Leawood and the Kansas City area were hit by torrential rains causing the worst disaster ever experienced in Leawood. The most tragic loss was the lives of the Kleinstein family. He said more people would have lost their lives had it not been for the quick action of the Police Department and the Fire Department as numerous cars were swept off the streets and cars were stalled. Mayor Alt commended the Police Chief and the Fire Chief and their departments for the emergency action they took that night, and thanked the Public Works and Administrative Departments for the long hours they put in cleaning up, securing streets, repairing bridges, etc. Mayor Alt showed a map with damage to homes and property spotted on it. He described damage he had observed. He said six bridges were damaged, five were impassable, but all had been made temporarily secure. The cost to replace those bridges as they should be had been estimated at approximately \$400,000. He said, assuming this was declared a disaster area, the City would get money enough to replace the bridges in like condition. Mayor Alt said he had authorized department heads to spend whatever money was necessary and overtime necessary to deal with the emergency, and not to spend money that did not have to be spent on things that had not already been committed. He said the mayors had met with Governor Bennett to report the damage and the Governor had requested that Johnson County be declared a disaster area. A condensation of a report of damages sustained sent to the County was distributed to councilmen. Mayor Alt said City Hall had been kept open and he had asked residents to report

damages. He said \$400,000 in damages to private property had been reported. He said the information was being given to the County Assessor's office who had survey teams out looking at damage. He said at the present time the City was attempting to organize a trash pickup day or days to assist in getting some of the trees and limbs off of property; he asked Public Works and Mr. Lawler to take this on. Mayor Alt said he had the highest praise for the citizens and the way they met this disaster head on.

#543

Chief Blume reported during the period from approximately nine o'clock on the 12th through late evening of the 13th, the Police Department effected seven to ten rescues, officially towed six cars out of high water, lost two police units valued at approximately \$12,000 (insured), suffered damage to two, possibly four, radios at approximately \$1,350 each (insured), lost between \$500 and \$1,000 worth of personal equipment; the department worked approximately eleven man days extra, assisted by approximately eighteen to twenty officers from other jurisdictions, and the City suffered four fatalities during the flood. Mayor Alt noted there was an editorial in The Kansas City Star commending the Police Department and Patrolman Ron Anderson for rescuing the Krigel family.

#548

Chief Toman reported there was no damage to Fire Department equipment. They assisted the Police Department, removed and transported the members of the Kleinstein family, responded to a couple of rescue car calls for injured subjects, and spent approximately 32 man hours on calls alone during that period.

#552

City Administrator Lawler stated in addition to damage already mentioned as far as Public Works was concerned there were other damages, such as other bridges that appeared to be undermined and a number of sanitary sewers which would be problems. Mr. Lawler said the City had the help of the County with several trucks and personnel since last Thursday in helping with clean-up which allowed City people to proceed with the actual securing of bridges, work on sanitary sewers, etc. He reported bricks had been ordered to rebuild manholes which were washed away. Mr. Lawler said the water was high enough at the Public Works Department to wash the snowplow into the creek and all of the equipment parked was inundated; he said there would be additional submissions as far as public property damage was concerned. He complimented the administrative crew for staffing operations at night and on Saturdays to take telephone and personal calls; a form was developed for reporting property damage. The initial report had been made to the Civil Defense Department of Johnson County which should be brought up to date within a couple of days. He said no one had been promised any kind of relief. He said the map displayed included both public and private damage. Bill Judd wondered if any inspection had been made of the various dams on private

#568

lakes. He said in years past the dams had been a concern. Mayor Alt explained assistance which would probably be available if the area were declared a disaster area. Councilman Lyons asked about aid for municipalities. Mayor Alt said he understood that the City should be reimbursed for the money and overtime spent; for bridges and roads, to put them in condition like they were before, not to replace as he would like to have had them replaced. Councilman Lyons suggested taking the money to replace them as is and match that to repair the bridges as they should be. Mr. Lawler said he was not sure the City would have the privilege of doing that. Mr. Lawler said work now was primarily with the sanitary sewer system. Mayor Alt explained that the City would continue to file reports as further damage was assessed.

#594

Councilman Hodes publicly thanked the Police Chief and Fire Chief for their efforts, he said Leawood had been fortunate in being able to attract personnel and political personnel that cared about the city and citizens.

REPORTS

Treasurer: No report.

#606

Municipal Judge: Judge Winthrop's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Wise. There was discussion concerning issuance of warnings after persons had pleaded guilty of canine violations. City Attorney Winn said he had dictated some proposed changes to the animal control ordinance. Councilman Roberts asked about continuances.

#614

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

#617

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

#618

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

COMMITTEE AND COMMISSION REPORTS

#619

Budget and Finance: Councilman Wise requested that the report be deferred to the next meeting at which time she would report on the revised projection of revenues, expenditures and carryover.

#620

Insurance Committee: Councilman Lyons stated the City needed false arrest insurance by October 1. He reported the company with which the City was now insured was out

of business. He said it was the recommendation of Chief Blume that the City go through the National Sheriffs Association for this insurance; Councilman Lyons agreed. He said the cost was up 146 per cent. Councilman Lyons moved that the City purchase false arrest insurance through the National Sheriffs Association at a total cost of \$5,308.50; seconded by Councilman Wise. During discussion, Councilman Lyons said there had been a complete lack of cooperation on the part of the agent for the City's present insurance carrier. City Attorney Winn noted that the City had only paid out a total of \$300 in false arrest claims in its history. City Attorney Winn suggested that a knowledgeable insurance consultant would be helpful. Councilman Roberts asked why the Council did not have more lead time to consider this matter. Chief Blume said the City received notification approximately three weeks ago from the National Sheriffs Association that the company was cancelled and saying they would notify who the new carrier would be. There was discussion that the City ordinarily would have expected to renew. Councilman Roberts said from experience it was rather foolish to just plan to renew without getting competitive bids. Mr. Lawler said the City had received some correspondence from the National City Management Association which advised about liability policies available through them; practically all of the major public associations could buy insurance from them as a service the organization had developed, employing a consultant to administer it. Mr. Lawler said he thought it would be worthwhile to make a telephone call to determine if it would be possible to get a quote, and hold action here in abeyance until that was confirmed. Councilman Crippin suggested the Kansas League of Municipalities might give some help.

#668

Following discussion, the motion and second were withdrawn. Councilman Lyons then moved that the City purchase false arrest insurance in an amount not to exceed \$5,500 from a reputable carrier writing this type of insurance, that if the City cannot find anybody that is a better company at a better price than what had been submitted by the National Sheriffs Association, that the Council go ahead with the National Sheriffs Association, and that Mayor Alt and himself be empowered to find alternate sources, and if, in their opinion, the coverage is as good or better at a better price, that they be empowered to contract with that company for false arrest insurance for the City; seconded by Councilman DeKinder. Motion carried.

#673

Newsletter Committee: Councilman Lyons asked councilmen to submit material for the newsletter within the next week and a half. Mayor Alt said the flood insurance ordinance should go in the newsletter. City Attorney Winn suggested that it might be well to put something in the newsletter to determine if there was any wide public support for several alternatives of storm drainage, to determine if residents really wanted to pay for what it was going to

take to get the job done, and would they be interested in providing an easement. Councilman Lyons said he was not sure that could be handled in the newsletter. Councilman Wise said it would take study and leadership on the part of the City before such a survey went out. The matter was discussed. It was decided not to put a storm drainage survey in the newsletter. Councilman Wise wondered if it would be appropriate to mail the newsletter closer to the time of the sales tax election on November 8.

#699 Ordinance Relating to Parking (Second Reading): Councilman Crippin requested that the ordinance be continued until the recreational vehicle situation was resolved.

#701 Ordinance No. 554 - Relating to Flood Plain (Second Reading): Mayor Alt stated that in paragraph 15-409(C)4, "No structure, land or water" should be changed to "No structure or land" at the suggestion of the State. Councilman Crippin moved for adoption of the ordinance with the amendment suggested. Ordinance No. 554 was adopted as amended.

Ordinance Regarding Regulation of Recreational Vehicles (First Reading Continued): The ordinance was continued on the basis that Councilman Crippin had not had time to prepare appropriate alternative segments to present to the Council. Councilman Crippin said it should be ready for the next meeting.

Public Safety:

#709 Request for Permission to Solicit Funds - Camp Fire Girls: On motion by Councilman DeKinder, seconded by Councilman Hodes, the request of the Sunflower Council of Camp Fire Girls for permission to solicit funds was approved.

#710 Request for Permission to Solicit Funds - Leawood Lions: Councilman DeKinder moved that the Leawood Lions Club be permitted to solicit on October 1, 1977, between the hours of 9:00 a.m. and 5:00 p.m.; seconded by Councilman Watts. Motion carried.

MAYOR'S REPORT

#711 Mayor Alt stated his report was primarily concerning the flood.

Sales Tax Report: Mayor Alt reported the County Commissioners had issued a letter of intent to hold the election on November 8; that Overland Park was not going to hold an election since it had been held that the petitions were not verified in the manner specified by the statute which meant their charter ordinance stands and a one-half cent sales tax goes into effect there starting January 1.

#717 Appropriation Ordinances: Nos. 371-A and 358-S in the amounts of \$652,206.98 (including \$550,000.00 in investments)

and \$504,520.63 (including \$450,000.00 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.

#719

Councilman DeKinder moved that the Council go into executive session to discuss a personnel matter involving public safety, to reconvene no later than 10:00 p.m.; seconded by Councilman Roberts. Motion carried. Councilman DeKinder asked that Mr. Judd and Chief Blume be invited to attend the executive session.

#722

The Council went into executive session at 9:29 p.m., and returned to regular session at 10:00 p.m. The same councilmen were present.

In view of the discussion regarding personnel matters, Councilman DeKinder stated the solution would be to fill the four vacancies with the applicants that had been submitted. Mayor Alt stated he would call a meeting of the Administrative Committee and they would proceed with a salary review. Councilman DeKinder said he would hope during the same process that the Council could formalize in ordinance form the pay schedule and personnel policy worked on last year which was currently in the form of an executive order. Mayor Alt requested that Mr. Lawler gather forthwith from various cities information needed to conduct a salary review for all types of employees.

Mayor Alt said he hoped the Public Works Commission could convene soon to discuss a general clean-up in the City.

#729

At 10:04 p.m., on motion by Councilman Lyons, seconded by Councilman Watts, the meeting adjourned to Monday, October 3, 1977; 7:30 p.m.

Eugene E. Alt

Mayor

Jane Lile

Council Reporter

Attest:

J. Oberlander

City Clerk

October 3, 1977

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 ~~September 19~~^{October 3}, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, DeKinder, Crippin, Haas, Watts, Lyons.

Others present were City Administrator Lawler, Fire Chief Toman, Police Captain Sellers, City Attorney Winn, City Architect Granstedt, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman DeKinder, the minutes of the meeting of September 19, 1977, were approved as submitted.

Visitors: Sharon Soper, Doug Patterson, Louis P. Turner, Mrs. N. B. Browne, Dr. David Dixon, Rosemary Plisky, E.V. Reichley, Bob Simon. Member of the Press: Roxi Taylor.

Louis P. Turner complimented the Council on the operation of the park, he noted that it was well run and said he was appreciative of the swimming and the tennis.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

#742

Discussion of Recreational Vehicle Ordinance: Councilman Crippin had prepared a breakdown of the ordinance so the Council could vote on each point to see exactly how it should be written in final form. Rosemary Plisky, 3522 West 100th Terrace, said she lived in an area where the lots were flat and rectangular in shape; she had large windows pointed toward the spot where a new neighbor parked his recreational vehicle. She said she thought it was a question of esthetics and also a question of moral responsibility to come up with something to protect the rights of the people who want recreational vehicles and also the people who did not want to look at them. She said she came to Leawood because it was a beautiful place and felt that almost everyone came for similar reasons. She said she represented Mr. and Mrs. Jack Pursel, Mr. and Mrs. Gary Swanson, Mr. and Mrs. James K. MacIsaac, and Mrs. and Mrs. Mike Putman.

Councilman Crippin reviewed that the Council had been through the recreational vehicle ordinance several times and in order to complete the ordinance, the Ordinance Committee felt it needed to have a consensus of the total council with regard to each of the respective sections.

He said a tabulation sheet before the council included the various sections and the requirements relating to each of the sections. He suggested the council vote on each section and that the ordinance be drawn in accordance with the majority vote on each section. He pointed out that the New Jersey ordinance made provision for a board of appeals to make the decision as to whether or not a recreational vehicle could exist. Councilman Haas pointed out that the Council had gone on record stating opposition to the permanent storage of these vehicles on property. He asked if there had been a change in the feelings of council members. Councilman Crippin stated when he got into the matter and researched it, there were questions in his mind as to whether or not the Council could flatly prevent a person living in Leawood from locating such a vehicle on his property. He said there appeared to be some tremendous legal problems involved, so the committee decided to go into the best method of control. He said the Council should select the length of time to be allowed for loading and unloading recreational vehicles. Councilman Crippin said another question was whether or not a visitor with a recreational vehicle must come immediately to City Hall and register it, and the length of time a visitor could park such vehicle. Councilman Crippin stated the New Jersey ordinance had a screening provision more specific than Leawood's current ordinance. He read the provisions of the New Jersey ordinance.

Councilman Wise said she thought the first issue to be resolved was the issue of permanent parking, and asked if it was felt that to ban permanent parking of recreational vehicles was unconstitutional. Councilman Lyons said he thought it was, and said he could not vote for an ordinance that he felt was patently unconstitutional on its face. Councilman DeKinder referred to Green River ordinances on solicitation and asked if the banning of recreational vehicles was clearly unconstitutional or was it a question to be argued in the courts. City Attorney Winn stated the concept was relatively new and there had been cases come down both ways. He stated he thought the Council would have to go on the premise that the absolute prohibition of such vehicles was probably not permissible. He said he thought the argument could be made that the New Jersey type of ordinance was nothing more than reasonable regulation of such vehicles, and that that type of ordinance stood a very good chance of being sustained.

Councilman Watts suggested a compromise, changing the loading and unloading time to forty-eight hours instead of twenty-four in the New Jersey ordinance, leaving in the provision about the planning board granting exceptions but adding that the board may grant that exception only upon proof of lack of objections from adjacent and immediately-across-the-street property owners. City Attorney Winn said he did not think a poll could be taken of the neighbors and have a fair ordinance. He suggested

#818

a hearing before the Board of Zoning Appeals or before an administrator, notifying surrounding property owners, and considering their input. Councilman Lyons said he thought screening standards were needed. Councilman Wise suggested adding restrictions on how close it could be to the house or to the property line. It was discussed that the term "buildable area" should be changed. City Attorney Winn suggested using side and rear setbacks. He also suggested an administrative committee so permits could be issued administratively. City Administrator Lawler suggested making a requirement of the applicant to notify the adjacent property owners. Mrs. Plisky said her neighbor who had the recreational vehicle had indicated that he had a sizeable boat which he planned to park on the property also; she asked that something be said about the number of such vehicles. Councilman Wise said she did not think there were many lots that could qualify for a large vehicle with a requirement that it conform to setbacks.

Mayor Alt summarized that the New Jersey ordinance in general concept seemed to be along the line of what the Council wanted with change of length of time for loading and unloading to at least forty-eight hours, the number of vehicles, screening, and setbacks in side or rear yards, and some type of board to hear cases with proper notification of neighbors.

Dr. Dixon said he felt it was unreasonable to ask a vehicle owner to take it off his property for twenty-four hours per week which would be the case with a forty-eight hour restriction. He advocated the concept of the regularly used vehicle where if the vehicle were used regularly by the owner, the neighbors would respect the owner's right to have reasonable access to that vehicle; when he was not using it on a regular basis, the owner would respect his neighbor's esthetics and get the recreational vehicle off the property.

Councilman Crippin thought the ordinance written by Mr. Lawler with the addition of specifications for screening and inclusion of a board, was essentially what the Council was talking about. Chief Toman said he objected to parking such vehicles in the side yard to prevent fire from propagating and becoming a conflagration. The Council agreed that a distance from the residence and from the side property line should be specified. City Attorney Winn suggested that the Ordinance Committee get input from the City Architect concerning concepts of screening and design. The Council agreed that there should be a limit of no more than one recreational vehicle parked outside a garage. Dr. Dixon said people would much rather have recreational vehicles in the side yard rather than the back. The ordinance was referred back to the Ordinance Committee.

#874

Ordinance Vacating an Easement and Right-of-Way (First Reading): Councilman Crippin moved to put on first reading an ordinance vacating an easement and right-of-way reserved for the right to use water from a water conservation reservoir. There was discussion that the lake was no longer in existence. Doug Patterson stated within four months the property would be under single ownership. He said the property being vacated was the last half of a reservoir. City Attorney Winn explained the County had given written notice that there was no public interest as far as they were concerned, and the City's relinquishment of the easement was a mere formality.

#880

Ordinance Relating to Park Regulations (First Reading): Councilman Crippin requested that the ordinance be removed from the agenda.

#882

Ordinance Relating to Signs for Parade of Homes: Copies of the ordinance were distributed. Mr. Lawler explained that last year the Council made special concessions for the Parade of Homes and had some rather unfavorable and unpleasant developments from it. He said he felt the ordinance proposed was a little more realistic with regard to temporary signs. Signs would be limited to the time the home was on display. The ordinance would allow a sign on undeveloped acreage for sale. Councilman Wise said she did not understand why the Council should make exceptions for the Parade of Homes since it was well-publicized and maps were available. She said she thought the Council should stick to the present sign ordinance. Councilman Lyons stated last year the Council bent over backwards and got no cooperation from realtors. Doug Patterson said for the spring Parade of Homes they had been given permission to use a sign and arrows. He said his company had not received any citations at that time. He said he thought most of the problem was other than Home Builders Association signs.

Mayor Alt stated City Administrator Lawler had authority for temporary signs and suggested that perhaps all the Council needed to do was make a motion allowing him to let the Home Builders Association put up a sign similar in size to the signs presently authorized. City Attorney Winn read the temporary sign ordinance. The Council decided it had all that was needed.

Plan Commission:

#947

Approval of Final Plans for Elementary School - 123rd Street: Councilman Crippin reported that the Plan Commission had approved the plans based on six conditions. He stated the school superintendent had written a letter basically agreeing with each of the six requirements. Councilman Crippin moved for approval of final plans for the elementary school; seconded by Councilman Wise. Bob Simon said one of the points was left a little unclear, that being the school's participation in a benefit district for the reconstruction

of 123rd Street. He said it was left that the school would not oppose such a benefit district. He asked if the Governing Body could exempt anybody from a benefit district. City Attorney Winn said it was a question of whether the City could compel them to participate, but he thought it was a moot question in that they had agreed to participate. Mayor Alt read from the school superintendent's letter regarding the benefit district. Councilman DeKinder said there was nothing in the school superintendent's letter about the proposal for right-of-way through the property. During discussion, City Attorney Winn said it seemed the City was extracting more conditions from a public school system than it ever had from a private real estate developer. Councilman Crippin said the matter had been discussed thoroughly and school officials said they really could not agree to put a road in when there was no road from the adjacent property, but when that property was developed they would sit down and negotiate. Dr. Reichley, formerly with the Shawnee Mission School District, said he felt it could be worked out very congenially. Motion carried, Councilman DeKinder opposed.

Public Safety:

#994

Contractor's Application No. 11 - Fire Station No. 2: Councilman DeKinder moved for approval of application for payment No. 11 to Pitman Building Corporation in the amount of \$25,913.56; seconded by Councilman Wise. Councilman DeKinder stated this would be the last payment to the contractor and the total cost of the station would be \$374,058.29 which was approximately \$38,000 under the original contract. He said he thought it was an outstanding job. He commended Fire Chief Toman, John Granstedt, Al Fisher, and members of the Building Committee for their roles in looking after the construction of the building. Councilman Haas joined in the commendation. Motion carried.

#1003

Recreation Commission: Councilman Wise stated a letter from Mr. Beasley concerning the leak in the swimming pool had been distributed. She said it had been discovered that when the water got down to the point to where only the deep end had water in it the pool still leaked, which narrowed the leak down to a concrete hole under the main drain and a leak in one of the two pipes going off the main drain. She said it was then found that indeed there was a void where the concrete was not properly put over some pipes. She said Mr. Beasley was recommending that the City repair the concrete hole, test the two pipes to make sure there was not a second leak in one of the pipes, and then partly fill the pool to make sure there was not another leak. Mr. Beasley said there was a problem of timing on that recommendation. He explained that the concrete repair was going to have to be made with the water there since it was the level of the ground water. He recommended Haggard and Dodd for that job but they could not get to it until November 1st. He said now

#1034 he thought it was more appropriate to get a plumber to test the two pipes and the entire circulation system as soon as possible, and that one of his men be there when the test was made. If it is the concrete, Haggard and Dodd could repair it the first of November. Mr. Beasley said if the pipe leaked, then it would be a big deal and quite a bit of money. The matter was discussed. Councilman Wise moved that the Council authorize a plumber to be chosen by Mr. Beasley and Mr. Krebs to conduct the tests, not to exceed \$1,000; seconded by Councilman Watts. Motion carried. Councilman Wise then moved that the Council authorize a maximum of \$1,500 to repair the concrete below the main drain and authorize Haggard and Dodd to do the work commencing around November 1st; seconded by Councilman Lyons. Motion carried.

MAYOR'S REPORT

#1037 Appointment to Recreation Commission: Mayor Alt submitted the appointment of Mary Textor to fill the vacancy on the Recreation Commission created by the resignation of Mrs. Pat Round. On motion by Councilman DeKinder, seconded by Councilman Wise, the appointment was approved.

#1039 Appointment to Insurance Committee: Mayor Alt stated the purpose of the appointment was to get someone on the Insurance Committee who had dealt with insurance. He submitted the appointment of John B. Snyder. Councilman Haas noted that Mr. Snyder's experience was primarily in life insurance. Mayor Alt stated he felt Mr. Snyder knew the insurance business and could get the consultation needed. Councilman Lyons said he had serious questions about the qualifications. There was discussion that there could be another appointment of an expert in the property and casualty field. Councilman Wise said she would resign from the committee if someone more qualified could be found. On motion by Councilman Watts, seconded by Councilman Wise, the appointment was approved.

#1054 Approval of Invoice for Sewer Study: Mayor Alt presented an invoice for a sewer study by Shafer, Kline & Warren in the amount of \$2,125. He explained this was the cost of a study that the special sewer committee requested Phil Kline to make to see what capacity existed in the Kansas City, Missouri, sewer system that could be utilized by Leawood. On motion by Councilman Lyons, seconded by Councilman Wise, the invoice was approved.

#1057 Resolution No. 436 - Supporting Additional One-half Cent Sales Tax on a County-Wide Basis: Mayor Alt reported the County had set November 8th as the date of the election on the county-wide sales tax. Mayor Alt read the proposed resolution supporting the county-wide election. On motion by Councilman Haas, seconded by Councilman Watts, Resolution No. 436 was unanimously approved. A copy is attached hereto as part of the record.

#1064

CITY ADMINISTRATOR'S REPORT

Critical Position Needs: Mr. Lawler said the flood emergency had made it obvious that the City had need for a full time engineer. He recommended that authorization be given to start the recruitment process at this point, actual funding could be deferred until the end of the year. The person would have a dual capacity of both City Engineer and Director of the Public Works Department. The second position would be Building Inspector and City Architect. Mr. Lawler said John Granstedt had indicated he intended to resign as of the first of the year. He said it would seem desirable to combine the positions of Building Inspector and City Architect and try to employ someone who had the qualifications of architect who would supervise building inspection on a full time basis. Mr. Lawler suggested combining the position of bailiff and support help for the court clerk; this would take care of peak periods and provide relief for the current clerk, and provide the court with a bailiff. Mayor Alt said these positions would be considered by the Administrative Committee on October 6 and recommendation made to the Council. The positions were discussed.

#1092

Administrative Committee: Mr. Lawler suggested that the Administrative Committee be reorganized to meet routinely and that the committee have representation from the other boards and commissions. This matter will be considered by the Administrative Committee. Councilman Wise suggested that Administrative Committee meetings be open and agenda published.

#1103

Flood Report and Resolution No. 437: Mayor Alt said the resolution designated Frank Lawler, Administrator, and Phil Kline, City Engineer, to settle claims and do the necessary administrative work. Mr. Lawler explained that the resolution was required by the Federal Disaster Act. Mr. Lawler said Phil Kline was ill so a representative of his firm would be substituted as the engineer. Mr. Lawler said at this point, \$7,400 was coming to the City, not including any damage to streets or bridges. The resolution was changed to designate Shafer, Kline & Warren as City Engineer. On motion by Councilman Lyons, seconded by Councilman Haas, Resolution No. 437 was adopted as amended. A copy is attached hereto as part of the record. Mr. Lawler said as of last Friday, damages sustained by individual citizens totaled \$491,749. He said a cleanup by city crews would be published.

#1126

1978 Budget: Mayor Alt said the City had been notified by the County Clerk that the City had exceeded the tax lid and announced about a \$90,000 reduction. Mayor Alt suggested that Councilman Wise, Mr. Lawler, and the auditor meet with the County Clerk.

October 3, 1977

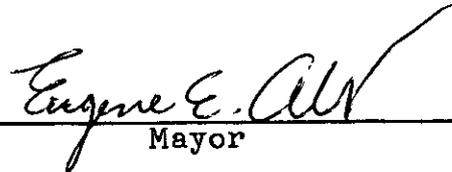
NEW BUSINESS

#1132

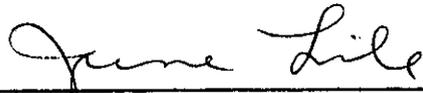
Application for Retail Liquor Occupation License - Ranch Mart: On motion by Councilman Watts, seconded by Councilman Lyons, the application for retail liquor occupation license was approved.

#1133

At 10:31 p.m., on motion by Councilman Lyons, seconded by Councilman Haas, the meeting adjourned to Monday, October 17, 1977, 7:30 p.m.



Mayor



Council Reporter

Attest:



City Clerk



October 17, 1977

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 October 17, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Haas, Watts, Lyons, Hodes.

Others present were City Administrator Lawler, Police Chief Blume, Fire Chief Toman, City Attorney Winn, Police Captain Sellers, Treasurer Pendleton, Phil Kline, Herbert Johnson, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Watts, the minutes of the meeting of October 3, 1977, were approved as submitted.

Visitors: Wade Williams, Mary Williams, Joyce Cox, Dr. David Dixon, Rod Richardson, Mr. and Mrs. N. B. Browne, T. R. Nordstrom, Sharon Soper, Mr. White.

REPORTS

- #11 Treasurer: No report.
- #12 Municipal Judge: Judge Winthrop's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Roberts.
- #14 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman DeKinder, seconded by Councilman Watts.
- #16 Police Department: Chief Blume's report was submitted and approved on motion by Councilman Roberts, seconded by Councilman DeKinder.
- #17 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Crippin, seconded by Councilman Watts.
- #20 On motion by Councilman DeKinder, seconded by Councilman Watts, the agenda was changed to consider the ordinance regulating recreational vehicles as the next item on the agenda.
- #22 Ordinance Regulating Recreational Vehicles: Councilman Crippin stated the ordinance that had been drafted did not include all of the directives documented in the minutes of the October 3rd Council meeting. He moved that the ordinance be withheld from first reading at this meeting and placed on first reading at the next meeting, and that the Ordinance Committee within the next two weeks review

#31

the ordinance and include the items mentioned in the minutes of the October 3rd meeting; seconded by Councilman Lyons. Councilman Wise questioned whether there was in fact a consensus on it or whether the consensus was clear. She said the ordinance presented would allow permanent parking on a large number of lots in Leawood, almost anyone with a side driveway could park a recreational vehicle. She said she felt if the Council was going to be this liberal on permanent parking it was unfair to restrict people who did not have side driveways; on the other hand, if the intent was to allow it in very exceptional cases on very large lots, the present ordinance did not fulfill that requirement. Councilman Crippin reviewed previous considerations of ordinances regulating recreational vehicles. He said he believed the Council had arrived at a position where, based upon what was contained in the minutes of October 3rd, the Summit ordinance, the ordinance Mr. Lawler had previously written, that the Ordinance Committee felt they could put together an ordinance. Councilman Hodes said there must have been a change of heart of the Council because he thought at the last discussion before the October 3rd meeting, an ordinance was to be written that would prohibit permanent parking of recreational vehicles. Councilman Wise said because of subjective decisions that would have to be made by some body, she was beginning to feel it would be better to go back to the concept of no permanent parking with reasonable access on a temporary basis. Councilman Lyons said it seemed to him an ordinance could be drawn that would be explicit as to what the requirements were so there would be very little subjectivity. Councilman Haas said he did not think any progress could be made until once again there was a reading from the Council regarding permanent parking. During discussion, Councilman Crippin maintained there were not a great many homes with side driveways entering into the garage. Councilman Crippin said he would withdraw his motion and agreed that the Council should vote on permanent parking. The second was not withdrawn. Mayor Alt said he would like each councilman to have in the hands of Councilman Crippin by Wednesday or Thursday of this week a completed form on the individual items distributed at the last meeting. Motion to withhold the first reading carried. Councilman Wise moved that councilmen very briefly state their positions on permanent parking; seconded by Councilman Hodes. Motion carried.

Councilman Wise said she felt after due consideration that to try to write restrictions on where vehicles could be parked or not parked was going to be too complicated and cause too many problems in the long run, she would favor no permanent parking and possibly look into relaxing the number of hours for temporary access. Councilman Roberts said he believed people should be given latitude enough so that they could use their recreational vehicles for the use intended but he did not favor permanent parking. Councilman DeKinder said he was opposed to permanent parking except under very stringent restrictions along

the lines suggested by Councilman Crippin and felt that some indication from adjacent property owners as to their preference should be a part of any variance or exception granted by whatever body would be indicated. Councilman Crippin said he favored controlled permanent storage. Councilman Haas seconded Councilman Wise's opinion. Councilman Watts said he would favor a general ban on permanent parking but with the power of the Board of Zoning Appeals to allow an exception, but only after due notice to adjacent, opposite and otherwise involved neighbors, after a hearing, and if such an exception be granted that it be subject to very stringent screening and location requirements as Councilman Crippin had outlined in the proposed ordinance. Councilman Lyons said he would be for limited permanent parking. Councilman Hodes said he did not believe in denying people reasonable access to any property, but he felt permanent storage of recreational vehicles in the City of Leawood should be forbidden; that reasonable access on a temporary basis which was the policy followed by most residents a few years ago should be in the ordinance. Mayor Alt said he would favor a general ban; however, he would favor a Board like the Board of Zoning Appeals to grant exceptions with proper screening.

#175

T. R. Nordstrom stated the Board of Directors of the Verona Gardens Homes Association had been polled and were unanimously in favor of an ordinance that was as restrictive as possible. He suggested the possibility of the City buying property, screening it, and providing parking for recreational vehicles. Wade Williams asked if there was not room in Leawood for both the people who wanted beautiful lawns, etc. to the exclusion of all else, and other people. He said he would be willing to do reasonable screening in deference to his neighbors, but he did not propose to be denied the use of his property. Joyce Cox said denying her the right to park her motor home on her property was denying her due process of law. Councilman Lyons suggested that an effort be made to have an ordinance drafted a week or so before the next Council meeting and available for those interested in it. Mayor Alt suggested sending it to the homes associations and visitors.

#197

Councilman Watts moved that the agenda be changed to consider the engineer's preliminary estimate and specifications for benefit streets as the next item; seconded by Councilman Haas. Motion carried.

#204

Presentation of Engineer's Preliminary Estimate and Specifications for the Following Benefit Streets - 119th Street east of Mission; Mission Road; 127th Street; 123rd Street; 119th Street from Mission to Roe: Phil Kline showed preliminary profiles of the streets. Councilmen had copies of a letter of transmittal from Mr. Kline which had in it, separated by proposed projects, the probable cost of each of the five proposed benefit districts. He

said on four of the five there were significant costs involved in utility relocation, because utility companies had acquired private easements for their underground utility lines off the right-of-way, but in many cases close to the right-of-way, and laid their lines in an inexpensive manner with little regard to the grade of either the existing road or the proposed road. He said most of the projects had unusual construction costs because of the topography. As he had noted in his cover letter, he had not been able to maintain the criteria that had been recommended as far as maximum per cent of grade or stopping sight distance. To do that would have traumatized adjacent property to the point where it would be unuseable. He recommended that reasonable speed limits be imposed. Mr. Kline stated the law allowed the City to pay up to ninety per cent of the project cost, but there was no requirement for the City to participate. City Attorney Winn said he felt what was presented to developers had to have some rational relationship to what they might ordinarily construct out there, that is, a normal residential curb and guttered asphalt street meeting City specifications; if the City decided it wanted a street that sets back to make room for expansion then it would be getting outside the scope of what would technically be a benefit to a residential development. He said the same would hold true for intersections if they were complex with lights and/or islands. Mayor Alt said he felt the City needed to develop a policy. Herbert Johnson said the proposed design standards were those of a major collector street which would be part of the normal subdivision street pattern, and the developer would be responsible for the full cost of this facility built to this design standard. He said on 123rd Street there would be expanded intersection geometrics between a proposed agricultural land use to the north and Mr. Simon's property to the south, in which case Mr. Simon had indicated he would like to have a divided roadway with an island area. He said there may be more grading than would normally be done by the developer. He said as visualized now, only 119th Street had the potential to go to the four-lane situation only after Martha Truman Parkway in Missouri was built, probably fifteen years down the road. City Attorney Winn stated the Council would have to set some criteria and stay consistent throughout that area. Mr. Kline said a collector street was 41 feet back-to-back curb. Mr. Johnson said some temporary asphalt curbs would have to be replaced on 119th Street. He said on the major collector streets he was recommending a little thicker pavement. Phil Kline said collector streets in Johnson County had been built 36 feet wide back-to-back. Mr. Lawler said if streets were improved at this point to a residential street width with the intention of later expanding to a further width, he would want to be sure to put the utilities in that right-of-way so they would not have to be moved again. Mayor Alt said he would like to refer this to Public Works Commission to work with Mr. Johnson, Mr. Kline, Mr. Lawler, and Mr. Winn to come up with a policy to be presented to the Council at the next

#241

Council meeting. Mr. Kline said he would provide the Public Works Commission with what other cities do in similar cases, some of the variables that do exist in the area. In answer to inquiry by Councilman Lyons, Mr. Kline said reducing the width from 41 to 36 feet would not accomplish a great deal in savings. Shifting the roadway to avoid utility relocation was discussed. Mr. Kline said taking additional right-of-way off one side usually met extreme resistance. Councilman Crippin suggested that the committee meet Friday morning. City Attorney Winn suggested that the major street plan when completed, along with the comprehensive plan, be sent to the utility companies.

#339

Councilman Wise moved that the Newsletter Committee report be moved to the next item on the agenda; seconded by Councilman Watts. Motion carried.

COMMITTEE AND COMMISSION REPORTS

#340

Newsletter: Copy for the newsletter had been distributed. Mayor Alt had also submitted his column. Councilman Hodes suggested that something be included concerning putting out trash the night before pickup or anything the homes associations might want to publicize. He questioned the wisdom of the City personnel "want ad" section. Mayor Alt suggested that a notice be included that the City would continue to pick up trash from people affected by the storm if they would call City Hall, and that there were two telephone numbers to call if persons had claims for storm damage. Councilman Wise said it was planned to get the newsletter out late the week before the sales tax election to be held on November 8th. Councilman Watts objected to stating the Council's position on the sales tax in blatant political language as if lobbying the voters with their own tax money. He said further it was inconsistent, first saying "without a corresponding increase in property taxes," and on the next page, "thereby eliminating the need for a substantial property tax increase." Mayor Alt read from the resolution passed by the Council. Councilman Hodes suggested that location of the new elementary school be stated as "on the north side of 123rd Street," and in the same paragraph that 111th Street be followed by "(College Boulevard)." It was agreed to include polling places.

#390

Budget and Finance: Councilman Wise reported she had called the County and suggested that the amount they had notified that the City was over the tax lid was suspiciously close to what the voters had approved to rescind the tax lid by. She said they had forgotten and the City would be getting a re-certification from the County saying the City's levies are essentially as they were. Revised carryover projections distributed showed an unencumbered balance for the first of the year considerably higher than had been projected, not taking into account any funds which may be received for emergency generator or flood damage. Councilman Wise reported the County had advised that Leawood's intangible

tax receipts for 1978 would be \$298,000, up considerably above the projection of \$200,000.

Ordinance:

#409

Ordinance No. 555 - Vacating Right-Of-Way to Reservoir (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 555 was unanimously adopted.

#414

Plan Commission - Resolutions Concerning Meeting Dates: Councilman Crippin reported that since there were beginning to be several conflicts with members of the Plan Commission, as well as consulting firms, with regard to the Monday evening meeting, the Plan Commission had passed a resolution and forwarded it to the Council indicating that the Plan Commission meetings instead of being held on the fourth Monday of each month would now be held on the fourth Tuesday of each month. Councilman Crippin reported the public hearing on the zoning ordinance and subdivision regulations would be held on October 25. Councilman Wise pointed out there was a second resolution wherein the Plan Commission was recommending that the Council also change its meeting dates.

Public Safety:

#420

Approval of Rescue Car Purchase: Councilman DeKinder reported five bids had been received on a rescue car for Fire Station No. 2 ranging from \$15,960 to \$19,370. On recommendation of the Public Safety Commission after a detailed review, Councilman DeKinder moved that the second from the high bid, by Cole-Miller Coach Company in the amount of \$18,920, be approved; seconded by Councilman Watts. Councilman Lyons asked if all bidders met the specifications. Councilman DeKinder stated there were a number of variances; however, the one recommended for approval had the fewest number of exceptions and was the oldest firm in the area making such vehicles; the low bid had a total of sixteen exceptions from the specifications. Councilman DeKinder said in each one of these he thought the manufacturer could very possibly make a case for any one of the exceptions as to why they might be just as serviceable, but in the opinion of the Fire Department, they were not acceptable. There was discussion as to whether or not funds for the rescue car could properly come from bond money. City Attorney Winn will check that. Motion carried.

#449

Approval of Furniture Purchase - Fire Station No. 2: Councilman DeKinder asked that this matter be deferred to a later date to permit additional discussion by the Public Safety Commission on specific items.

#450

Fire Department - Status Forms: Councilman DeKinder stated because of the promotion of Captain Strack to Assistant Chief of the Department, two promotions and one new employee were

recommended. On motion by Councilman DeKinder, seconded by Councilman Wise, the following promotion was approved:

Lee A. Bledsoe, from Lieutenant at \$1,050 per month to Captain at the rate of \$1,100 per month.

Upon inquiry by Councilman Hodes concerning Captain Bledsoe's anniversary date for pay increases, Mayor Alt said it would be discussed at the next meeting of the Administrative Committee.

On motion by Councilman DeKinder, seconded by Councilman Watts, the following promotion was approved:

Larry Eugene Smith, from Firefighter First Class with E.M.P. rating at the rate of \$963 per month, to Lieutenant at the rate of \$1,026 per month.

#462

Settlement of Flood Related Insurance Claims - Police Vehicles: Councilmen had received a distribution concerning flood claims. Councilman DeKinder said based on the settlement so far with the insurance company in the amount of \$4,201.87, an additional amount not to exceed \$1,300.00 would be needed, bringing the total to \$5,501.87 to replace a vehicle lost in the flood. Councilman DeKinder moved for approval of that expenditure following the procedure outlined on Distribution No. 10; seconded by Councilman Watts. In answer to inquiry by Councilman Lyons, Chief Blume said the insurance representative had bent over backwards to be cooperative, and he was very pleased. Chief Blume stated the car was drastically needed. Motion carried.

#474

Recreation Report: Councilman Wise reported the swimming pool pipes had been tested as specified at the last Council meeting and the only leak appeared to be the concrete leak. Mayor Alt commented that the holes in the concrete would be filled and the pool filled to a certain depth to test it. Councilman Wise reported there had been a joint meeting with interested persons from the Recreation and Plan Commissions with Mr. Kellenberg. A packet of basic policy alternatives outlined by Mr. Kellenberg had been distributed.

At the suggestion of Mayor Alt, Councilman Wise moved that the Mayor's Report be moved to the last item on the agenda; seconded by Councilman Watts. Motion carried.

CITY ADMINISTRATOR'S REPORT

#483

Total Eligible Flood Disaster Amounts Submitted by Federal Inspectors: Mr. Lawler stated councilmen had received copies of the tabulation of amounts recommended by disaster inspectors as being eligible for reimbursement. He said there would probably be a reduction in the amount for bridges since there seemed to be nothing in the City code or deed

restrictions that required that railings on bridges be restored with the same quality and type of material as previously.

NEW BUSINESS

#494

Recommendation from Administrative Committee Regarding Full Time City Engineer: Mr. Lawler reported the Administrative Committee recommended that a full time engineer be hired. He said he had researched salaries and submitted a report dated October 16. Mr. Lawler said the original figure seemed fairly well in line for that position, \$1,500 per month or \$18,000 per year minimum and \$1,875 per month or \$22,500 per year maximum, plus car allowance. Councilman Wise moved that the City advertise post haste for a City Engineer at the proposed salary range of \$1,500 to \$1,875 per month plus car allowance of \$200 per month; duly seconded. Motion carried.

#509

Recommendation Regarding Part Time Combination Bailiff/Assistant to Court Clerk: Mr. Lawler said there was not a lot of information available on salaries of other bailiffs and particularly the combination of jobs proposed and on a part time basis. He recommended a range of \$3.40 to \$4.82 per hour. Councilman DeKinder moved that the Administrative Committee be authorized to fill this position as recommended; seconded by Councilman Lyons. Motion carried.

#533

Recommendation Regarding Combination City Architect/Building Inspector: Mr. Lawler said there was very little to go on in the way of salary scales. He said the Administrative Committee had agreed that the City allow the person to have some private practice in order to get someone at a reasonable salary. He said the Committee felt it would be desirable to have someone in this position who actually lived here. Mr. Lawler said no specific salary amount was specified, it would be open to negotiation depending upon qualifications. Councilman DeKinder said he would like to see something written in the ordinance which would prohibit him from doing any work on a project that would involve approval by the City of Leawood. Councilman DeKinder moved that the Administrative Committee be authorized to proceed as recommended in Mr. Lawler's memorandum on hiring of a City Architect/Building Inspector; seconded by Councilman Lyons. Motion carried.

#552

NEW BUSINESS

Approval of Shafer, Kline & Warren Invoice for Services in Connection With Flood Damage: Mr. Lawler said the invoice was in the amount of \$937.50. On motion by Councilman Hodes, seconded by Councilman Haas, the invoice was approved.

#554

Approval of Reno Construction Co. Invoice for 1977 Street Overlay: Mr. Lawler pointed out that the final inspection had not yet been made. Mayor Alt said he would prefer not

October 17, 1977

to approve it until final inspection had been made, Councilman Crippin agreed.

#559

Approval of Johnson, Brickell, Mulcahy & Associates Invoice - Progress Report No. 1: Mr. Lawler stated the invoice was in accordance with the contract, the total of the first submission was \$5,575.00 and was detailed as to the individual items of the study set out in the contract. On motion by Councilman Hodes, seconded by Councilman Roberts, the invoice of Johnson, Brickell, Mulcahy & Associates was approved.

#565

Appropriation Ordinances: Nos. 372-A and 359-S in the amounts of \$219,175.49 (including \$100,000.00 in investments) and \$11,203.37, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Watts.

MAYOR'S REPORT

#573

At the suggestion of Mayor Alt, Councilman Wise moved that the Council go into executive session to discuss personnel matters, to return to regular session no later than 10:45 p.m.; seconded by Councilman Watts. Motion carried.

#577

The Council went into executive session at 10:00 p.m., and returned to regular session at 10:45 p.m. The same councilmen were present.

Resignation of Chief Richard W. Blume: Mayor Alt stated he had accepted the resignation of Police Chief Richard W. Blume and had designated Captain Sellers to be acting Chief of Police until further notice. On motion by Councilman Hodes, seconded by Councilman Watts, Richard W. Blume was retained as a consultant for a period of three months at his present rate of pay. Councilman DeKinder moved that Al Sellers be advanced to the next step in pay under the present pay plan, a total increase of \$76 per month, effective October 18; seconded by Councilman Watts. Motion carried. Chief Blume said he would like to personally thank the Mayor and City Council for their consideration, support and friendship over the last six years, wished them well, and assured that he would stand ready to assist the City in any way he could. Mayor Alt stated he appreciated the service Chief Blume had rendered the City.

#586

At 10:49 p.m., on motion by Councilman Lyons, seconded by Councilman Watts, the meeting adjourned to Monday, November 7, 1977, 7:30 p.m.

Jane Lile

Council Reporter

Eugene E. Alt

Mayor

Attest:

J. J. O'Connell
City Clerk 2354

November 7, 1977

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 November 7, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Watts, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Acting Police Chief Sellers, City Attorney Winn, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Watts, seconded by Councilman Lyons, the minutes of the meeting of October 17, 1977, were approved as submitted.

Visitors: Don Tarne, Mr. and Mrs. Vernon Powell, Marie Cochran, William W. Cochran, Robert E. Simon, Herbert C. Hodes, M.D., W. E. Gallagher, Verna White, Mr. and Mrs. Murray Steeble, Edward T. Greene, Greg Bangs, Mrs. N. B. Browne, Jeanette Harriman, W. A. and Dorothy Peterson, Joyce Cox, Dr. Jack Cox, Dr. Don Youll, James Fellenstein, Gordon Greb, Sharon Soper. Member of the Press: Roxi Taylor.

#601

Edward T. Greene, 10401 Sagamore Road, said his property was adjacent to a commercial area. He said he was assured at the time he purchased his property that the area would be adequately screened. He said the A.B. May air conditioning plant was a big, tall concrete structure; the problem was that the operation was getting so big with traffic before daylight to sometimes midnight with huge trucks and cars in and out, plus trash was not picked up, and sometimes they would not mow the property. He said the problems had become intolerable, he felt it had affected the value of his property, and his wife could not use the patio or yard area any more. He asked that something be done to get screening from that property. Mayor Alt referred the matter to City Administrator Lawler for preliminary investigation and report.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

#614

Ordinance Relating to the Regulation of Recreational Vehicles (First Reading Continued): Councilman Crippin stated the committee and Councilman Wise had reviewed the previous ordinances discussed by the Council, based on this review an ordinance had been prepared and distributed. He said it essentially provided that a person who had a recreational vehicle, defined as a transportation structure primarily designed and manufactured to provide temporary, movable living quarters for recreational, camping or travel use,

could make application to the City Administrator to house it on their property. He read storage requirements, that self-propelled recreational vehicles and/or any vehicle providing living quarters shall be stored in a paved driveway providing side or rear yard access to an attached garage. He added if the driveway entered the garage from the front of the house, a recreational vehicle could not be stored in the driveway. The ordinance allowed a minimum of three feet of separation between the residential structure and the recreational vehicle for purposes of fire protection. It provided that any other recreational vehicle may be stored in the rear yard providing it meets the building setback lines specified in the zoning ordinance, that screening be provided on the adjacent side and rear property lines, all screening to have the approval of the City Architect prior to installation. He said recreational vehicles could be stored in garages if the size was sufficient. It provided temporary parking for loading and unloading not to exceed 72 hours, so that a person using a recreational vehicle every weekend in effect would be able to have that vehicle on his property during the week.

#636 Councilman Crippin moved that the ordinance be placed on first reading; seconded by Councilman Lyons. Councilman Hodes repeated that he was still adamantly against permanent storage of recreational vehicles in Leawood. He said he felt the mere size of the vehicle was an eyesore to people who did not own them. He said the proposed ordinance made no mention of the quality of condition to be maintained. He said to him allowing 72 hours for loading and unloading was permanent storage. He suggested a poll of the Council on permanent storage because if two or more were opposed to it, time would be wasted considering an ordinance that allowed permanent storage. Councilman Wise said there were a lot of side driveways. She said she did not see how the ordinance could be improved if the intent was to provide permanent parking with some restrictions, but the problem was that lots were so varied in terrain and orientation of neighboring houses that very different situations were encountered. She felt there would be problems with the proposed ordinance, particularly because there were a lot of side driveways on corners. During discussion, Councilman Crippin stated the side yard setback would apply. Councilman Roberts said since the matter of recreational vehicles came up, he had had only one proponent from his ward talk to him about recreational vehicles, everyone else objected strongly to them. He said he would have to go on record at this time saying he could not support an ordinance which provided for permanent parking of recreational vehicles.

Councilman Watts suggested that in Section 10-808 "temporary occupancy" be defined. Councilman Wise stated she would rather vote for an ordinance without a permanent parking provision, and moved to amend the ordinance by deleting paragraph b from Section 10-805 and substituting a paragraph which read: "Self-propelled recreational vehicles and/or any recreational vehicle providing living quarters may be stored only in an enclosed garage." Councilman

#679

Crippin stated, recognizing the discussion that might take place at the Council meeting this evening, another ordinance was drafted which would remove permanent storage from the ordinance just discussed. The amendment to the motion died for lack of a second. Councilman DeKinder said the thing that concerned him about absolutely and totally prohibiting permanent parking was that there were certain lots in the City of Leawood, because of topography, distance from neighbors, etc., where there was no strong objection to permanent parking. He said he thought there should be some way of permitting parking if it was not objectionable to the adjoining neighbors; if not, he also would be in favor of banning permanent parking of vehicles. Councilman Watts suggested an ordinance similar to the Summit, New Jersey ordinance. Councilman Lyons said he thought the New Jersey ordinance was too simplistic. Motion for first reading failed.

#704

On motion by Councilman Wise, seconded by Councilman Crippin, an alternate ordinance relating to the regulation of recreational vehicles was added to the agenda.

Alternate Ordinance Relating to the Regulation of Recreational Vehicles (First Reading): Councilman Crippin presented an alternate ordinance. He said the ordinance deleted items c and e of Section 10-805 and item b was changed to "Self-propelled recreational vehicles and/or any recreational vehicles providing living quarters shall be stored only in an enclosed garage." Councilman Crippin moved that the ordinance be placed on first reading; seconded by Councilman Wise. Councilman Watts suggested that temporary parking be for a period of 48 hours, and he thought it went a bit overboard in allowing absolutely no exceptions. Councilman Roberts said he thought most people would find horse trailers, permitted to be stored in rear yards, just as objectionable as self-propelled vehicles. Councilman Wise suggested that the City Architect make recommendations to the Council on exceptions. Time and work involved in researching and documenting situations for exceptions was discussed. Councilman Lyons said he felt permanent storage should be allowed on certain large lots. He said 72 hours temporary parking did not allow permanent storage. Mr. Lawler suggested adding a provision whereby a recreational vehicle could not occupy more than a certain percentage of the open space on the lot. Councilman DeKinder moved that the second ordinance presented for first reading be amended to include a provision for exceptions to item b under Section 10-805 upon approval of some body; seconded by Councilman Watts. Councilman Wise said she was hesitant to vote for adding such an amendment to the ordinance until she saw the amendment.

#745

James Fellenstein, 3000 West 81st Terrace, asked if there was a problem or was the Council creating a problem; he said he had yet to see a recreational vehicle that was objectionable, and he asked if the Council was aware that some recreational vehicle ordinances had been held to be unconstitutional. Jeanette Harriman said she represented

#755 the homeowners association of Leawood South and said most citizens in Leawood South were opposed to any kind of storage of recreational vehicles of any kind in driveways whether they were screened or not. Don Tarness said members of the homeowners association of Verona Gardens had been polled and wanted to go on record as being against any kind of permanent recreational vehicle storage. Murray Steeble, 9707 Manor, questioned the need for the 72 hours for loading and unloading and said a recreational vehicle converted into a commercial vehicle had been parked near his home for about six months. Verna White, 2601 West 98th Street, said it did not seem fair to her to make one person build a garage to house a vehicle and not somebody else, and she thought the amendment providing for exceptions should be omitted. Rod Richardson pointed out it was November 9, 1976, when this process started; he asked what it was about a recreational vehicle that was so inherently objectionable. He said this ordinance purported to put all of this in the hands of the City Architect without a single acceptable standard to tell anybody whether or not the architect was going to decide that it was too long, too heavy, too wide, etc. He said the Council was not doing anything more than attempting to impose restrictions on recreational vehicle owners because recreational vehicles don't look nice. Jeanette Harriman said by moving into the City of Leawood everyone had the right to look at city ordinances as of then; she said ninety per cent of the people in Leawood did not like to see recreational vehicles in Leawood, why should ten per cent of the people dictate to the whole city how the city should look. Councilman Lyons said he did not think the provision for review was any better than the City had right now. Dr. Cox reviewed the history of his dealings with the City concerning his recreational vehicle.

#773 Amendment failed with two aye votes. Motion to place the ordinance on first reading carried with four aye votes. Councilman Wise said she would be receptive to reviewing any amendment to allow exceptions. Mayor Alt asked that any amendments to be made on second reading be submitted to Mr. Lawler and to the Ordinance Committee and that they be drafted in the language that they would appear in the ordinance so that they would be in acceptable form at the next meeting.

#795 Ordinance Relating to the Clerk of the Municipal Court (First Reading): Mr. Lawler explained that present city ordinance required a bond for faithful performance of duties but no bond had been actually carried because the City already had a blanket bond; since the City was in the process of hiring an additional bailiff and clerk of court, it seemed a duplication of expenditure, so he recommended that the present provision in the ordinance requiring a surety bond be eliminated because the City had blanket bond coverage. On motion by Councilman Lyons, seconded by Councilman Roberts, the ordinance was placed on first reading.

#806 Ordinance Relating to Acceptance of Four Easements for Sewer Purposes - Leawood Meadows (First Reading): On motion by Councilman Hodes, seconded by Councilman Wise, the ordinance was placed on first reading. There was discussion that proper documents be available at the next meeting to satisfy the Council concerning the location of the easements.

#810 Ordinance Adopting Street Construction Standards and Specifications (First Reading): Upon recommendation by the Public Works Commission, Councilman Crippin moved that the ordinance be placed on first reading; seconded by Councilman Hodes.

#817 On motion by Councilman Watts, seconded by Councilman Crippin, an addenda was approved adding two ordinances to the agenda.

#819 Kansas City Power and Light Company Franchise Ordinance - Street Lights (First Reading): City Attorney Winn stated the ordinance updated the franchise agreement with Kansas City Power and Light Company. He said negotiations had been over payment methods, purchase costs, and liability language. The matter was discussed.

Councilman Lyons left the meeting at 9:08 p.m. during discussion of the franchise ordinance.

Kansas City Power and Light Company Franchise Ordinance - Traffic Control System (First Reading): On motion by Councilman Hodes the ordinance was placed on first reading.

#840 Public Safety - Recommendation Regarding Purchase of Furniture - Fire Station No. 2: Councilman DeKinder reported the Public Safety Commission had gone over the furniture necessary for equipping the new fire station, sent out for bids, received two bids, one from Scott Rice and one from Rainen Furniture. Of the two bids he said it appeared that the Scott Rice bid was the more acceptable bid although there was a net extra cost of \$700, part of which was for certain items which Rainen chose not to bid on and which were subsequently eliminated. Councilman DeKinder moved for approval of the bid of Scott Rice in the amount of \$5,234.62 for furniture for the fire station; seconded by Councilman Hodes. A summary of the furniture by room was available. Councilman DeKinder said the furniture was for the lounge, dining area, assistant chief's office, and a desk chair and credenza for the shift commander's office. He said the furniture was part of the bond issue. Motion carried.

Councilman DeKinder then moved for approval of the purchase of nine bunk units, total purchase price not to exceed \$3,150.00, for the furnishing of the bunk room of the new fire station; seconded by Councilman Roberts. Motion carried.

#851 Guidelines to Accompany Step Pay Plan: Councilman DeKinder said he thought it was imperative that the guidelines which

went with the step pay plan be made an administrative order. Mayor Alt said he would have that at the next Council meeting.

#854

Public Works - Creation of Benefit Districts for Street Improvements (Generally Defined as Being Between State Line and Roe, 119th to 135th): Councilman Crippin stated the recommendations forthcoming from the Public Works Commission regarding benefit districts in the general area of 119th Street to 135th Street, State Line to Roe Boulevard, were contained in the minutes of the Public Works Commission meeting of October 21, 1977. Councilman Crippin reviewed the recommendations. He said the proposal would provide the City with a well-defined and well-paved collector system throughout that area. At the suggestion of Councilman Roberts, the recommendation was changed to read that the first phase of construction on 123rd Street would go from State Line to Cherokee (instead of the west property line of the school property) to provide access into Leawood South. Councilman Crippin said the developers to the north may have some proposal for relocating 123rd Street west of the school to jog to the north on over to Mission Road. Councilman Hodes asked if there was a street lighting plan on a collector street. Herbert Johnson said his firm would submit guidelines for street lighting, including spacing, pole types, types of lighting, types of lighting intensity, and possible types of luminaries.

#905

Councilman Crippin moved that the report as given be accepted by the Council and that the Council authorize City Attorney Winn, together with other city staff and consultants, to proceed in drafting the necessary legal documents to create the respective benefit districts; seconded by Councilman Wise. Councilman Crippin amended his motion to include that the minutes of the Public Works Commission be made a part of the record; seconded by Councilman DeKinder. Amendment carried. Motion as amended carried. Councilman Crippin asked that it be made clear that the pavement on 123rd Street go to Cherokee. A copy of the minutes of the Public Works Commission meeting of October 21, 1977, is attached hereto and made a part of the record.

MAYOR'S REPORT

#911

County-Wide Sales Tax: Mayor Alt urged that everyone vote.

Action by EPA on Appeal by Johnson County: Mayor Alt said the action by EPA of December, 1976, was rescinded and remanded back to the various jurisdictions for further study. Mayor Alt reported the Special Sewer Committee met prior to the Council meeting and would see what could be done to proceed with construction of the interceptors for Leawood notwithstanding the rest of the matter.

#915

Approval of Advertisement for Chief of Police: Mayor Alt said it was planned to put it in the Kansas Government Journal, the Police Chiefs Association publication, and ICMA. Councilman Hodes said he thought it was entirely too wordy.

Minutes of Public Works Committee Meeting
Putsch's Coffee House

Friday, Oct. 2], 1977
7:00 A.M.

Present: Kent Crippin, Chairman, Phil Hodes, Phil Kline, Herb Johnson,
Larry Winn, Paul Bertrand, Bob Sirchia, Frank Lawler.

1. Chairman Crippin stated the purpose of the meeting was to consider policy guidelines to be recommended to the City Council on the distribution of assessed costs of benefit district street improvements for various standards of streets.

City Attorney, Larry Winn, pointed out that in the case of 123rd Street between Mission Road and State Line, where a developer (Bob Simon) owns all the lots the entire subdivision could be included within the assessment district, thereby spreading the costs of the adjacent street improvement among a much larger number of lots.

Herb Johnson, Street Plan Consultant, suggested City should require subdividers pay 100% of all street improvements of "collector standard". Improvements exceeding such standard (41' back to back) would be city at large expense.

Chairman Crippin raised the question of who would pay utility relocation expense. After considerable discussion it was the consensus to recommend to the Council that the relocation of utility lines be assessed to the City at large, because after the Street Standards are adopted it would not be likely that such expenses would reoccur, also the developers involved would not have had the problem had the streets been a part of their original development.

Mr. Crippin proceeded to consideration and discussion of standards and assessment policies to recommend on those streets in South Leawood to be improved under KSA -12-6a04.

a) 123rd Street from State Line to Mission Road. The standard proposal would be Major Collector of 41' width with two foot concrete curb back to back. 100% of cost to be assessed to benefit district and include all of Simon's addition, including widened section from new school to State Line and improved intersection costs. Because of uncertainty of J. C. Nichols position relative to the property on the North side of 123 and West of the School, it was considered desirable to recommend a two-stage development: Stage 1 - State Line to the West property line of the School property. Stage 2 - West line of the School property to Mission Road, thus allowing J. C. Nichols time and opportunity to work out a realignment of 123rd west of Cherokee.

b) Mission Road from 119th Street to 135th Street. Standard proposed would be a Major Collector Street - 41' back to back with 2' wide concrete curb and gutter. Mr. Kline stated cost of relocating utilities had been estimated at \$275,000, a gas line to

be moved in certain locations between 119th and 135th Streets, and a water line to be relocated from 119th street to 127th Street

Street improvements should be assessed 100% to benefited property; utility relocation to be recommended as a city-wide assessment. It was felt that the benefit district should include the section of Mission Road south of 127th, despite that area's predominantly agricultural use. The reasons were (1) It would decrease the overall costs over a larger area; (2) Construction costs are rising rapidly enough to justify the work being done now; (3) the area will probably be developed in the future and adequate streets will serve to make the land more desirable.

c) 127th Street Mission Road to Roe Boulevard. Standard proposal would be Major Collector Street of 41' back to back on two foot wide concrete curb and gutters and 100% assessment to adjacent property. Zero expense to city at large. Estimated total cost \$398,750.

d) 119th Street from Mission Road to Roe. Standard proposed would be as a Major Collector Street of 41' width back to back of two foot wide concrete curb and gutter. 100% assessment to adjacent benefited properties, zero assessment to city at large. (There is \$13,000. of estimated utility relocation involved and included in estimated cost.)

e) 119th Street- Cherokee to Mission - standard proposed would be Major Collector Street of 41' width back to back on 2 foot wide concrete curbs and gutters. Proposed that 100% of cost to be assessed to adjacent property, zero assessment to city at large.

2. It was also the consensus of the Committee to have prepared for the November 7th Council Meeting an ordinance to recommend for adoption establishing the Street Department Standards and Specifications proposed by the City's Street Plan Consultants - Johnson, Brikcell & Mulcahey.
3. The Committee heard recommendations of the City Administrator, Frank Lawler and City Engineer, Phil Kline, recommending the City proceed to contract for repair of the flood damaged concrete lined drainage ditch serving the Heritage addition.
4. An inquiry by Patricia Shirley of Bell Telephone Company Engineering Department concerning City's right of way plans for improving Nall between 111th Street and 119th Street, and 119th between Nall to Mission. The Committee and Consultant felt 4 lanes would be required on both streets with 120' right of way on Nall and 100 feet on 119th.
5. The Public Works Committee was also asked to indicate their position concerning the priorities of the following projects:

Page 3.

- a) Grading and rock maintenance on dirt roads in South Leawood
- b) Sealing of cracks in asphalt streets
- c) Completion of Fire Station 2 improvement
- d) Leaf Pick Up

Committee felt crews should give concurrent priority on a) 06 with work on Fire Station #2 being of a character which Public Works would work on later in the season than items : a) 06, and ~~the~~ leaf pick up will have the lowest priority.

6. An inquiry by David Bearly of 8332 State Line Road to fill in the gap (approximately 12 to 15 inches) between the concrete culvert under State Line Road and the concrete box storm drain across his property was discussed. The City Engineer is to field check and make his recommendations

Councilman DeKinder said in those cases where there was opportunity to do so, detail might save the City from having to wade through many non-qualified people. Mr. Lawler recommended that the advertisement be rather specific in the Police Chiefs magazine. There was discussion that the time for receipt of applications should not extend beyond January 31. Councilman Crippin suggested that the advertisement also appear in the Missouri Municipal League publication.

NEW BUSINESS

- #932 Resolution No. 438 - Changing Names of Streets - First Plat of Oxford Hills: The names of the streets had been inadvertently reversed. On motion by Councilman Watts, seconded by Councilman DeKinder, Resolution No. 438 was adopted. A copy is attached hereto as part of the record.
- #934 Resolution No. 439 - Designating City Holidays for 1978 and 1979: On motion by Councilman Watts, seconded by Councilman Wise, Resolution No. 439 was adopted. A copy is attached hereto as part of the record.
- #935 Applications for Cereal Malt Beverage Licenses - Ranch Mart Barbeque and Pumpernik's: On motion by Councilman Watts, seconded by Councilman Wise, the applications were approved.
- #937 Approval of Johnson, Brickell, Mulcahy & Associates Invoice No. 2: Mr. Lawler stated the invoice in the amount of \$3,425.00, set out in detail, was in accordance with the contract agreement. On motion by Councilman Crippin, seconded by Councilman Wise, the invoice was approved for payment.
- #939 Consideration of Planning Consultant's Proposal for Drafting Subdivision and Zoning Codes with Revisions: Mr. Lawler reported Mr. Kellenberg had prepared a redraft of the subdivision regulations and under the terms of his agreement if he did additional work on basic codes he would be eligible for compensation at the rate of \$25.00 per hour. Mr. Kellenberg had requested that he be paid a total of \$525.00 for 21 hours on the subdivision ordinance and in addition \$75 for printing copies, and \$72 for binding, making a total of \$672.00. In addition, Mr. Lawler said apparently the Plan Commission would like Mr. Kellenberg to do something similar on the zoning ordinance itself; in a memorandum Mr. Kellenberg stated he would submit a maximum of \$1,600 for his time, \$225 for typing, \$210 for printing, binding, etc., total \$2,035.00 for the zoning ordinance; a grand total of \$2,707.00. Councilman Wise stated she had attended the hearing on the subdivision regulations and felt Mr. Kellenberg added a lot of input, and that Mr. Block of the Plan Commission felt that what Mr. Kellenberg had come up with was a big improvement over what they had, and apparently the fee was not out of line with what other cities had expended. Councilman Roberts said he was impressed, as was everyone, with the work done by Mr. Kellenberg and it would save a lot of time.

#955

Herbert Johnson said three basic issues still had to be addressed (1) private streets, (2) methodology for developing and financing street facilities which abut subdivisions, and (3) houses that do not front onto collector facilities. Councilman Hodes moved for approval of Mr. Kellenberg's group to come up with the plans necessary for subdivisions; seconded by Councilman Roberts. Mr. Lawler said the only qualms that he had about this matter was the \$672 fee when everyone else gave initial recommendations as part of their duties without any consideration, whereas Mr. Kellenberg had asked for \$672 after he did the work on it. Mr. Lawler said he thought the portion on the zoning ordinance was before the work was done and he felt that was proper. City Attorney Winn said he thought Mr. Kellenberg was worth whatever he charged because he would have a tendency to take a form ordinance and adapt it to a more practical situation. He said it would have been helpful to have the changes indicated, maybe he could do that on the zoning ordinance. The matter was discussed. Mr. Lawler stated there was money in the capital outlay fund for this expenditure. The motion and second were withdrawn. Councilman Hodes moved that the Council hire Richard Kellenberg's group to prepare a draft of the zoning ordinance, the total amount not to exceed \$2,035.00 from the capital outlay fund; seconded by Councilman Wise. Councilman Hodes added that he thought the Council should have a recommendation from the Plan Commission regarding the \$672 before the Council agreed to pay it. Mr. Johnson emphasized that work sessions and expenditure of funds were involved before the subdivision regulations were finalized. Motion carried. Mayor Alt requested that Mr. Lawler have the matter of the \$672 bill from Mr. Kellenberg brought to the Plan Commission.

#987

Appointment of Auditors for 1977 Audit and Preparation of Fixed Asset Report: Mr. Lawler reported that Mr. Pendleton had recommended that a new contract with the same auditor be made for the 1977 audit and to prepare the fixed asset report. Councilman Crippin moved that the Council retain the same auditor for the 1977 audit and to prepare the fixed asset report; seconded by Councilman Wise. Councilman Hodes asked in view of the fact that the present firm did not deliver the report as promised on the due date, that the motion for approval be defeated and that the bidding process for auditors begin immediately. Mayor Alt said the Administrative Committee felt that the City should go along with the same firm this year; he said that firm knew to a great extent what the City had in the way of fixed assets. The matter was discussed. Motion and second were withdrawn.

#1005

Councilman Crippin moved that the Council request that Hollis, Kuckelman and Van De Veer submit a proposal for the audit for 1977 including a separate report on the fixed assets of the City; seconded by Councilman Wise. There was a three and three tie vote, Mayor Alt cast the deciding vote in favor of the motion. There was discussion that the motion did not preclude other firms from submitting a bid. Councilman

November 7, 1977

DeKinder then moved that at the same time the City requested a proposal from Hollis, Kuckelman and Van De Veer, that Mr. Lawler be authorized to contact recognized CPA firms in the metropolitan area for submission of proposals; seconded by Councilman Roberts. Motion carried.

Councilman Watts left the meeting at 10:28 p.m.

#1016

Recommendation Regarding Reorganization of Administrative Committee: Mayor Alt stated the Administrative Committee had met and it was felt desirable to give the committee a broader membership. Minutes of the meeting concerning reorganization were distributed. Mayor Alt stated the Administrative Committee was recommending that members be the Mayor, President of the City Council, Chairman or the Chairman's designated permanent representative of the Budget and Finance, Public Works, and Public Safety committees, plus the City Treasurer and City Administrator ex officio. Councilman DeKinder moved that the reorganization of the Administrative Committee be implemented as outlined in the minutes of the Administrative Committee meeting of October 24; seconded by Councilman Wise. Motion carried.

#1023

Mayor Alt stated there was a request by Councilman Hodes for an executive session to discuss a personnel matter not on the agenda. Councilman DeKinder moved that the Council enter executive session to discuss a personnel matter, to come back into session no later than 10:40 p.m.; duly seconded. Motion carried.

The Council went into executive session at 10:33 p.m. and returned to regular session at 10:40 p.m. The same councilmen were present.

#1027

On motion by Councilman Roberts, seconded by Councilman Wise, the meeting adjourned to Monday, November 21, 1977, 7:30 p.m.

Eugene E. Alt
Mayor

Jane Lile
Council Reporter

Attest:

J. Oberlander
City Clerk

November 21, 1977

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 November 21, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Crippin, Haas, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Acting Police Chief Sellers, City Attorney Winn, Herbert Johnson, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Lyons, the minutes of the meeting of November 7, 1977, were approved as submitted.

Visitors: R. W. Pippenger, Joyce Cox, Rick Standard, Mike Conger, I. B. Wasson, Jr., Mrs. N. B. Browne, Gerald A. Kale, Dr. David Dixon. Member of the Press: Roxi Taylor.

REPORTS

Treasurer: No report.

#1034 Municipal Judge: Judge Winthrop's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Wise.

#1035 Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Lyons, seconded by Councilman Wise.

#1036 Police Department: Acting Chief Seller's report was submitted and approved on motion by Councilman Wise, seconded by Councilman Haas.

#1038 Public Works Department: Mr. Gray's report was submitted and approved on motion by Councilman Haas, seconded by Councilman Crippin.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

#1042 Ordinance Relating to the Regulation of Recreational Vehicles (Second Reading): Mayor Alt announced that the City Attorney had written for some additional information which was felt would be valuable input to the Council prior to final action on this ordinance. On motion by Councilman Wise, seconded by Councilman Haas, the second reading of the ordinance relating to regulation of recreational vehicles was continued. City Attorney Winn said he would like a little more time to

do more research, he said he had written to one of the legal municipal organizations to see if there was anything within the last ninety days that would assist in the final preparation of the ordinance. Councilman Lyons said he did not think the repeated delay was fair to the people who came all the time, and added he thought the ordinance proposed was an abomination. Mayor Alt apologized for any inconvenience to the audience.

- #1051 On motion by Councilman Haas, seconded by Councilman Crippin, the agenda was changed to consider the item concerning a septic tank permit at this time.
- #1052 Public Works - Approval of Septic Tank Permit One-Fourth Mile East of Nall on 143rd Street: Mr. Lawler reported the City Architect had stated that when this property was purchased it constituted division of a piece of ground and would, therefore, be subject to the provisions of the zoning ordinance as far as platting was concerned, involving acquisition of right-of-way as far as 143rd Street was concerned. Mr. Lawler said there were some questions about it. He said the recommendation was that the Council go ahead and approve it subject to getting a firm interpretation of the zoning ordinance. City Attorney Winn said there were two questions, (1) whether to approve a septic tank permit, and (2) should it come through the Plan Commission because the proposed metes and bounds division constituted a subdividing under city ordinances. He said under the new proposed zoning ordinance any division under ten acres was a subdividing, while under the present ordinance no acreage was mentioned and there was an absolute statutory right to subdivide a tract once without constituting a plat or replat. Mr. Lawler suggested approval of the septic tank permit subject to a legal interpretation of the zoning ordinance. On motion by Councilman Crippin, seconded by Councilman Haas, the septic tank was approved.
- #1066 Councilman Crippin moved that an item be included under the Public Works Commission report for discussion on the report concerning the benefit district for 119th Street; seconded by Councilman Wise. Motion carried.
- #1067 Ordinance No. 556 - Relating to Bonding of Municipal Court Clerk (Second Reading): On motion by Councilman Lyons, Ordinance No. 556 was unanimously adopted.
- #1069 Ordinance No. 557 - Relating to Acceptance of Four Easements for Sewer Purposes - Leawood Meadows (Second Reading): On motion by Councilman Crippin, Ordinance No. 557 was unanimously adopted.
- #1070 Kansas City Power and Light Company Franchise Ordinances Relating to Street Lighting and Traffic Signals (Second Reading): Mayor Alt noted that the ordinances required three readings. He suggested that the second reading be

continued to allow investigation into the possibility of developers providing street lighting. Councilman Hodes suggested that the Council accept this as second reading and, if necessary, extend the third reading because the delay was holding up improvement of the intersection at 103rd and State Line and Kansas City Power and Light Company was not going to be in the traffic signal business after the first of the year. Mr. Lawler said he thought the rate structure should be set out in the ordinance. Mayor Alt requested that City Attorney Winn find out whether or not there was such a rate schedule. Herbert Johnson reported Kansas City, Missouri, had an agreement which covered rates for signals, owning traffic signals, owning street lighting systems and renting street lighting systems, which Leawood could probably copy. On motion by Councilman Lyons, seconded by Councilman Haas, the ordinances passed second reading.

#1083

Ordinance No. 558 - Adopting Street Construction Standards and Specifications (Second Reading): Councilman Lyons moved that the ordinance adopting street construction standards and specifications be adopted; seconded by Councilman Crippin. Councilman Lyons asked Mr. Johnson if he felt the ordinance would hinder development of Leawood because of the changed standards making streets wider. Mr. Johnson said the standards were reasonable and were accepted by an association of public works directors in the metropolitan area. The matter was discussed. Councilman Roberts said from his observations he did not think the width of the street was a restricting factor to developers. Ordinance No. 558 was unanimously adopted.

#1096

Ordinance Relating to Maximum Speed Limits (First Reading): Mayor Alt explained that the ordinance simply incorporated into city ordinances the speed restrictions posted by the State of Kansas on 135th Street. Acting Chief Sellers said "Roe Boulevard" was changed to "Roe Avenue." On motion by Councilman Haas, seconded by Councilman Wise, the ordinance passed first reading.

#1099

Ordinance Relating to Acceptance of Deed for Street Purposes from Unified School District No. 229 (First Reading): There was discussion that the school district had complied with the agreement for an eighty foot right-of-way, and that they were deeding forty feet as their half. Mr. Lawler will check the matter. The ordinance passed first reading.

#1104

Ordinance Relating to Acceptance of Right-of-Way Grant for Street Purposes from Central Estates, Inc. (First Reading): Attachment A was not distributed. The first reading was continued until more definite information was available on which the Council could act.

Public Safety:

#1108

Contractor's Application for Payment No. 12 - Fire Station No. 2: Councilman Hodes moved that the application for

payment in the amount of \$82.90 be approved; seconded by Councilman Haas. Motion carried.

#1110

Recommendation Concerning Bids for Replacement of Flood-Damaged Police Car: Councilman Hodes stated three bids had been received on the vehicle which would be used as an unmarked police car. Upon recommendation of the Public Safety Commission, Councilman Hodes moved for approval of the bid of Andy Klein Pontiac in the amount of \$5,049.41 for the purchase of a 1978 Pontiac Phoenix; seconded by Councilman Lyons. Councilman Hodes said this bid was \$30.00 more than the lowest bid but having bought the other cars from Andy Klein and being very satisfied with their service, the Commission recommended acceptance of their bid. Councilman Haas pointed out that the Andy Klein bid more closely met the specifications. Motion carried.

#1112

Resolution No. 440 - Establishing a Stop Sign at the Exit from Leawood Country Manor Onto Roe Avenue: Councilman Hodes reported the stop sign had been placed on a temporary basis by the Police Department. On recommendation of the Public Safety Commission, Councilman Hodes moved for approval of a resolution establishing a stop sign at the exit from Leawood Country Manor onto Roe Avenue; seconded by Councilman Haas. Resolution No. 440 was adopted unanimously. A copy is attached hereto as part of the record.

#1120

Discussion Concerning Improvement of 119th Street: Councilman Crippin reported it had come to his attention that during discussions with developers on 119th Street the City would have to deviate from the standards which had been established, the reason being that the street had currently been put in with a 36-foot pavement, and prior to getting involved in street standards the developers had agreed to go ahead and pave the street at 36 feet. In discussions, the City had come back and wanted an additional foot plus two foot concrete curb and gutter on each side. Developers had indicated on 119th Street they would be willing only to construct what they had originally agreed to. Councilman Crippin added that on Mission Road and 123rd Street the City should maintain the standards that had been established. City Attorney Winn reported he had the impression from the developers that their objection was not to the 41 feet per se, but rather that they could not understand why the City would switch in the middle of the stream on a street that was already half built. There was discussion that one plat had already been approved on the street. Mr. Johnson stated that the plan as approved by the Assistant City Engineer left 100 feet of roadway that would not be developed east of the center line of Mission Road. The matter was discussed.

#1151

There was a short recess to change the recording tape.

Tape No. 50

#0

Discussion Concerning 119th Street (continued): Councilman Crippin moved that the representatives of the City assigned the task of discussing the benefit district with developers

be authorized on 119th Street to proceed in a discussion related to the 36-foot pavement with asphalt curbs to street specifications in accordance with previous construction, which would be from State Line west to and including the intersection of Mission Road and 119th Street; seconded by Councilman Haas. Motion carried. City Attorney Winn stated it may not be necessary to create a benefit district as they may choose to go ahead and build it on a private basis. There was discussion that a time limit should be stated. Mr. Johnson said if they were going to have private construction contracts, the City should have some mechanism for inspection of the work during construction.

#53

Special Sewer Committee - Recommendation for Step II Grant for Renovation of Leawood Sewer System: Mayor Alt referred to a letter from Phil Kline to the Mayor. Mayor Alt reviewed that the EPA had set aside its ruling that all of the waste water should go into Kansas City, Missouri, and had asked the political bodies to get together and come up with a political solution to the problem. Mayor Alt reported the Special Sewer Committee felt it would be appropriate to ask the State if the City could submit a Step II grant application on the basis that regardless of where the waste water goes, Leawood would still have to build interceptors and laterals. He reported Mel Gray of the Environmental Department said he would interpose no objections whatsoever. Mayor Alt said Phil Kline had been asked to proceed. Councilman Crippin moved that the Council approve moving ahead with the Step II grant application on the Leawood Sewer System; seconded by Councilman Lyons. Motion carried. Councilman Crippin suggested that this matter be an article for the next newsletter. City Attorney Winn commented that having the additional line capacity would alleviate some problems.

Councilman Watts entered the meeting at 8:45 p.m.

Councilman Crippin explained it may take three to five years before actual construction because plans had to be drawn, approved by the State, approved by the Federal Government, and the construction grant approved. Mayor Alt said obtaining right-of-way would be involved.

MAYOR'S REPORT

Mayor Alt stated he would request a brief executive session for a personnel matter at the end of the agenda.

#97

Date for Last December Council Meeting to Approve Appropriation Ordinances: It was agreed that the meeting be set for Thursday, December 29, 1977, at 7:30 p.m., in the lower meeting room.

NEW BUSINESS

#107

City Engineer's Recommendation for Acceptance of New Street Construction - Sagamore Road - Lot 1, Leawood South Third Plat

West Through Leawood South Fifth Plat: Mr. Lawler stated the City Engineer had recommended acceptance. On motion by Councilman Haas, seconded by Councilman Watts, the new street construction was accepted (Sagamore Road, Lot 1, Leawood South Third Plat, west through Leawood South Fifth Plat).

#116

City Engineer's Recommendation for Acceptance of Reconstructed Overlay - Leawood South, Tract D Replat: Mr. Lawler said this was covered in the same letter from the City Engineer as the preceding item. Mayor Alt requested that hereafter such letters be included in the Council folders. On motion duly made and seconded, the reconstructed overlay was accepted.

#126

Recommendation Relative to Payment for Reconstruction:

Mr. Lawler stated this too was included in the same letter from the City Engineer. He explained the reconstruction was for some faulty work; that all of these were being paid for by the developer, the Council was merely approving acceptance of the work that had been done. Mayor Alt questioned the Council's authorizing payment ^{of anything that the} ~~of other than~~ _{city funds, that it was the business of the developer to} make settlement with the contractor. Mr. Lawler said each of the last three items was work that had been done by a contractor for fulfillment of subdivision requirements according to the engineer's inspection, and perhaps should have been stated as acceptance of the work of reconstruction. The matter was deferred to the next Council agenda.

#147

Approval of Federal Disaster Assistance Payment: Mr. Lawler stated that since the City was getting considerably less than had been originally applied for, this was authorization for him to sign for the reduced amount. The reasons for not getting it were (1) streets had been included which were part of the urban street system and were not eligible, (2) some of the figures were in error, and (3) figures turned in on loss due to public works equipment were not eligible because of the flood plain. On motion by Councilman Wise, seconded by Councilman Lyons, the City Administrator was authorized to receive payment in the amount of \$24,502.50.

#155

Approval of City Architect's Invoice: Mr. Lawler recommended payment of the invoice covering the period from July 1, 1977, to November 16, 1977, for time spent by the City Architect on inspections, etc. for the City, totaling \$1,503.75. On motion by Councilman Haas, seconded by Councilman Watts, the City Architect's invoice was approved for payment.

#162

Appropriation Ordinances: Nos. 373-A and 360-S in the amounts of \$457,545.68 (including \$350,000.00 in investments) and \$8,795.08, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Watts. Acting Chief Sellers said the item to Johnson County Insurance Agency, professional liability, in the amount of \$103.54 was in error and had been voided.

November 21, 1977

Councilman Hodes moved that the Council go into executive session to deal with matters of organization until 9:30 p.m.; seconded by Councilman Watts. Motion carried.

The Council went into executive session at 9:10 p.m. and returned to regular session at 9:30 p.m. The same councilmen were present.

#195

On motion by Councilman Watts, seconded by Councilman Haas, the meeting adjourned to Monday, December 5, 1977, 7:30 p.m.

Eugene E. Allen
Mayor

Jane Lile
Council Reporter

Attest:

J. D. ...
City Clerk

December 5, 1977

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 5, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Crippin, Haas, Watts, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Acting Police Chief Sellers, City Attorney Winn, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: Mayor Alt suggested that the minutes of the meeting of November 21st be amended in the third paragraph on page 2369 by changing "of other than city funds" to "of anything that the City had not contracted for." On motion by Councilman Watts, seconded by Councilman Haas, the minutes of the meeting of November 21, 1977, were approved as amended.

Visitors: John E. Abraham, Jim Fellenstein, Sherry Soper, Wade Williams, Dr. David Dixon. Members of the Press: Shirley Curtis Klein, Deborah Corso.

#209

Ordinance No. 559 - Relating to the Regulation of Recreational Vehicles (Second Reading Continued):

Councilman Crippin reviewed action taken on the recreational vehicle ordinance at the last two meetings. Based on information from a national organization dealing in municipal legal matters and further review of ordinances that had been drafted in the past, an ordinance was before the Council. Councilman Crippin said the ordinance eliminated permanent storage of recreational vehicles with temporary living quarters except when placed in the garage of a residence; however, it was drafted to allow a period of 72 hours for loading and unloading. Other recreational vehicles, such as boats, trailers, etc., would be allowed to be parked in the rear yard of the residence provided they were screened and there was approval of the City Architect. He said another provision had been included that persons having recreational vehicles register them with the city.

Councilman Hodes said he felt a more reasonable period for loading and unloading would be twenty-four hours. City Attorney Winn explained the main concern was to keep the vehicles unoccupied so the number of hours for loading and unloading was not of primary concern. Councilman Lyons said he did not feel any of the findings of fact could be upheld, he was definitely against registration, and he thought the ordinance was to include some permanent storage on a limited basis. Councilman Roberts said he

thought 72 hours was a bit extensive for loading and unloading, and suggested 48 hours. He said he had a problem with Section 10-802 as he had seen a horse trailer so large it would take a forest to screen, and there was no restriction on the size of boats. He said a fine of not less than five dollars seemed a very minimal amount. Councilman Lyons said the fine coincided with the parking ordinance. Councilman Watts asked the purpose of the registration. City Attorney Winn said it was felt there was a genuine public purpose in knowing where the vehicles were, no fee would be involved. City Administrator Lawler emphasized that Section 10-804 provided that a registration certificate would be issued only upon certification by the owner that the recreational vehicle was not prohibited by any applicable deed restriction. Councilman Haas said this seemed to be the best way to impart the rules and regulations to the vehicle owners when they moved into the City. Councilman Lyons felt the City should not get involved in helping homes associations enforce their rules. Councilman Wise said she did not feel it was appropriate for the Council to pass legislation that was in conflict with what people in different areas had decided and included in deed restrictions. Councilman Haas expressed concern that certain people by a little juggling under the 72 hour provision would be keeping their vehicles the year around; he said 48 hours would seem to be a reasonable amount of time to load and unload.

#293

Councilman Watts moved for approval of the proposed ordinance with the change in Section 10-806 that all references to 72 hours be changed to 48 hours; seconded by Councilman Haas. The matter was discussed. Councilman Roberts wondered if there could be a size limitation. City Attorney Winn stated there seemed to be no sustainable way to classify vehicles according to size. Councilman Wise asked if the City Architect would have any latitude in approval of screening plans. City Attorney Winn explained that the ordinance was written so that the City Architect would have flexibility to work with people on an individual basis on location and screening of vehicles.

Wade Williams said if an ordinance were to be passed, this was the one recreational vehicle owners would like to see passed because it had less validity than any that had been presented, and it would have to be tested, of course. Councilman Lyons agreed that the ordinance being considered guaranteed that the City would go to court. Dr. David Dixon asked how much the City was prepared to spend in legal fees. Mr. Williams stated they were going to make certain they were not trampled on, he felt he had a right to the use of his property and he was going to defend it. Roll call vote on adoption of the ordinance was four aye votes, three nay. Mayor Alt then cast the deciding vote aye. Ordinance No. 559 was adopted.

- #343 Ordinance No. 560 - Relating to Maximum Speed Limits (Second Reading): On motion by Councilman Crippin, Ordinance No. 560 was adopted unanimously.
- #348 Ordinance No. 561 - Relating to Acceptance of Deed for Street Purposes from Unified School District No. 229 (Second Reading): Mr. Lawler had submitted a memorandum confirming that the School District had complied with right-of-way requirements. On motion by Councilman Watts, Ordinance No. 561 was adopted.
- #353 Ordinance No. 562 - Relating to Acceptance of Right-of-Way Grant for Street Purposes from Central Estates, Inc. (Second Reading): City Administrator Lawler explained that Attachment A to the ordinance was an agreement to give this right-of-way to the City; it had not been included in the original plat and came in later at the request of the Fire Chief. Mr. Lawler said it was in order. On motion by Councilman Crippin, Ordinance No. 562 was adopted.
- #358 Ordinance No. 563 - Providing for an Electric Street Lighting System (Third Reading): City Attorney Winn stated there had been no decision to go ahead with provision for possibly at some time having developers build or give an allowance to build street lighting as part of the subdivision regulations, but it was felt something should be included since this was a ten-year proposition. He suggested that following "The City will pay to the Company for street lighting the rates and charges provided in Schedule 2-ML," the following language be added, "Provided that should street lighting be purchased or installed by developers and dedicated to the City, then in such event the rate schedule set out in this section shall not apply." He said that would leave the door open so the City was free to negotiate or use the lowest rate for street lighting in the event the City would actually own the lights or have them dedicated to public use. He further stated the City should not be bound by an obsolete rate schedule that would not be applicable because it had built in the obsolescence and maintenance of equipment. On motion by Councilman Crippin, Ordinance No. 563 was adopted as amended.
- #387 Ordinance No. 564 - Providing for an Electric Traffic Control System (Third Reading): City Attorney Winn suggested that the hold harmless language in Section 14 of the street lighting ordinance be inserted as Article 11 of the traffic control ordinance. On motion by Councilman Crippin, Ordinance No. 564 was adopted as amended.
- #389 Ordinance No. 565 - Relating to Schedule of Wages and Salaries for Part-Time Administrative Employees (First Reading): Mr. Lawler suggested that the ordinance be passed on an emergency basis because the Bailiff-Court Clerk was to start work the next day and there ought to be an ordinance to cover it. He explained all that was being done was adding the range of pay for the position of Bailiff-Clerk of Municipal Court. Councilman Wise moved that the ordinance be passed on an

emergency basis; seconded by Councilman Roberts. Motion carried. On motion by Councilman Roberts, Ordinance No. 565 was adopted.

#404

Ordinance No. 566 - Relating to Duties of the Bailiff-Clerk of the Municipal Court (First Reading): Councilman Crippin moved that the ordinance be passed on an emergency basis; seconded by Councilman Hodes. Motion carried. Ordinance No. 566 was adopted on motion by Councilman Watts.

#409

Ordinance Relating to Release of Two Utility Easements in Leawood South (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. Mr. Lawler stated the plat displayed was an illustration of the two easements involved. He said the plat had been approved in June of 1967, and later the arrangement of townhouses had been changed. Mr. Lawler recommended that the easements be vacated. He said the descriptions had been checked. Mr. Johnson said a revision of the preliminary plan would be presented to the Plan Commission the next evening. Mr. Johnson stated they were requesting from this developer and all other developers that they provide 120 feet of right-of-way along State Line Road, so the configuration might change again. The original plat had been approved with 50 feet of right-of-way to center line.

#435

At the suggestion of Mayor Alt, Councilman Hodes moved that an ordinance relating to parking be placed on the agenda; seconded by Councilman Watts. Motion carried.

#437

Ordinance Relating to Parking (First Reading): Acting Police Chief Sellers explained the present ordinance prohibited parking in the yard only if a curb was driven over, if there was no curb there was nothing to preclude parking in the yard. Councilman Haas moved that the proposed ordinance be passed on an emergency basis; seconded by Councilman Hodes. Motion carried. Councilman Crippin stated a general parking ordinance had been introduced and passed first reading, and it would appear this paragraph should be inserted in it. The matter was discussed. The Council agreed to go ahead and consider the new ordinance then resurrect the general parking ordinance. Mayor Alt read the proposed ordinance. Councilman Roberts pointed out that the proposed ordinance was contradictory to the ordinance just passed on recreational vehicles since it stated "no parking shall be permitted in the front, rear or side yard of any residence." In view of the confusion, Mayor Alt ordered that the proposed ordinance be incorporated with the general parking ordinance and placed on the agenda of the next meeting. Mayor Alt requested that Acting Chief Sellers, City Administrator Lawler, and the City Clerk see that it was properly brought before the Council at the next meeting.

Public Safety:

#468

Purchase of Police Vehicles: Acting Chief Sellers stated the Public Safety Commission had requested that the item be tabled.

#470

Request for Permission to Solicit Funds - New Haven Seventh Day Adventists: Councilman Hodes reported the Public Safety Commission had been contacted via telephone by the Police Department concerning the request for permission to solicit funds by New Haven Seventh Day Adventists. Acting Chief Sellers stated these people did not apply for permission last year, they had in years past, and some complaints had been received from people who did not want to have these people approach them for funds. He said the Public Safety Commission vote was split but he did not have a firm tally of the yeas and nays. Councilman Hodes said he thought approval would be opening the door to every church, synagogue or mosque to disturb residents of the City. City Attorney Winn stated his general recollection of cases was that a religious group probably could not be prohibited from going door to door to spread the message, the problem came when they combined the message with money so that it became a commercial solicitation. The request was for solicitation on December 11th and 18th. Acting Chief Sellers said some complaints had come in because they had not been particular about observing the hours. Councilman Wise moved that the request be denied; seconded by Councilman Crippin. Acting Chief Sellers referred to Section 8-302 that provisions concerning prohibiting solicitation shall not apply to religious organizations provided that such organization shall have first made application to the governing body. City Attorney Winn said he would like to check into the matter. Councilman Lyons suggested that it be continued. Acting Chief Sellers said he thought the application was late, that the City Clerk got it on the 29th. The motion and second were withdrawn. Councilman Lyons then moved that the request be referred to the Public Safety Commission for recommendation; seconded by Councilman Wise. Motion carried.

#498

County-Cities Investigative Squad Request for Matching Local Funds: Acting Chief Sellers requested that the matter be tabled inasmuch as Sheriff Allenbrand was unable to send a representative to explain the request.

#501

Discussion Concerning Communication Equipment in Public Works Vehicles: Councilman Haas stated over a year ago the desirability of putting communication equipment in Public Works vehicles had been discussed, but to his knowledge there had been no movement in that direction. He thought consideration should be given to the installation of at least some one-channel UHF equipment in Public Safety vehicles. The matter was discussed. Councilman Crippin said it was his recollection that the Public Works Commission had designated communication equipment as a priority item for revenue sharing funds. It was discussed

that a UHF government channel was available but no channels were available on VHF. Public Works Chairman Crippin said he had given the instruction several times to get those radios. Chief Toman stated without a repeater station such as the Police Department had for UHF, car-to-car frequencies left a lot to be desired. Budget and Finance Chairman Wise said she had not heard anything about using revenue sharing funds for this item. Mayor Alt asked Mr. Lawler to look into the matter and have it at the next meeting.

Public Works:

#524

Presentation of Plans and Preliminary Estimate of Costs for Improvements of Intersection at 95th Street and Mission Road:

A distribution was made at the Council table. Councilman Crippin said Mr. Johnson had been asked to prepare a rough estimate for the improvements of the intersection at 95th and Mission Road. He said the estimate was contained in the letter just distributed to the Council. Mr. Johnson emphasized that this was a very preliminary cost estimate. He said the assumption had been made that it would be approved as an FAU project which would be 70 per cent Federal, 30 per cent local; in the past Johnson County had assumed half of the local share. The estimate indicated cost assignment of 52 per cent to Overland Park, 35 per cent to Leawood, and 13 per cent to Prairie Village based on the amount of construction done in each of the cities, making the approximate cost to Leawood \$34,000 to \$35,000 for the intersection improvement. He explained that the project would start slightly east of Marsha Bagby School, through the Ranch Mart area; there would be two lanes to move west-bound traffic through the intersection and one lane for left turn. It would eliminate taking a lane in Overland Park for right turn only. He said at the present time there was only discussion with the staff of Overland Park. He said they were attempting at this time to bring this to the attention of both Prairie Village and Overland Park to see if there was still an interest. If so, then this should be presented to a review committee to establish a priority for this improvement and determine if and when FAU funding was available. Mr. Johnson said they had done a preliminary study in 1970 and preliminary plans had been drawn. He displayed the plans.

Resolution No. 441 - Joint Participation by Cities of Leawood, Overland Park and Prairie Village for Improvements of 95th and Mission Intersection and Turning Lane on 95th Street East of Mission: Councilman Hodes said the reason for the above presentation by Mr. Johnson was that the Council might go on record endorsing a preliminary plan for this intersection involving the Federal Government, the county, and the three cities; it was not a commitment of funds since the plans were already drawn and partially paid for by Leawood in 1970. Councilman Hodes stated the Public Safety Commission regarded this as a matter of

urgency. Councilman Crippin moved that the resolution for intergovernmental cooperation in the improvement of the intersection of 95th Street and Mission Road by adjacent cities and turning lane on 95th Street east of Mission Road be approved; seconded by Councilman Haas. There was discussion that adoption of the resolution was not a commitment of funds. Resolution No. 441 was adopted. A copy is attached hereto as part of the record.

Councilman Haas left the meeting at 9:15 p.m. following the vote on the resolution.

City Attorney Winn suggested that the possibility be explored of bringing the three cities together, determining what might be done on an immediate basis using their own public works employees and just getting it done instead of waiting for Federal funding. Councilman Hodes said major utility easements were affected, as well as a major storm sewer problem, and he would hate to see a hodgepodge created.

#567

Resolution No. 442 - Directing an Application of the City of Leawood for a Traffic Safety Grant Be Prepared by the City's Traffic Engineering Consultants at No Cost to the City: Mr. Johnson stated the purpose of the grant was to complete a traffic safety study which would include a signing plan indicating the location of all present signs and where traffic signs should be throughout the City; in addition, top traffic intersection problems would be studied and preliminary plans prepared indicating improvements required at intersections with respect to traffic control and geometrics, and intersection improvements and route improvements would be rated priority-wise. It would be at no cost to the City except providing services.

Councilman Lyons left the meeting at 9:18 p.m. during Mr. Johnson's presentation.

Mr. Johnson explained that the City did not necessarily have to follow the priority order. He said there was an annual report requirement. Mr. Johnson estimated that the grant to be applied for would be between \$30,000 and \$40,000. Councilman Crippin moved that Resolution No. 442 be adopted; seconded by Councilman Hodes. Resolution No. 442 was adopted. A copy is attached hereto as part of the record.

MAYOR'S REPORT

#587

Mayor Alt circulated copies of a letter to the owners of small lakes in connection with inspection.

Plan Commission Review of Proposed Zoning and Subdivision Regulations: Mayor Alt announced the Plan Commission would be reviewing the proposed zoning and subdivision regulations on Tuesday, December 6. He urged councilmen to get their suggestions in.

#591

Administrative Order 77-4: Copies of the administrative order were distributed. Councilman Hodes pointed out that in the first line 1977 should be changed to 1976. Mayor Alt stated the essence of the order was that January 1 of each year would be the date for consideration of promotion and salary increases except as provided therein. While the order provided that department heads forward recommendations for merit increases ninety days prior to the Council meeting closest to January 1 of the next year, Mayor Alt said he hoped the salary program would be before the Council at the next meeting. Mayor Alt explained that provision concerning re-classification on other than January 1 was included. The provision that all new employees be considered probationary for a minimum of six months or a maximum of one year was discussed. It was agreed that the second sentence in the first paragraph of the administrative order should read, "These schedules were published in Administrative Order 77-2." Councilman Wise moved that Mayor Alt be authorized to sign Administrative Order 77-4; seconded by Councilman Hodes. On motion by Councilman Watts, seconded by Councilman Hodes, the first paragraph of the administrative order was amended to include the changes suggested. Administrative Order 77-4 was approved as amended.

#609

CITY ADMINISTRATOR'S REPORT

#626

Report on Grading and Ditch Cleaning in Southern Part of the City: Mr. Lawler reported grading and ditch cleaning had been done on Mission Road from 127th to 135th on one side, the other side was too wet. The work will be continued as it dries out. The puddling of water by the Mobil station at 103rd and State Line Road was discussed.

Recommendation from Plan Commission Chairman Relating to Payment of \$672 to Consultant Kellenberg: On motion by Councilman Hodes, seconded by Councilman Watts, payment of \$672 to Mr. Kellenberg was approved as recommended by the Plan Commission Chairman.

#636

Approval of Engineer's Certification on New Construction on Sagamore Road, Leawood South, Fifth Plat: On motion by Councilman Wise, seconded by Councilman Crippin, the engineer's certificate was accepted.

#641

Approval of Engineer's Certification on Reconstructed Overlay on Pembroke Lane, Leawood South, Replat of Tract D: Mr. Lawler read the engineer's certificate recommending acceptance. On motion by Councilman Watts, seconded by Councilman Wise, the engineer's certificate was accepted.

NEW BUSINESS

#646

Request for Approval of Rated Government Employees Option and Authorization to Execute Same: Mr. Lawler explained

this designated the option on unemployment insurance. On motion by Councilman Hodes, seconded by Councilman Wise, the request for approval of option was approved.

#652

Revised Plan for 119th Street Improvements, Extending Through Mission Road Intersection: Mr. Lawler explained the original plan stopped short of the intersection and at the direction of the Council, Mr. Johnson had been asked to prepare a schematic of it. Mr. Johnson said before the plat was finally approved there was a condition that the developer indicate in writing his intentions on benefit districts on 119th Street and Mission Road, which had not been received. Mayor Alt asked Mr. Lawler to check the matter. On motion by Councilman Crippin, seconded by Councilman Roberts, the revised plan for 119th Street improvements was approved.

#668

Applications for Cereal Malt Beverage Licenses: Acting Chief Sellers said he had no reason to recommend against approving the applications. On motion by Councilman Wise, duly seconded, applications for cereal malt beverage licenses of Gates Barbeque, Leawood Tennis Association, King Louie Ranch Mart, and Martin's Finer Foods were approved.

#674

On motion by Councilman Roberts, seconded by Councilman Wise, recommendation for a cost-of-living increase was added to the agenda.

#675

Recommendation for Cost-of-Living Increase: Councilman Wise stated Administrative Order 77-4 specified that at the first Council meeting in December a cost-of-living increase may be presented. She said revised revenue projections would indicate that original projections were conservative; it appeared there would be a difference of approximately \$44,000 between revenues and expenditures. She recommended a three per cent cost-of-living increase in view of the fact that some salaries were somewhat behind what they should be, in view of inflation, and in view of the fact that it was within the budgeted amounts and revenues. The total expense involved would be approximately \$30,000. Mayor Alt stated this would be based on salaries as of December 31, 1977, not January 1, 1978, after the new step goes into effect. Following discussion, Councilman Wise moved for a three per cent cost-of-living increase citywide based on salaries at the end of 1977, to be added to base step pay, effective January 1, 1978; seconded by Councilman Watts. Motion carried.

#695

#697

Recreation Commission Financial Report: Councilman Wise stated a Recreation Commission financial report was distributed.

On motion by Councilman Wise, seconded by Councilman Hodes, recommendation on the audit was added to the agenda.

#699

Recommendation on Audit: Councilman Wise stated the recommendation was for Lester Witte who would get the audit out by April 1; there was an alternate from Haskins and Sells for \$6,800 for completion on April 30. The Hollis, Kuckelman & Van De Veer bid was \$7,800. There was discussion that municipal work by Lester Witte was done in Missouri. Councilman Crippin asked why the firm of a Leawood resident, Franke and Hardin, was not given further consideration. Mr. Lawler said the main reason was they indicated no actual municipal audit. Councilman Crippin said when there was a chance to give a small Kansas businessman some business versus a Kansas City, Missouri, firm, he thought the City should do its best to give it to them. Mr. Lawler said he relied on the recommendation of City Treasurer Pendleton. Councilman Crippin suggested that a check be made concerning the quality of the recommended firm's work in other cities. Following discussion, Councilman Wise moved for approval of the auditing firm recommended pending no adverse reports from cities that have used them; seconded by Councilman Hodes. Motion carried. Mayor Alt asked that Mr. Lawler report to the Council, if only by telephone, before formal action was taken.

#723

At 10:15 p.m., on motion by Councilman Watts, seconded by Councilman Wise, the meeting adjourned to Monday, December 19, 1977, 7:30 p.m.

#725

Eugene E. Alt

 Mayor

Jane Lile

 Council Reporter

Attest:

J. J. Lawler

 City Clerk

173907 2011

December 19, 1977

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, December 19, 1977, at 7:30 p.m., in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, DeKinder, Crippin, Haas, Lyons.

Others present were City Administrator Lawler, Fire Chief Toman, Acting Police Chief Sellers, City Attorney Winn, John Granstedt, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Lyons, seconded by Councilman Haas, the minutes of the meeting of December 5, 1977, were approved as submitted.

REPORTS

Treasurer: No report.

Municipal Judge: Judge Winthrop's report was submitted and approved on motion by Councilman Roberts, seconded by Councilman DeKinder.

#731

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

#732

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

#734

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

COMMITTEE AND COMMISSION REPORTS

#738

Interview of Architect-Building Inspector: Mayor Alt stated interviews for a City Architect-Building Inspector had been held. He said Mr. Lawler did the screening and came up with three candidates, the entire Council was invited to sit in on the final screening, and Mr. Lawler, Councilman Crippin and the Mayor had arrived at a recommendation. It would be a part-time job, it was envisioned that the person holding it would observe regular office hours a certain number of days per week and also be available for emergencies and consultation and to attend Plan Commission meetings as required and Council meetings. Mr. Lawler stated the nominee would be at the meeting at approximately 8:00 p.m. The matter was deferred until he arrived.

#744

Visitors: Ron B. Felkner, John T. Carper, Phil Kline, H. A. Block, Richard Bono, Bob Simon, Gene Kroh, John H. Moffitt, John H. Moffitt, Jr., Sherry Soper. Member of the Press: Shirley Klein.

#750

On motion by Councilmen Lyons, seconded by Councilman Haas, the agenda was changed to consider a special use permit at 8002 Lee Boulevard as the next item of business.

#751

Approval of Special Use Permit - Ron B. Felkner - 8002 Lee Boulevard: Mayor Alt stated this matter involved the home next to the old Kroh office, part of which was in commercial zoning and part in residential. Mr. Felkner expressed his desire to have the special use permit renewed inasmuch as they were interested in using it as commercial space on a quiet basis in an office type procedure. He added it was presently not being used commercially but in their expanding situation the space would be needed in the very near future. Councilman Crippin reported the Plan Commission had recommended approval for one year, but the special use permit as presented to the Council was for three years. Mr. Lawler stated there was also a recommendation to at least change it from three to two and one-half years to coincide with the license. Councilman Crippin moved for approval of a special use permit at 8002 Lee Boulevard for one year; seconded by Councilman Lyons. H. A. Block stated the reason for the recommendation for a one year period was that with the advent of new zoning ordinances hopefully sometime during the year 1978, it was felt that at the end of a one-year extension of the special use permit zoning could be sought and hopefully given to this type of use. Mr. Granstedt stated there was a discussion a year ago with the residents involved and they did not object to the use permit but they did object to commercial zoning. Motion carried.

#766

Authorization to Re-Advertise for City Engineer: Mayor Alt stated because some of the ads did not get out in time it was felt the City should advertise again for a City Engineer.

#768

1978 Salaries: Three sheets had been distributed to the Council. Mayor Alt stated all of the committees and commissions had met and were in agreement with the salaries being recommended; the recommendations were along the guidelines of an administrative instruction concerning a three per cent cost-of-living increase, consideration for a one-step increase, and, where merited, consideration for two steps. Mayor Alt said the salary for Acting Police Chief Sellers was left blank, that he had been moved up one step when he became Acting Chief and it was recommended now that he be moved up another step plus three per cent, which the Mayor computed at \$17,501.00. Acting Chief Sellers stated there were two two-step increases in the Police Department. Mayor Alt stated further everyone would get a three per cent increase on January 1 and would get a step increase on their anniversary date if it were so merited. He added department

heads were not taken/^{through} to the top published in the ordinances. Chief Toman stated there was one double step increase in the Fire Department, recommended to be effective in October. Mr. Lawler stated there was one double step increase in the Administrative Department and one in Public Works. The sheets showed the date each increase was to go into effect. Mr. Lawler stated the salary of the Financial Clerk under the step plan went to \$1,005.00 per month exceeding that shown in the ordinance, so there was also an ordinance to make that change. Acting Chief Sellers said two in the Police Department exceeded the ordinance figures. On motion by Councilman Roberts, seconded by Councilman Wise, the 1978 salary program was approved. In response to inquiry by Councilman DeKinder, Mayor Alt stated major revision of the salary ordinances and pay ranges would be studied by the Administrative Committee and department heads by February 15.

#787

Approval of Employment of Architect-Building Inspector: Mr. Lawler introduced Robert Sanders, 9111 Delmar, Prairie Village, the candidate recommended to the Council for appointment, and summarized his educational background and experience. Mr. Lawler said Mr. Sanders' experience in urban planning and his engineering background would bring to the City a wealth of knowledge, experience and capability which the City currently lacked. Mr. Lawler stated the salary agreed upon with the applicant was \$15,000 plus a transportation allowance of \$200 per month. He said at the present time in excess of \$10,000 was being paid for building inspection, plus payment to Mr. Granstedt, and additional fees, totaling about \$15,000 per year. Mr. Lawler said there would be definite office hours. In addition, it was understood since this was a situation where there was no experience to actually judge exactly how much time was involved, the City would go into the arrangement for a period of time and allow the candidate to keep accurate time records; if there was need for adjustment it would be brought back to the Council. On motion by Councilman Wise, seconded by Councilman Haas, the recommendation to employ Robert Sanders as combination City Architect and Building Inspector at the salary and on the conditions outlined by Mr. Lawler was accepted. Mayor Alt thanked John Granstedt for the services he had rendered the City over the many years. He said Mr. Granstedt had done an excellent job for the City and the City was looking for a transition period making use of Mr. Granstedt's vast knowledge and experience with the City.

#802

#806

Councilman Crippin moved that the agenda be revised to take up at this time the matter of the subdivision regulations since Mr. Block, representing the Plan Commission, would have to leave; seconded by Councilman Wise. Motion carried.

Councilman Hodes entered the meeting at 8:04 p.m.

#808

Discussion of Subdivision Regulations: Councilman Crippin stated copies of a Revised Preliminary Draft of Subdivision

December 19, 1977

Regulations had been distributed to councilmen. He stated the Plan Commission and Mr. Kellenberg had gone over the subdivision regulations at several meetings, held a public hearing, and forwarded a recommendation to the Council to adopt the regulations. Councilman Crippin moved that the subdivision regulations be placed on first reading; seconded by Councilman Wise. Mr. Block was present to assist in answering questions. Mr. Block stated the Plan Commission recommended that this particular document not be adopted finally until the zoning regulations also were prepared because of conflicting verbage, definitions, etc. He added they could be handled separately but needed to be enacted at the same time; previously, the zoning regulations and subdivision regulations had been one document. He stated there were almost no radical changes from the existing subdivision regulations in the City. He said the major street plan was referred to and was an integral part of the subdivision regulations. Mr. Johnson said this document should include the new street construction standards which were part of the subdivision regulations but which were presently a separate ordinance. He added the major street plan referred to in the subdivision regulations was a major revision to the comprehensive plan and as such would require a public hearing to adopt the major street plan. He said the subdivision regulations referred to it only in the form of the type of street that may abutt or penetrate a subdivision, so it was a reference point as far as the subdivision regulations were concerned. He said there were other things referred to in the subdivision regulations which had not been passed or even documented, one of which was street lighting standards. He said developers were quite concerned that the City might place a moratorium on the submission of subdivisions, hopefully the subdivision regulations before the Council would give direction to the developers and it was hoped they would submit plats to conform to the new regulations rather than try to get in under the old regulations. There was discussion as to whether or not the subdivision regulations should be put on first reading at this time. Mr. Block said it was hoped the zoning regulations would be ready for Council consideration in February. Councilman Crippin said he would hope that some kind of an ordinance could be drafted to go ahead and repeal those sections within the existing zoning and subdivision regulations that applied to this, even if just by reference; because there were some things which would be valuable for the City to have in terms of guidelines, requirements, etc. He said he would withdraw his motion if the second would be withdrawn but with the hope that the City Attorney would be able to come forth with some innovative legal document or ordinance wording in order to get this thing passed so that sometime within the next month it could be put on first reading. Mr. Block said the intention in bringing it before the Council at this time was that by having the Council express either pleasure or displeasure then all of the developers could be referred to this document as the true intent of the City Council. There was discussion that it was not in form for even a first reading since it did not have sections to be repealed. The second and motion for first reading were withdrawn. Councilman Lyons said he thought to force compliance

#838

with things that may or may not be enacted was somewhat misleading. Councilman Crippin recommended that the Council review the subdivision regulations; he said work done toward getting them in legal form would be investigated in the next two weeks. Mayor Alt urged that the Council read the subdivision regulations and expressed the hope that once they were presented that the Council not try to rewrite them at the Council table. City Attorney Winn stated it would be difficult to go through and pick up every conceivable inconsistent definition or problem but some of that may be cured by simply indicating that anything in conflict was also repealed, as a stopgap measure. Mayor Alt referred the subdivision regulations to the City Administrator, the City Attorney, and Mr. Block for consultation to see what could be done by the next Council meeting.

#850

Authorization of Purchase of Nine Mobile Radio Units for Public Works, Fire Department, and City Administrator, Total Cost \$11,308.40, to be Paid from Capital Improvement Account: Councilman Crippin stated the various alternatives had been explored and it came down to a government frequency connected with the police communications set-up. He said what would be done would be to go ahead and make the necessary improvements to that system, which he understood were minor, and then order nine mobile radio units; when completed, all public works, fire and police vehicles would be on one frequency. On recommendation of the staff, Councilman Crippin moved that the City proceed to obtain the radios; seconded by Councilman Wise. There was discussion that the \$11,308.40, including installation, would come from the Capital Improvement Account. Motion carried.

#860

Insurance Report: Councilman Lyons said it was time to look at the City's insurance program for next year both in the health area and the general package. In regard to the health area, he said service by Hartford had been good. He said Hartford did not want to requote the rate until probably the last of March; they forecast a ten to fifteen per cent increase which Councilman Lyons hoped would not happen based on the few claims this year. He said the market had been shopped and probably the other best way to go would be with BMA which would entail a new concept of immediate co-insurance of 80/20. On small claims, employees would pay more money out of their pockets but the City could save a lot of money. The approach would be a radical change. The most an employee could pay per year under the present plan would be \$700 per person, with BMA they could pay up to \$1,100; coverage now was up to \$1,000,000, with BMA it would be \$25,000. Councilman Wise said she personally felt the City should offer prime health coverage to employees. Councilman Lyons said he would recommend that the City leave the health insurance with Hartford until they tell the City what the increase was going to be. Councilman Roberts asked if the City had gotten competitive bids from other companies on the same coverage it was getting from Hartford. Councilman Lyons said they looked at eight or nine companies in addition to

#879

Hartford. Councilman Lyons moved that the City stay with the Hartford Insurance Company on the existing group plan until they give a firm figure as to what 1978 rates would be, at that time re-evaluate it and if it appears that the City was getting the best coverage for the money stay with them; if the Council felt it wanted to change the concept and go with the different kind of plan, it could do that at that time; duly seconded. Mayor Alt said he thought the City should offer prime health as an option and not pay any more on it than it did on other coverage. Motion carried.

#884

George Lucas, agent for Haas & Wilkerson, was present. Councilman Lyons said Mr. Lucas had shopped the market for the types of coverage needed and at competitive rates. A letter dated December 19, 1977, from Mr. Lucas to the City summarized his findings. On real and personal property coverage, Mr. Lucas explained his recommendation to go to lower co-insurance thereby getting a reduction in rates. Councilman Lyons said he was in agreement with Mr. Lucas that the deductible should be raised to \$1,000 which would save \$1,279.00. Mr. Lucas explained that the deductible would not apply to any scheduled items (the same deductible that applies now would continue to apply there), only to the building and those contents not scheduled, such as the contractor's equipment and the miscellaneous property floater. Mr. Lucas pointed out that some of the rates had gone up due to published increased rates on comprehensive general liability. Councilman Lyons said on inland marine the premiums went up a bit because of the increased value of some of the equipment. Councilman Hodes said it was very difficult for the Council having only seen this this evening to determine whether this was a better deal than the City had last year; he did not think the Council could go through this item by item, it was relying on the recommendation of the committee and the Administrative Department. Mayor Alt said the Administrative Department had not seen it. Councilman Crippin suggested that the Council take the recommendation and forward it to the Administrative Department, and perhaps approve it at the December 29th meeting. Councilman Lyons said basically he was recommending that the City stay with Hartford. Mayor Alt said he was concerned that the Council did not have a complete insurance package for comparison. Councilman Lyons said it was difficult to compare with last year because it was done differently. Councilman Crippin moved that the Council accept Councilman Lyons' recommendation and put it on the agenda of the December 29th meeting for approval, and anyone who had any specific questions or wanted further explanation, contact Councilman Lyons or Mr. Lucas prior to that date; seconded by Councilman Haas. Councilman Roberts said the Insurance Committee had not met on this, he did think the City Administrator or someone should have opportunity to review it; he wondered why there were no comparative bids from other companies. Councilman Lyons said the general agent shopped the market. He said Hartford was the only company which would write a total policy. Mr. Lucas said he submitted

#910

#935
 this to eleven or twelve major domestic companies. The matter was discussed. Mr. Lucas said comparing coverage for coverage and dollarwise, if the coverage was fragmented it would cost considerably more. Councilman Lyons said he would recommend on the real and personal property a deductible of \$1,000, and he would exclude libel and false arrest. Councilman Lyons said Hartford would not write liability coverage on playground equipment, that was through Western World. Councilman Lyons recommended that deductibles on automobile comprehensive and collision be increased as proposed by Mr. Lucas. He also suggested that the City go to a quarterly audit on Workmen's Compensation. Motion carried.

#943

On motion by Councilman Wise, seconded by Councilman Hodes, the agenda was changed to consider the Plan Commission items at this time.

#944

Resolution No. 443 - Approving Revised Final Plat - Leawood South Townhouses - 128th and State Line Road: Councilman Crippin reported the Plan Commission forwarded a recommendation of approval of the revised plat; however, it recommended the following changes to the plan: (1) that an additional ten feet of right-of-way be dedicated on State Line Road, and (2) that the plan should show the species, size and quantities of planting materials on the landscape plan. Councilman Crippin said the second item was referring to a complete detailed planting plan for the entire development. Councilman Crippin added that this was normally not a practice in the past and he was at somewhat of a loss as to why the Commission requested the plan in that much detail. Councilman Crippin moved that the plat be approved with the recommendation of the Plan Commission for the additional ten feet of right-of-way on State Line Road; seconded by Councilman DeKinder.

Gene Kroh introduced Dick Bono and reviewed that about a year ago the Plan Commission did approve this overall plan for Tracts G, H, and I, and also approved zoning of Planned Business for the tract on State Line abutting the airport. At that final hearing on the rezoning application, the City requested that an additional fifty feet of right-of-way be dedicated from Overbrook to the Vic Regnier property, which they had done. Mr. Kroh said what they were asking for was a revision of the original plan adding units and changing the street, adding another entrance. Mr. Bono said the reason for the change was they had experienced considerable changes in the desires of the public. He said they found that people were looking for additional privacy and because of the energy crunch they were trying to adjust the configuration of the buildings so they could do better in that regard. Mr. Kroh said at the time the plat was approved they gave the City an additional ten feet of right-of-way starting at 128th and running down to the airport. Mr. Kroh said he was surprised that the requirement of an additional ten feet was included in the recommendation. Councilman Wise said a couple of months ago at a Plan Commission meeting Mr. Johnson stated he was recommending that an additional ten feet of

right-of-way be asked for on State Line Road and she raised the point of procedure whether or not they had to go ahead and submit another preliminary plan or just bring in a final plan. Mr. Kroh said he thought the question was whether or not the official street plan of the City of Leawood called for an additional ten feet of right-of-way; he asked if this was on somebody's suggestion or was it an accomplished fact that the City of Leawood was in a position to demand that they dedicate an additional ten feet in addition to the ten feet given at the time the plat was recorded. Mayor Alt stated sixty feet had been required at the airport. Herbert Johnson said the City of Kansas City, Missouri, was in concurrence with the policy that he had more or less suggested to the Plan Commission that 120 feet of right-of-way be provided along State Line Road from I-435 south to Highway 150. He said the Kroh-Moffitt development would be penalized in this case because if the 60 feet of right-of-way were required the buildings would be 20 feet from the right-of-way, so in effect Kroh-Moffitt would have to re-design that area and move those buildings an additional ten feet to the west. He said the reason a landscape plan was requested was that there was some concern as to the types of trees that would be planted in the landscaping plan, and there was some concern over the drainage. Mr. Kroh said they had their engineer work out a storm sewer plan that had been approved.

#970

City Attorney Winn said in his opinion it was too late at this stage in the proceeding for the City to start asking for additional street right-of-way. He said if the Plan Commission thought that additional width was needed and that was necessitated by the change in plans, then it should have required Mr. Kroh to come back for, in effect, rezoning because it was a substantial variance from the approved plan. At that point, the City could have asked for additional street right-of-way. He said he was assuming that the Plan Commission did not feel that the density or change in configuration was a substantial change from previous plans and that was why they considered an amended final plan.

Mr. Kroh said he believed with 100 feet of right-of-way there was enough room to make a four-lane highway. In answer to inquiry by Councilman Wise, Mr. Bono said there were 36 buildings in the new plan as contrasted to 27 in the old. Mr. Bono said the energy conservation characteristics were significant. Councilman Wise asked how many buildings would be in violation of the setback. Mr. Bono said six. Councilman Hodes said from 27 to 36 units appeared to be a major revision and he would personally not be opposed to that increase in density if the developers would agree to the two specific items on which the Plan Commission had indicated their reservation to the Council. John Moffitt stated in regard to the additional ten feet, if the City wanted to purchase it they would be happy to sell it and scrap the plan. He said if the Council did not want to approve their plan, they would appreciate the Council disapproving it and they would go back and build their original plan. He said on the species and size of landscape plantings they went to the City Architect and asked him to

#1000

make the plan; the City Architect advised them they did not need the plan. He said they had been asked by present town-home owners because of the cost of the common area, the upkeep, and maintenance to increase the density.

Mr. Johnson said it was possible to put a four lane divided highway within a 100 foot right-of-way but on a very restricted basis, and if Mr. Kroh decided that he would like commercial zoning for the shopping center, it would be difficult to provide turn lanes, so he may be penalizing his commercial area in the future by not providing enough right-of-way in that area. Councilman Hodes asked Mr. Kroh if he would consider an additional ten feet in front of the commercial development and leave the existing 50 foot right-of-way where the townhouses were, and the Council would approve the density. Mr. Bono said there was a problem with the five-acre minimum if they dedicated ten feet.

#1020

Mr. Lawler said he was concerned that a plan had been approved and if the commercial site were reduced below five acres so that it was no longer a commercial piece of property, where would the City stand in relationship to liability for damages. He said it was a question too as to the integrity of working relationship with developers, and it seemed to him that the City bypassed the time when it should have been doing this.

#1038

Councilman Wise said she felt the Governing Body had the right to turn it down on the basis that the density was changed. Mr. Johnson said as he remembered the way this was sent to the Council, it was that the Plan Commission approved the revised plan and recommended attaching the comments of the traffic engineer and the planning consultant, he did not think it was specifically the recommendation of the Plan Commission that they had to dedicate an additional ten feet or do the landscaping plan. Mr. Kroh said that was his understanding. Councilman Lyons moved to amend the motion to strike the provision that an additional ten feet of right-of-way be dedicated; seconded by Councilman DeKinder. Amendment failed. The matter was discussed further.

#1077

Mr. Kroh said they would lose six units if they were required to dedicate an additional ten feet of right-of-way. The second and the motion were withdrawn. Councilman Crippin moved to approve the resolution for the approval of the revised final townhouse plan for Leawood South; seconded by Councilman Lyons. Resolution No. 443 was approved by a vote of five ayes, two nays. A copy is attached hereto as part of the record.

#1082

Approval of Two-Year Licensing Agreement for Public Transportation Shelter - 87th and State Line Road: A memorandum to the Council explained that the Kansas City Area Transportation Authority had requested permission to locate a bus shelter west of 8700 State Line Road. Councilman Hodes said he would like a timetable on

construction of the shelter, and he said a company had approached Kansas City Area Transportation Authority with the idea of putting advertising signs on the shelters. Mr. Lawler suggested that language prohibiting such signs be added to the agreement. Mayor Alt asked Mr. Lawler to investigate the signs and the timetable and present this matter at the first meeting in January. Councilman Roberts requested that a sketch of the shelter be presented to the Council.

#1087

Resolution No. 444 - Final Approval of First Plat - Eden Ridge - 123rd and State Line: On recommendation of the Plan Commission, Councilman Crippin moved for adoption of the resolution for final approval of the First Plat of Eden Ridge; seconded by Councilman Haas. Phil Kline distributed copies of the plat. He said the northeast corner of the plat was approximately 1,050 feet west of State Line Road; the main entrance to the subdivision would be High Drive; all of the front building lines showed a setback of 40 feet, and all of the street pavements would comply with the new City standards. Councilman Roberts asked how the streets of Sagamore and Overbrook related to the same streets in Leawood South. Chief Toman said Overbrook would be changed in Leawood South eventually, and probably Sagamore would be involved too. Mr. Kline said the entrance to the school would be approximately 200 feet to the west. He also stated the developers had petitioned to have constructed a four-lane pavement from High Drive to State Line narrowing at the school entrance down to the new 41 foot collector width, and would be amenable to participating in the cost of it. Resolution No. 444 was adopted. A copy is attached hereto as part of the record.

#1102

On motion by Councilman Lyons, seconded by Councilman Hodes, the agenda was changed to consider approval of final statement for 1977 street overlay as the next item.

#1103

Public Works - Approval of Final Statement for 1977 Street Overlay: On motion by Councilman Crippin, seconded by Councilman Lyons, the final statement for 1977 street overlay in the amount of \$69,008.87 was approved.

#1107

Approval of Revised Landscape Plan - Leawood South Plat 6 - 127th and Mission Road: Gene Kroh stated they went to the Plan Commission then had changes made as suggested by the Plan Commission, and at the last meeting it was approved. On motion by Councilman Lyons, seconded by Councilman Roberts, the revised landscape plan for Leawood South Plat 6 was approved.

Public Safety:

#1113

CCIS Request for Matching Local Funds: Councilman DeKinder stated the County Drug Squad had requested matching local funds from the City of Leawood in the amount of \$4,000 to enable the squad to operate through the full year 1978. On

recommendation of the Public Safety Commission, Councilman DeKinder moved that the amount of \$4,000 be provided in matching local funds for the county drug squad; seconded by Councilman Lyons. Councilman DeKinder stated Overland Park was now participating. Acting Chief Sellers stated the money would probably come out of the salary budget. Motion carried.

- #1115 Request for Permission to Solicit Funds - Seventh Day Adventists: Councilman DeKinder moved for disapproval of the quest of Seventh Day Adventists for permission to solicit funds; duly seconded. Motion carried.
- #1117 Bids for Police Cars: Councilman DeKinder reported bids were submitted on police cars for 1978. After consideration of all bids, Councilman DeKinder moved for approval of the bid of Andy Klein Pontiac in the amount of \$26,368.84 covering four full size Pontiacs and two compact vehicles; seconded by Councilman Crippin. Acting Chief Sellers stated the money was budgeted in the 1978 budget. Motion carried.
- #1120 Resolution No. 445 - Supporting the 911 Emergency Telephone System: Councilman DeKinder moved for approval of the resolution; seconded by Councilman Haas. At the suggestion of the Mayor and City Attorney, Councilman DeKinder amended the last paragraph of the resolution to request that enabling legislation be passed by the State Legislature to implement such a system in cooperation with MARC; seconded by Councilman Haas. Resolution No. 445 was adopted. A copy is attached hereto as part of the record.
- #1126 Discussion of Holiday Pay (Time and One-Half) for City Employees Required to Work on City-Approved Holidays: Councilman DeKinder stated presently in the Police and Fire Departments an attempt was made to provide time off to compensate for holidays worked, but that was cumbersome at best and in many cases impossible. He said it was the recommendation of the Public Safety Commission that the pay ordinance be amended to provide for time and one-half, exempting all department heads; total cost was estimated for next year at \$4,800 for the Fire Department, \$4,500 for the Police Department. Councilman Hodes said in view of recent communications from the Police Department, he thought a general salary review needed to take place and that this should be a part of it. Mr. Lawler stated most cities did it this way. Chief Toman explained that all other city employees were given paid holidays and no consideration had been given to employees forced to work on holidays. He said he could not give compensatory time in his department. He said they were trying to get half a day's pay extra for those employees in the Police and Fire Departments who were forced to work on holidays.
- #1142

There was a short recess to reverse the recording tape.

Side 2

#0

Mayor Alt suggested that a recommendation be drawn up for approval at the next regular Council meeting. Councilman Wise said she was opposed to anything at this point on a piecemeal basis. Councilman DeKinder moved that time and one-half for holidays for all city employees with the exception of department heads be incorporated in ordinance revisions ; seconded by Councilman Lyons. Motion carried, Councilman Hodes opposed.

#14

Purchase of Fire Hose: Councilman DeKinder moved for approval of bids for the purchase of fire hose from Ponn Hose Company in the amount of \$4,000 and six nozzles from American LaFrance in the amount of \$1,043; seconded by Councilman Roberts. Motion carried.

CITY ADMINISTRATOR'S REPORT

#22

Kellenberg Invoice for Payment No. 1 for Planning Services Relating to Park Land Acquisition Plan: Mr. Lawler recommended approval of payment No. 1 to Mr. Kellenberg in the amount of \$2,100 which was in accordance with the contract. On motion by Councilman Wise, duly seconded, payment of Mr. Kellenberg's invoice for payment No. 1 for planning services relating to the park land acquisition plan was approved.

#26

Appropriation Ordinances: Nos. 374A and 361S in the amounts of \$109,702.29 and \$2,136.23, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Haas. Councilman Hodes suggested that the amount of insurance premium on the new fire station be checked prior to release of the check in payment of premium, and asked if portable toilet units were still in the park. Mayor Alt requested that Mr. Lawler see that such units were out of the park.

Ordinance:

#55

Ordinance No. 467 - Relating to Release of Two Utility Easements in Leawood South (Second Reading): On motion by Councilman Crippin, Ordinance No. 467 was adopted unanimously.

#58

Ordinance Relating to Parking (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. He said it included the necessary sections to allow the Police Department to enforce no parking in yards, etc.; seconded by Councilman Haas. Councilman Roberts objected to the portion relating to motorcycles, boats, etc. as he felt those things were breeding grounds for flies, mosquitos, rats, and other insects and rodents, and hazardous to children because of sharp protrusions, etc. Mayor Alt asked that any suggestions for revision be submitted to Councilman Crippin prior to the next meeting.

#78

Ordinance Relating to Employment and Merit Increases for City Employees of All Departments (First Reading):

Councilman Crippin stated the ordinance was a result of the Administrative Committee discussion, and moved that it be placed on first reading.

#82 Ordinance Vacating Easement as Shown on Original Plat - Ensley Court (First Reading): Mr. Lawler stated the easement was no longer needed. On motion by Councilman Crippin, the ordinance was placed on first reading.

#86 Ordinance Relating to Establishment of Wage and Salary Schedules (First Reading): Councilman Crippin stated with the cost-of-living increase the total pay of some employees had gone over the salary ordinance. The ordinance presented had been reworded to allow this based on cost-of-living increases. Councilman Crippin moved that it be placed on first reading.

#88 Approval of City Membership - Kansas League of Municipalities: Mr. Lawler stated dues were \$1,554.53. On motion by Councilman Wise, seconded by Councilman Haas, membership in the Kansas League of Municipalities was approved.

#91 Approval of Invoice - Johnson, Brickell, Mulcahy Progress Report No. 3: Mr. Lawler stated the invoice was in accordance with the contract. On motion by Councilman Wise, seconded by Councilman Roberts, the invoice was approved.

MAYOR'S REPORT

#94 Application for Step II Grant: Mayor Alt stated Phil Kline would have the application for Step II grant ready within the week. Councilman Crippin moved that the Mayor be authorized to sign the application for Step II grant; seconded by Councilman Haas. Motion carried.

#97 Stay of Enforcement of Recreational Vehicle Ordinance: Mayor Alt reported that Mr. Winn's statement in front of the court was available in the City Clerk's office along with the document served on the Mayor, and there was a stay of enforcement of the recreational vehicle ordinance until March 6 or 8 granted by the judge at the hearing on December 16th.

Sub-Standard Structures: City Attorney Winn reported some progress was being made on a list of about twelve items concerning a residence.

At 11:05 p.m., on motion by Councilman Lyons, seconded by Councilman Haas, the meeting adjourned to Thursday, December 29, 1977; the time was suggested to be 5:30 p.m. if a quorum could be obtained. The City Clerk was asked to poll the Council by telephone.

#110

Jane Lile
Council Reporter

Attest:

Eugene E. Alt
Mayor

J. J. ...
City Clerk 2393

December 29, 1977

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 5:30 p.m. on Thursday, December 29, 1977, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Crippin, Haas, Watts, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Acting Police Chief Sellers, Treasurer Pendleton, the City Clerk, and the Council Reporter.

Approval of Last December Appropriation Ordinance:
Appropriation Ordinance No. 375-A in the amount of \$74,920.47, providing for payment of certain claims against the City, was submitted.

Councilman Lyons entered the meeting at 5:32 p.m. during discussion of the appropriation ordinance.

City Administrator Lawler said an effort had been made to encumber everything there had been a commitment on even though the check was not included on the final appropriation ordinance. In addition, there was an item later in the agenda of \$7,323 to be authorized to transfer from the capital improvement fund to cover the added audit expense of Workmen's Compensation in accordance with a letter from the City Attorney. The appropriation ordinance was approved on motion by Councilman Wise.

#141

Approval of Insurance Coverage for 1978: Mayor Alt referred to the letter of December 19, 1977, from Haas & Wilkerson to the City, presented by Councilman Lyons at the last meeting. The insurance coverage was discussed. Councilman Lyons said a larger deductible for real and personal property was recommended which would save \$1,279; that the deductible on comprehensive automobile insurance be increased to \$50 and the collision deductible be increased to \$250 to save \$775 per year. Councilman Lyons stated Mr. Lucas recommended an umbrella policy of \$1,000,000. Councilman Lyons explained he had gone to someone he thought was qualified, a competent general agent, and let him put the program together. He said an alternative would have been to hire a consultant. He stated Hartford had taken the whole package except the playground equipment. There was discussion that police professional liability insurance was taken care of under another policy. Concerning the proposed \$250 deductible on collision insurance, Acting Chief Sellers said he thought a little money could be saved based on the previous year's accidents. Mr. Lawler pointed out that public works vehicles were included as well, and he was concerned with the overall picture, the police had been able to stay under that but that was just one department.

Councilman Lyons stated he felt super-low deductibles cost a fortune. Councilman Roberts agreed that a tremendous premium was paid for low deductibles but he also thought the City was remiss if it did not make a study to see what its experience had been on accidents in the past. Mayor Alt reviewed the total premiums from page 3 of the letter. There was discussion that the savings in premium by raising the deductible on collision insurance would only cover three accidents and the City Clerk believed there were more than that in the Police Department last year; Treasurer Pendleton agreed. It was discussed that the present deductible was \$100. Mr. Lawler pointed out that the amount quoted did not include the blanket policy unless the Council wanted to specifically add that.

Councilman Wise moved that the Council approve the insurance program on the basis of getting the \$1,000 deductible for the buildings and contents and going to \$100 deductible on the collision coverage; seconded by Councilman Haas. Councilman Lyons said he would like to include or exclude some of the things talked about last meeting; that is, that it was redundant to have personal injury, libel, slander and false arrest insurance because the City already had it, premium \$791; have a quarterly audit on Workmen's Compensation rather than a yearly audit; that the combined limit of liability on comprehensive general liability be increased from \$300,000 to \$500,000 to conform with limits on other coverage; the Western World coverage would be a stopgap measure to give some coverage on the playground equipment in case something did go wrong out there. Motion carried.

Councilman Hodes recommended that the Committee meet on a more frequent basis and have the information ahead of the time the policies were to expire. Councilman Lyons said he had asked for it in October. Mayor Alt said he would like a comparison made of what was approved at this meeting and what the City should have; for example, he was not sure the City had a public officials liability policy that continued beyond the first of the year. Councilman Wise suggested aggressively pursuing the idea of getting someone on the Insurance Committee who was working in the casualty insurance area and would be willing to critically evaluate it. Councilman Roberts said he thought the City needed to have some competent individual or individuals set up specifications as to what the needs of the City were in insurance and then put it out for bids. Councilman Lyons disagreed. Mr. Lawler said the trend was towards bidding on municipal insurance. He said the City should have a list of the equipment, buildings, etc., determine what the risk potential was, and then determine how much insurance was needed. City Clerk Jinny Oberlander stated the City's inventories had not been updated in some time. Mayor Alt felt there was a need to assess the whole insurance program. Mayor Alt asked the City Clerk to make a comparison of what was just approved as to what the City had and give the expiration dates, as a starting point.

#232

Reference health insurance, Councilman Lyons said his recommendation was to stay with Hartford until the City gets a quote from them. The matter was discussed. Councilman Lyons said he had a five-page letter from Mr. Snyder on group health insurance and he recommended that the City stay with Hartford. Councilman Lyons said the present rates would apply until the thirty days' notice was given, which they had said would probably be at the end of March. Mr. Lawler said if they were willing to extend the insurance without any increase, that was a good deal. Councilman Lyons moved that the City continue on with the present policy until notice was given as to what the new rates would be, if any, for the same coverage; seconded by Councilman Watts. Councilman Wise said she thought there should be an understanding that the City would have some period of time, such as a month, to consider the new rates. Mayor Alt recommended that HMO insurance be a piece of the whole package that would be presented at such time as it was re-evaluated. Councilman Crippin suggested that the Council go ahead and approve the motion and authorize the Insurance Committee to undertake further investigation for any additional plans. Motion carried.

#258

#273

Financial Report: Councilman Wise reported the unencumbered balance as of January 1st would be \$328,861 which was \$15,000 over what was projected in October, and \$100,000 over budget. She reported \$26,742 in sales tax and cigarette tax revenue was received that day from the County. Councilman Wise said franchise tax was about \$12,000 higher than projected; permits about \$4,000 higher than projected; everything else was in line with projections. There was discussion that payment for flood damage had not been received. Councilman Wise stated there was a balance in revenue sharing of approximately \$65,000 out of which the telephone installation bill would come as a 1977 expenditure, so there would be about \$35,000 in revenue sharing. Mayor Alt said he thought the Council needed to encumber some of the surplus next year by having some programs spelled out. Mayor Alt suggested that the auditor make a special audit of the insurance program. Mr. Lawler suggested that funds could be encumbered for the project on 95th Street since there was an engineer's estimate available and for street improvements on 119th, 123rd, 127th and Mission Road, to have a working capital fund so that those projects could be carried on without paying interest. Mr. Lawler also suggested the possibility of setting up a street improvement account. Mayor Alt felt the Council did not have the data to encumber the funds at this meeting. Treasurer Pendleton stated he did not think the Council had to absolutely encumber the funds at this meeting for this year.

#286

#296

#312

Authorization to Encumber Funds in the Amount of \$7,323 to Cover Audit for Additional Workmen's Compensation Premium for 1977, and Authorization to Transfer Funds from Capital Improvement Fund: Councilman Lyons explained that the insurance agent had made a mistake and submitted a payroll figure which was much too low. Councilman Watts moved to

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encumber funds in the amount of \$7,323 to cover audit for additional Workmen's Compensation premium for 1977; seconded by Councilman Roberts. Councilman Lyons emphasized that the Council was not agreeing to pay that amount. Motion carried.

At 6:20 p.m., on motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Tuesday, January 3, 1978, 7:30 p.m.

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Eugene E. Alt
Mayor

June Lile
Council Reporter

Attest:

J. Oberlander
City Clerk