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

A regular meeting of the City Council was held at 7:30 p.m. on Tuesday, January 3, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Haas, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Acting Police Chief Sellers, John Granstedt, the City Clerk, and the Council Reporter.

Minutes - Meeting of December 19, 1977: Mayor Alt suggested that the minutes of the meeting of December 19, 1977, be corrected by changing the word "to" to "through" in the first line of page 2383. On motion by Councilman Haas, seconded by Councilman Wise, the minutes were approved as corrected.

Minutes - Meeting of December 29, 1977: On motion by Councilman Haas, seconded by Councilman Lyons, the minutes of the meeting of December 29, 1977, were approved as submitted.

Visitor: Greg Bangs. Member of the Press: Shirley Klein.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

#329 Ordinance Relating to Parking (Second Reading): Mr. Lawler said he was concerned about application of the definition of "trailer" to Section 14-302.1 and then relating that to the recreational vehicle ordinance. He said there might be a vehicle which would exceed those lengths even though it was authorized as a recreational vehicle to be parked behind the house. Action was deferred until the City Attorney could be consulted.

#341 Ordinance Relating to Employment and Merit Increases for City Employees of All Departments (Second Reading): Mr. Lawler stated previously there was a section that provided for merit increases after 90 days. The new Section 1-1004 provided a standard probationary period of six months to one year depending upon the needs of the department. He called attention to the last sentence of the first paragraph of Section 1-1004 that approval of merit increases shall be made by the Governing Body by resolution, which was inconsistent with actual practice. The Council agreed to delete that sentence. Mayor Alt questioned the meaning of "employees promoted to a higher position or re-classification to a new position may be considered for a merit increase." There was discussion that re-classification applied to moving an employee up from...
probationary status. Mr. Lawler said he believed it would be a step increase rather than a merit increase. The second reading was continued for clarification of that sentence by Mr. Lawler, Chief Toman and Acting Chief Sellers.

Councilman Watts entered the meeting at 7:42 p.m.

### Ordinance No. 568 - Vacating Easement as Shown on Original Plat - Ensley Court (Second Reading): On motion by Councilman Roberts, Ordinance No. 568 was adopted.

### Ordinance No. 569 - Relating to Establishment of Wage and Salary Schedules (Second Reading): Mayor Alt explained the ordinance added a sentence that "Maximum salaries prescribed by City ordinance may be exceeded by the amount of cost of living allowances authorized by the Governing Body." On motion by Councilman Lyons, Ordinance No. 569 was adopted.

### Ordinance No. 570 - Relating to Schedule of Wages and Salaries for Full-Time Administrative Employees (Second Reading): Mayor Alt explained the ordinance increased the maximum salary of the Financial Clerk. On motion by Councilman Hodes, Ordinance No. 570 was adopted.

Ordinance Adopting Subdivision Regulations by Reference (First Reading): Mr. Lawler reviewed five changes to be made to the subdivision regulations as outlined in a memorandum from Fran Farrar dated January 3, 1978. Mr. Lawler stated at the last Plan Commission meeting there was discussion concerning altering lot sizes in residential zones, but there had been no specific recommendation as yet. He said if they did recommend a change from the present requirements, it could affect the subdivision regulations. Mr. Lawler said the discussion concerned increasing lot size by minimum lot dimensions or by a square footage formula. John Granstedt stated storm drainage was a problem because of lack of land for runoff when lots were nearly covered by large houses. He added that court decisions had been handed down relating to being discriminatory against people who did not have as much money as others.

Greg Bangs said some builders would like to see a smaller lot size and less affluent homes in some areas of Leawood so there would be more divergency in the City. Councilman Hodes said he would like to see larger lots or a limitation on the size of the house. He would not like to see a reduction in size of lots. Councilman Lyons said the builders were talking about a matter of economics, he thought the minimum lot size should not be raised, but the Council should give consideration to lowering it. John Granstedt suggested instead of reducing the size of lots that the size remain and if builders wanted to go to small lots they could go to planned unit development as provided by ordinance. The ordinance passed first reading.
On motion by Councilman Watts, seconded by Councilman Wise, the addenda was added to the agenda. Councilman Lyons stated he thought the item on the addenda might be something developers might want to look at. Mayor Alt pointed out that this was for a first reading and that it was sent out with the agenda.

Ordinance Relating to Fees for Plan Examination for Requested Zoning (First Reading): Mayor Alt asked why the first section of the old ordinance was deleted. First reading of the ordinance was continued until the City Attorney could be consulted.

MAYOR'S REPORT

Appointment to Plan Commission: Mayor Alt proposed the appointment of Viron C. Thomas to fill the vacancy created on the Plan Commission by the resignation of Russell Brown. On motion by Councilman Watts, seconded by Councilman Roberts, the appointment of Viron C. Thomas to the Plan Commission was approved.

Discussion of Possibility of a City Sales Tax: Mayor Alt stated he had asked the City Attorney to look into the possibility of a city sales tax. He stated the City was in a position to possibly enact a one-half cent sales tax; while it would not bring in great sums of money at the present time, it would be on the books for future development. Mr. Lawler said the statute had been amended by the 1977 Supplement and basically provided that in any county where there had been an opportunity for a referendum on a countywide sales tax and it had been defeated, then a city would have the authorization to decide whether it wanted to have a city sales tax. He said the Council could declare its intention to impose a one-half cent sales tax or it could be initiated by petition of ten per cent of the voters. He said there was a certain amount of time required to initiate the tax which would be very close to the April election if a declaration of intent were made at this time. Councilman Wise stated she felt it would be important to impose the tax because in the future there may be a significant amount of retail trade in the City, and it appeared that the legislature was going to take the right to do this away from cities. She said she understood the Council could initiate it by charter ordinance. Councilmen Hodes and Watts indicated they would be in favor of such a tax. Mayor Alt stated he would have the necessary papers drawn up for the next Council meeting.

Applications for Chief of Police: Mayor Alt stated he would ask the Public Safety Commission to screen the applications for Chief of Police and make recommendations to the Council for final screening.

At the suggestion of Mayor Alt, Councilman Hodes moved that the Council go into executive session, maximum time 8:45 p.m.,
January 3, 1978

To discuss matters involving possible litigation against the City and personnel matters; seconded by Councilman Watts. Motion carried.

The Council went into executive session at 8:28 p.m. and returned to regular session at 8:45 p.m. The same councilmen were present.

On motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Monday, January 16, 1978, 7:30 p.m.

Mayor

Council Reporter

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

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, January 16, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Roberts, Crippin, Haas, Watts, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Police Captain Becker, City Attorney Winn, Treasurer Pendleton, Martha Heizer, and the Council Reporter.

Minutes: On motion by Councilman Haas, seconded by Councilman Hodes, the minutes of the meeting of January 3, 1978, were approved as submitted.

Presentation of Check from Mayor's Christmas Tree Fund:
Mr. Jim Chase of King Louie Ranch Mart presented to Mayor Alt a check in the amount of $429.60 representing proceeds of the Mayor's Christmas Tree Bowling Tournament. Mayor Alt thanked Mr. Chase for the contribution.

Presentation of Christmas Tree Fund Check to American Heart Association: Mayor Alt then presented the Christmas Tree Fund check to Dr. Joe R. Kimmel for the American Heart Association. Dr. Kimmel expressed his appreciation. Chief Toman commented that if the Heart Association continued their fine job of teaching people to do CPR, fewer people would die of heart attacks. Mr. Chase expressed appreciation for excellent response by the Leawood rescue squad to a heart attack at the bowling alley.

Visitors: John Carper, Marcia Rinehart, George Lucas, Jr., Sherry Soper, Jim Chase, Dr. Joe R. Kimmel, J. E. Middleton.

Councilman Lyons moved to change the agenda to consider the insurance program at this time; seconded by Councilman Hodes. Motion carried.

Discussion of Insurance Program: Councilman Lyons stated he had been asked to summarize the City's insurance program. He stated Mr. Lucas was present to answer any questions in regard to the City's insurance. Councilmen had received a tabulation comparing last year's coverage with the new.

Councilman Wise entered the meeting at 7:40 p.m.

Councilman Lyons commented that the cost for the coming year would be less than the cost of last year for coverage that was as good, if not better. Mr. Lucas said he was in the process of getting a quote on a $1,000,000 umbrella policy which he would like to present to the Council at a later meeting. He said there were some additional credits given
January 16, 1978

by The Hartford this year due to the good experience they had enjoyed over the past year. Mr. Lucas said Leawood's insurance had been submitted to approximately 12 different insurance companies. He said The Hartford was the only company willing to provide a package policy including the coverages needed. Mr. Lucas stated he felt the City had good coverage at a good dollar buy. The insurance was discussed. Mr. Lucas stated the figures he used at 90 per cent co-insurance this year represented the figures used last year for 100 per cent. Mr. Lucas stated it had been proven that if an agency had bid insurance to different markets in his office that did comply with a ruling that it must be bid.

Recommendation for Approval of Public Officials and Employees Liability Coverage: Councilman Lyons moved that the Council approve public officials and employees liability insurance; seconded by Councilman Haas. There was discussion that the cost would be $2,266.44. Motion carried.

Health Insurance: Councilman Crippin inquired about health insurance. Mayor Alt stated he had asked the Insurance Committee to look into the matter and make a recommendation concerning Prime Health coverage. Councilman Lyons said he thought Prime Health should be made available and the choice would be up to the employees. Mayor Alt requested that Mr. Lawler look into the legal requirement to offer health maintenance coverage. Councilman Wise suggested that a representative of Prime Health be asked to make a presentation to the Council. Councilman Crippin said he did not want to take Council time to listen to a salesman; he preferred that the Committee investigate it and come forth with a recommendation.

REPORTS

Treasurer: Mr. Pendleton stated the appropriation ordinance presented was essentially for salaries for January. He said any change in encumbrances of 1977 funds would be presented later for Council approval.

Councilman Roberts moved that the agenda be changed to consider the appropriation ordinance at this time; seconded by Councilman Watts. Motion carried.

Appropriation Ordinance: Appropriation Ordinance No. 376-A in the amount of $68,047.58, providing for payment of salaries, was submitted and approved on motion by Councilman Haas.

Municipal Judge: Judge Winthrop's report was submitted and approved on motion by Councilman Roberts, seconded by Councilman Watts.

Fire Department: Chief Toman's report was submitted and approved on motion by Councilman Watts, seconded by Councilman Lyons.
January 16, 1978

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

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

COMMITTEE AND COMMISSION REPORTS

Ordinance:

Ordinance No. 571 - Adopting Subdivision Regulations (Second Reading): Councilman Crippin moved that the ordinance adopting subdivision regulations be placed on second reading; seconded by Councilman Haas. The regulations were discussed. Regarding public areas and open spaces, Mayor Alt noted the regulations did not contemplate at this time the actual donation of space for park land. Councilman Crippin said some recommendations may come from the Parks and Recreation Committees. City Attorney Winn stated cases now coming down were almost unanimously supporting mandatory dedication of public areas and open spaces, including those supporting cash donations in lieu of land. Mayor Alt commented that the Plan Commission was discussing lot sizes and the possibility of changing lot depth. There was discussion that the Council had approved at the last meeting addition of the words "or that specified in the Zoning Code, whichever is greater" in Paragraph F (1) and (3) on page 26 of the subdivision regulations, and that these additions had been made to three copies of the subdivision regulations. Mayor Alt said sidewalks were required on one side of the street in some cases, that might become a problem as to who pays for repair. Councilman Crippin said sidewalks in most cities were paid for by benefit district. Ordinance No. 571 adopting subdivision regulations was approved by roll call vote. Mayor Alt commended the Plan Commission for a lot of hard work to give the City a set of very good subdivision regulations.

Ordinance No. 572 - Relating to Fees for Plan Examination for Requested Zoning (First Reading Continued): Mr. Lawler explained the ordinance covered those provisions which had been in the zoning code. On recommendation of Mayor Alt, Councilman Wise moved that the ordinance be passed on an emergency basis to fit with the subdivision regulations just passed; seconded by Councilman Watts. Motion carried. On motion by Councilman Watts, Ordinance No. 572 was unanimously approved.

Ordinance No. 573 - Relating to Parking (Second Reading): Mr. Lawler stated he had consulted the City Attorney and felt the last sentence of Section 14-302.1 made adequate exception for recreational vehicles. There was discussion that parking of trucks, buses and trailers on any street was prohibited, except for the purpose of making a delivery.
or pickup, and they were not to be continuously parked between the hours of 11:00 p.m. and 6:00 a.m. Ordinance No. 573 was adopted, Councilman Roberts opposed.

Ordinance Relating to Employment and Merit Increases for City Employees of All Departments (Second Reading Continued): City Administrator Lawler referred to his memorandum distributed to the Council concerning Sections 1-1004 and 1-1005 of the ordinance, and said the proposed ordinance had been revised in accordance with the memorandum, to provide that on or before June 1 of each year proposed merit increases shall be reviewed by the advisory committee or commission of each department. He said Section 1-1005 had been clarified to provide that upon completion of a probationary period of not less than six months nor more than one year, new employees shall be eligible for a one-step increase. Councilman Watts commented that a June 1 deadline for review of merit increases seemed a little late to be included in the budget; he proposed that it be changed to May 1. Councilman Watts moved that the ordinance be approved with the change in the first sentence of Section 1-1004, Merit Increases, to read "On or before May 1 of each year"; seconded by Councilman Lyons. Councilman Wise stated it was not clear under the first paragraph of Section 1-1004 as to who would consider the recommendations from the various advisory committees and in turn make a recommendation to the Council, was it the Budget and Finance Committee? Mr. Lawler said basically what was intended was that department heads take whatever changes were proposed in their department to their respective committee and then whatever the committee finally comes up with was what the department head would include in his recommendation to the budget for consideration by the Council. Councilman Wise said it seemed there should be a clearing house, either the Administrative Committee, which included a representative from each department, or the Budget and Finance Committee, to look at the whole picture before presentation to the Council. Mayor Alt said he felt it would be preferable for the Administrative Committee to do it as it was set up now. Mayor Alt ordered that the second reading be continued so the Council, and possibly the Administrative Committee, could give it more consideration.

Ordinance Governing Special Requests for "No Parking" Signs (First Reading): Councilman Haas moved that the first reading be approved; seconded by Councilman Watts. Councilman Hodes stated 72 hours advance notice was not always possible, as in the case of a funeral, and he felt such an incident should be covered in the ordinance. City Attorney Winn suggested that "unless otherwise waived" be added following "such overtime will be charged to the citizen requesting such signs." Captain Becker asked the City Attorney if current regulations on federal highway signs for a minimum of seven feet from the bottom of the sign to the ground surface would apply to temporary no parking signs. City
Attorney Winn said he would check the statute for application to temporary signs. Mayor Alt asked Captain Becker to get the appropriate wording in the ordinance for the second reading.

Ordinance Relating to Schedule of Wages and Salaries for Full-Time Administrative Employees (First Reading): Mr. Lawler explained that the ordinance was simply to provide for the maximum salaries of City Architect and City Engineer. Mayor Alt suggested that the ordinance state those salaries on a monthly basis to conform with the other salaries listed and that the word "monthly" be added to the sentence above the listing. Councilman Hodes asked what would it take to update all the salaries and have them published at the same time. Mr. Lawler said a general salary review was scheduled to be done by the 15th of February. The matter was discussed. Councilman Hodes suggested that ordinances go to the Ordinance Committee before they come to the Council.

Ordinance Relating to Definition of Work Week for Administrative Employees (First Reading): Mayor Alt said he felt the entire City should be on the same basis for overtime pay, police and public works were on 40 hours and administrative employees should be on 40 hours. Councilman Wise said she thought this should be part of a comprehensive salary policy, and she would like to see the Council go back to the policy of appointing a temporary committee to get some of the work done. She said she was having a hard time figuring out where a lot of these ordinances were coming from, apparently the Ordinance Committee had not seen some of them, and it seemed things were being passed piecemeal. Councilmen Haas and Hodes agreed. There was discussion that the only change being made by this ordinance was for administrative personnel, the others would remain the same. At the suggestion of Councilman Wise, City Administrator Lawler agreed it would be helpful if any ordinance to be submitted actually came as a memorandum to the Ordinance Committee with the reasons as to why it was needed, whether it was an emergency or regular ordinance, then after the Ordinance Committee had a chance to review it, it would come to the City Clerk for inclusion on the agenda. Councilman Haas suggested that ordinances be routed to the City Administrator and then to the Ordinance Committee. Councilman Crippin stated he felt since the Administrative Committee included representatives of the various departments, as well as Mr. Lawler, it was where ordinances should generate. He stated the two councilmen on the Ordinance Committee on occasion had been left to draft ordinances with which they were not familiar. Councilman Lyons stated in the time he had been on the Ordinance Committee the procedure had drastically changed, they used to see everything. Councilman Wise commented that if the Administrative Committee was going to function, it would have to meet on a regular basis. City Attorney Winn suggested that the Administrative Committee meet at least before every Council meeting. Mayor Alt said he would take the necessary
action to see that presentation of ordinances was through proper channels. Councilman Wise reiterated that she hoped the Mayor would consider some ad hoc committees. Councilman Hodes suggested an alternate be chosen for each department representative on the Administrative Committee. The first reading was continued.

Public Safety:

#766 Request for Permission to Solicit Funds - American Heart Association: On recommendation of the Public Safety Commission, Councilman Watts moved for approval of the request by American Heart Association to solicit funds during the month of February; seconded by Councilman Hodes. Motion carried.

#768 Request for Permission to Keep Six Dogs - Teri Lynn Ostroviak - 12320 Mission Road: Councilman Watts reviewed the request for renewal of permit to keep six dogs on an acreage with no other homes within 200 feet of any property line. There had been no complaints during the past year. On motion by Councilman Watts, seconded by Councilman Hodes, the request was approved.

#770 Request for Approval to Purchase Police Radios: Captain Becker presented a revised quotation of $3,949.37 as of January 11 from General Electric for radios to be utilized in the Police Department. He said the original request had been for five, but he could only justify four. Councilman Watts moved for approval of the request to purchase police radios; seconded by Councilman Wise. Captain Becker said the two county frequencies would be utilized in one detective's car and the humane officer's truck, and it was proposed to put both the city radios in the investigative units. Motion carried.

#782 Recommendation re Extension of Crime Prevention Grant: Captain Becker stated this was a crime prevention grant under which the police department was currently working, basically 75 per cent federal, about 21 per cent local, and 4 per cent state. Captain Becker said it was a successful program not only from a fiscal standpoint but also from a community relations standpoint. It was discussed that the cost to the City would be about $2,800. On motion by Councilman Watts, seconded by Councilman Wise, extension of the crime prevention grant for an additional year was approved.

At the suggestion of Mayor Alt, Councilman Wise moved that the City Administrator's report be considered next; seconded by Councilman Watts; motion carried.

CITY ADMINISTRATOR'S REPORT

#789 Consideration of Letter from Director of Transportation, Kansas City, Missouri, Proposing Change in Cost of Operating
January 16, 1978

Traffic Signal at 95th and State Line: Mr. Lawler stated Kansas City, Missouri, was taking over traffic signals within that city from Kansas City Power and Light; in the past Leawood paid a percentage of total maintenance and current. He said Kansas City proposed that they carry the maintenance and Leawood pay the current bill; his investigation revealed that on similar type installations cost of current was $50 per month or $600 per year. Mr. Lawler had been assured that Kansas City would carry total maintenance. Mr. Lawler said he believed it would be an equitable arrangement for Leawood since the City would be paying out less than it was now. Mayor Alt suggested that Mr. Lawler go ahead and get the agreement drawn up, checked out, and perhaps the Public Safety Commission would want to look at it.

#801 Approval of December Billing of Johnson, Brickell, Mulcahy:
Mr. Lawler stated the December billing of Johnson, Brickell, Mulcahy & Associates in the amount of $2,525 was in accordance with the contract, and he recommended approval. On motion by Councilman Watts, seconded by Councilman Haas, payment to Johnson, Brickell, Mulcahy & Associates in the amount of $2,525 for the December billing was approved.

MAYOR'S REPORT

#803 Resolution No. 446 - Relating to Retailer's Sales Tax:
Mayor Alt reviewed that there had been a countywide election in November to determine whether or not there would be a countywide one-half cent sales tax. It was not approved, although the voters of Leawood voted in favor of such a tax. He said there was some indication that the State Legislature may take away the power of cities to impose a half cent sales tax. He said at the last meeting there was an expression by some council members that the Council look into imposing a half cent sales tax in the City of Leawood. While the tax at this time would not bring in a great amount of money, as the City expanded and added more retail business, it would add to revenues and it would be used to offset ad valorem taxes.

City Attorney Winn stated the City of Overland Park's authority for levying a local citywide sales tax stemmed from a different state statute than he had set forth in the resolution presented; it provided for them to charter into it and the only way to defeat it would be by protest. He said as a result, Overland Park was involved in litigation by people who contended the city did not have the right to use that method. Mr. Winn said it seemed to be more advisable, in view of the cloud over that situation, to use the straightforward method and submit it to a vote of the electors.

Mayor Alt stated from his investigation he would estimate that a one-half cent tax would bring in $50,000, or one mill at the present assessed valuation. Mayor Alt recommended
that the resolution be passed. There was discussion that the date of the election should be filled in as April 4. The matter was discussed.

Councilman Wise moved for approval of the resolution with the change in paragraph 3 to January 1, 1979 for the tax to be effective so it could be budgeted; seconded by Councilman Roberts. Councilman Hodes pointed out a typographical error. Councilman Crippin said he thought this was a critical matter and people were not normally used to voting themselves additional taxes; he was not sure the people of Leawood would vote themselves another tax. He said he felt there should be quite a bit of publicity to show why the Governing Body was justifying adding the half cent sales tax. Councilman Wise said it would be publicized in the newsletter. She said there was fairly strong sentiment in Leawood for the sales tax as a method of taxation as opposed to property tax. Councilman Crippin said he would like to see it passed and would like to use the best method to get it passed. The matter was discussed. City Attorney Winn said he thought there should be more than just an article in the newsletter; he suggested a sales tax committee be organized. Resolution No. 446 was unanimously adopted. A copy is attached hereto as part of the record.

At the suggestion of Mayor Alt, Councilman Hodes moved that the Council go into executive session to discuss matters that could possibly result in litigation, to resume regular session by 10:00 p.m.; seconded by Councilman Haas. Motion carried.

The Council went into executive session at 9:46 p.m. and returned to regular session at 10:00 p.m. The same councilmen were present.

Councilman Lyons moved that the City of Leawood intervene in the pending lawsuit involving Water District No. 1 that was begun by the City of Lenexa and involved other cities and private industries; seconded by Councilman Roberts. Councilman Lyons stated he felt the Council owed the citizens a duty to do what it could to protect their interests. City Attorney Winn emphasized that when the City entered this lawsuit it would be intervening on its own behalf as a purchaser of water from Water District No. 1. Motion carried.

At 10:05 p.m., on motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Monday, February 6, 1978, 7:30 p.m.
Minutes of a scheduled regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was scheduled to be held at 7:30 P.M. on Monday, February 6, 1978, in the Police and Court Building, 9617 Lee Boulevard. Mayor Eugene E. Alt presided. Roll call was answered by Councilmen Wise and Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Police Capt. Sellers; City Clerk Jinny Oberlander, and a visitor, Mr. Keyes.

Mayor Alt announced that, due to lack of a quorum, the meeting could not be held. On motion of Councilman Wise, seconded by Councilman Hodes, the meeting was declared adjourned. The Mayor indicated a special meeting would probably be called for Monday, February 13, 7:30 P.M.

(Note for the record: The recording system was not used.)
Minutes of a special meeting of the City Council of the City of Leawood, Kansas.

A special meeting of the City Council was held at 7:30 p.m. on Tuesday, February 21, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Mayor Alt read a request for a special session to be held on February 21, 1978, for the purpose of handling the agenda attached, signed by councilmen present. Roll call was answered by Councilmen Wise, Roberts, Crippin, Haas, Lyons.

Others present were City Administrator Lewler, Fire Chief Toman, Acting Police Chief Sellers, City Attorney Winn, City Architect Sanders, Herbert Johnson, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Haas, the minutes of the meeting of January 16, 1978, were approved as submitted.

Visitors: Bob Sparks, Saul Ellis, Marcia Rinehart, Jen Funk, John Carper, Paul M. Bertrand, Linda Love and David Love.

Member of the Press: Shirley Klein.

Councilman Wise moved that a report on telephone service be added to the agenda; seconded by Councilman Haas. Motion carried.

Report on Telephone Service: Frances Farrar, Assistant City Administrator, explained the new telephone system. She said the console operator manually transferred all calls other than administrative 5555 calls without going in on the line. She said there was a problem in that when the lower five trunks were busy, incoming calls dialed 5555 came in on the board and showed FIRE because they were coming in on the two access lines for the Fire Department. Therefore, some administrative calls were going to the Fire Department. Also, when the Public Works and Mayor's night numbers were busy, those calls came in to the Fire Department. Mrs. Farrar said a decision was needed as to whether the console operator should answer all incoming administrative fire and other administrative calls as City of Leawood and then transfer the fire calls, or isolate the two trunks designated for the Fire Department and add two additional trunks to the system. Mrs. Farrar recommended that the console operator answer incoming administrative calls for the City and the Fire Department. She said there was a telephone study scheduled for the entire month of March and another in May.

Mrs. Farrar then reviewed a memorandum dated February 21, 1978, concerning remaining problems with the telephone system. Councilman Wise asked if the four specific things discussed at the Administrative Committee meeting were taken care of. Councilman Crippin said he thought the Council
should be aware of the discussion at the Administrative Committee meeting. He said it was discussed since there was capacity in the system, that all administrative calls should come through the central system. There was discussion that since two lines were reserved for police administrative calls yet police and other departments were using the remainder of the lines for outgoing calls, it restricted the number of lines available for the rest of the City. Mrs. Farrar said further central answering of police administrative calls would not be of benefit since the police clerk was handling most of those calls anyway. Mr. Sparks of the telephone company said a problem had arisen with the fact that the Police Department had recorders on two of their trunks and there was no way to control a recording device on a selective basis. He said the Police Department lines were carrying a substantial number of incoming calls, and the study made the second week the system was installed did not indicate any incoming busy problems on the administrative lines.

Mr. Lawler said it amounted to whether the Council wanted all of the administrative calls to come through the console and be transferred to the appropriate departments, contrasted to having lines reserved for them, making more lines available for the City as a whole. Councilman Haas said that was the way he understood it was to be set up and any basic changes in the system were to come to the Telephone Committee. Mr. Lawler said he thought the telephone company should be advised that no changes were to be made unless they came through the City Administrator's office, and nobody else in the City was to make any purchases of telephone equipment. Mayor Alt said he would ask that the Telephone Committee take a look at the situation with Mr. Lawler and the two Chiefs and handle the matter. Mr. Lawler said the general recommendation of the telephone representative was that the two lines tied up with administrative calls to the Fire Department would be better answered as administrative calls of the City. He said another problem was that the power goes off and destroys the programming, then someone has to reprogram it. A practical solution would seem to be to teach someone who has access to reprogram it. He suggested the Fire Department because they were accessible and were there 24 hours a day. Councilman Haas suggested that the Telephone Committee meet the next morning with all departments. Mayor Alt suggested that the Telephone Committee then make recommendations to the Administrative Committee. Mrs. Farrar emphasized that every report of inoperable equipment or request for service be centralized through the console operator.

COMMITTEE AND COMMISSION REPORTS

Ordinance No. 574 - Relating to Employment and Merit Increases for City Employees (Second Reading Continued): Mr. Lawler reviewed the ordinance. On motion by Councilman Crippin, Ordinance No. 574 was adopted unanimously.
Ordinance No. 575 - Covering Special Requests for "No Parking" Signs (Second Reading): Mr. Lawler said wording discussed at the last meeting had been added. Acting Chief Sellers said it was his understanding that sign size and height did not apply to emergency no parking signs. City Attorney Winn said he thought the criterion would be reasonableness of visibility. On motion by Councilman Crippin, Ordinance No. 575 was adopted unanimously.

Ordinance No. 576 - Relative to Schedule of Wages and Salaries for Full-Time Administrative Employees (Second Reading): Mayor Alt stated the ordinance added the City Architect/Building Official and changed the salary to minimum and maximum monthly amounts. On motion by Councilman Crippin, Ordinance No. 576 was adopted unanimously.

Ordinance Relating to Definition of Work Week for Administrative Employees (First Reading Continued): Mayor Alt requested that the first reading be continued.

MAYOR'S REPORT

Appointment to Board of Zoning Appeals: Mayor Alt proposed the appointment of Ronald Bonjour, a member of the Plan Commission, to serve on the Board of Zoning Appeals for the unexpired term of J. Calvin Spradley. On motion by Councilman Crippin, seconded by Councilman Lyons, the appointment was approved.

CITY ADMINISTRATOR'S REPORT

Final Statement of Building Inspector Taylor Brady: Mr. Lawler reported the statement included all of the building inspections in progress at the time Mr. Brady's term ended, and totaled $2,635.00. Mr. Lawler recommended approval. On motion by Councilman Haas, seconded by Councilman Roberts, the final statement of Taylor Brady was approved.

January Invoice and Progress Report of Johnson, Brickell, Mulcahy and Associates in the Amount of $1,500: Councilman Crippin moved for approval of the invoice; seconded by Councilman Haas. Mr. Lawler suggested that it was a redundancy to resubmit each payment when the Council approved the contract for a fixed sum at the outset. The Council agreed. Motion carried.

OLD BUSINESS

License Agreement - Kansas City Area Transportation Authority Bus Shelter: Mr. Lawler said pictures of the proposed shelter had been distributed. Councilman Wise moved that the license agreement be approved; seconded by Councilman Roberts. Mr. Lawler explained there would be only one shelter, on the west side of State Line Road across from Ward Parkway Shopping Center. Councilman Wise moved to amend the motion to add
February 21, 1978

that the Council approve the license agreement contingent upon receipt of the legal description of the location; seconded by Councilman Haas. Amendment carried. Motion as amended carried. Mayor Alt designated the City Architect to see that the structure was in accordance with the specifications.

NEW BUSINESS

#985 Resolution No. 447 - Relative to Renovation of Leawood Sewer System: City Attorney Winn explained the work had been authorized previously but the resolution needed to be updated. Mayor Alt said Mr. Kline would have the application ready within the next week. On motion by Councilman Roberts, seconded by Councilman Wise, Resolution No. 447 was unanimously approved. A copy is attached hereto as part of the record.

#989 Resolution No. 448 - Relative to Handling Costs on Certain Legal Documents: Councilman Crippin moved that the resolution be adopted; seconded by Councilman Haas. City Attorney Winn explained that when the City was given a deed, or there was an ordinance accepting a private right-of-way, or something done at the request of someone other than the City, that party would pay the out-of-pocket expense associated with filing or publication. Councilman Crippin stated the procedure set out was proper procedure for any city. Resolution No. 448 was adopted unanimously. A copy is attached hereto as part of the record.

#996 Appropriation Ordinances: Nos. 377-A and 363-S in the amounts of $137,109.03 and $11,174.91, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Wise.

#999 Minutes - Meeting of February 6, 1978: On motion by Councilman Wise, seconded by Councilman Haas, the minutes of the meeting of February 6, 1978, were approved as submitted.

#1001 Resolution No. 449 - To Approve Major Street Plan as Amendment and Addition to Leawood Comprehensive City Plan: Councilman Crippin stated the Plan Commission had reviewed the major street plan prepared by Johnson, Brickell, Mulcahy and Associates and were recommending to the Council that the Council approve by resolution the major street plan as an amendment to the comprehensive city plan. Councilman Crippin moved for adoption of the resolution; seconded by Councilman Wise. Councilman Crippin explained that the resolution was to indicate to the Plan Commission and to the City that the Council sanctions the amendment and adopts it as its own policy rather than leaving it only to the Plan Commission. Resolution No. 449 was unanimously adopted. A copy is attached hereto as part of the record.
House Bill 2681 and Senate Bill 571: Mayor Alt stated he would mail to the Council a list of tax bills. City Attorney Winn said five or six bills pertained directly to the existing tax lid or an attempt to bring in a budget lid along with some type of state revenue sharing.

REPORTS

Treasurer: No report.

Municipal Judge: Judge Winthrop's report was submitted and approved on motion by Councilman Roberts, seconded by Councilman Wise.

Fire Department: Chief Toman’s report was submitted and approved on motion by Councilman Wise, seconded by Councilman Haas. Councilman Lyons questioned the need for the Council to approve department reports. Mayor Alt suggested that in the future the reports be approved in one motion.

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

Administrative Department: Mr. Lawler’s report was submitted and approved on motion by Councilman Wise, seconded by Councilman Haas. Councilman Haas suggested that the report of time spent be eliminated in the future as it served no useful purpose.

COMMITTEE AND COMMISSION REPORTS

Insurance Committee - Approval of Invoices: Councilman Lyons stated the invoices were submitted pursuant to Council approval of the insurance program, and moved for approval; seconded by Councilman Haas. Councilman Lyons reviewed the invoices. Mr. Lawler explained that premiums exceeded the budget by $2,208.18 which should be transferred from the contingency account. Councilman Lyons emphasized that the City was not being billed for more than the Council approved. Motion carried. Councilman Lyons said Mr. Lucas had been out several times and many of the prior insurance problems were being taken care of.

Public Safety - Request for Permission to Solicit Funds - Christian Record Braille Foundation, Inc.: Councilman Haas stated the dates requested were January 20 to February 20 which were past, the application was filled out improperly, and it was obvious that it was not a non-profit organization. On recommendation of the Public Safety Commission, Councilman Haas moved that the request be denied; seconded by Councilman Wise. Motion carried.

Public Safety - Request for Permission to Conduct Walk-A-Thon - National Foundation - March of Dimes: Councilman Haas stated the route had been approved by Acting Chief Sellers and the Public Safety Commission recommended that permission be granted.
Councilman Wise moved that permission be granted for the National Foundation - March of Dimes to conduct a Walk-a-Thon; seconded by Councilman Roberts. Motion carried.

Public Works:

Authorization to Engage Johnson, Brickell, Mulcahy and Associates to Prepare Preliminary Plans and Cost Estimates for 95th and Mission Road Improvements: Councilman Crippin stated there had been meetings with representatives of Prairie Village and Overland Park and it had been determined that the City of Leawood should go ahead and commission Johnson, Brickell and Mulcahy to prepare the preliminary plans and cost estimates for the project. Mr. Lawler explained there had been correspondence from the Director of Public Works and Transportation of Overland Park in which he had indicated he felt application should be made to the county to participate in the engineering cost, the cities would still participate equally in engineering and all other costs beyond the county portion. Councilman Crippin moved that Johnson, Brickell, Mulcahy and Associates be employed by the City of Leawood to prepare the preliminary plans and cost estimates for 95th and Mission Road improvements in accordance with a cost sharing plan which had previously been approved by the official representatives of the cities; seconded by Councilman Roberts. Motion carried. Leawood is to prepare the inter-local agreement. Leawood's portion of the project is to be directed by Mr. Lawler with the help of Mr. Johnson.

Authorization to Engage Johnson, Brickell, Mulcahy and Associates to Prepare Preliminary Plans and Cost Estimates for Improvements to Somerset: Councilman Crippin reviewed that prior councils had considered the intersection of Somerset and Lee Boulevard to be one of the high priority items as far as traffic improvement was concerned. Prairie Village had contacted the City to discuss extending improvements of Somerset east from Wenonga to Lee Boulevard and improving that intersection on a cost sharing basis between the two cities. Mr. Crippin said Larkin & Associates was working for the City of Prairie Village. Councilman Crippin stated the Public Works Commission had recommended that the firm of Johnson, Brickell, Mulcahy and Associates be employed to give Leawood professional representation as well as to study the design of the Somerset and Lee intersection. Councilman Crippin explained that when the intersection was improved there was the possibility that quite a bit of the parking that currently exists would be removed and there was the chance that the City might be forced into providing that parking at some other location or at least working something out so the parking could remain, consequently there was an extensive amount of work involved in laying out the intersection. A proposal was presented to councilmen indicating work to be undertaken by the Johnson firm at a cost not to exceed $4,000. Mr. Johnson explained that the intersection of Booth roughly over to Sagamore was...
in a priority list to obtain FAU funding which would involve the county, federal government, and cities on a cost-sharing basis. Mr. Johnson said it was a question of allocating the cost sharing between the two cities and determining what were the proper design standards for the area, and how parking could be provided for the existing commercial development. He said there was a remote possibility that some share of the parking could be federally funded. Councilman Crippin moved for approval of the proposal to engage Johnson, Brickell, Mulcahy and Associates to give Leswood professional representation in the improvement of Somerset and to make a study of the intersection at Somerset and Lee Boulevard as part of the overall improvements; seconded by Councilman Haas. In answer to inquiry by Councilman Lyons, Councilman Crippin stated the Somerset project had been moved to the top of the priority list. He said in the next budget year the City would need to plan how this would be financed. The matter was discussed. Councilman Crippin added he thought employment of the Johnson firm was essential. Motion carried.

Councilman Crippin moved that discussion of information relating to a benefit district on 123rd Street be placed on the agenda; seconded by Councilman Wise. Motion carried.

Discussion of Benefit District on 123rd Street: Councilman Crippin stated there was some question as to how far the improvement of 123rd Street should be extended, and it appeared that it could be brought to Lot 11 of Eden Ridge. City Attorney Winn said he had a petition from the owners of Eden Ridge and expected a petition from Mr. Williams, the school district had indicated approval in concept, and the only question was that the petition as now submitted contemplated a roadway going on for 3100 feet west of State Line which would take it past the last street in Eden Ridge. Councilman Crippin said he thought the Nichols Company was waiting to see what the City was going to do. He said 123rd Street could be re-routed through Nichols property which he felt made a much nicer subdivision and worked out much nicer with the school property. Mr. Winn said presuming the other petitions came in, by the next meeting he would be ready to submit to the Council a resolution creating a benefit district.

City Attorney Winn read a list of assurances on street design and safety which the school district wanted in writing before their next board meeting. City Attorney Winn will prepare a letter for the Mayor's signature generally indicating that all of the things mentioned either were or will be satisfactory and that they can meet and work with the City's traffic engineer and design it the way they want it for their school. Mr. Johnson said he could see no conflicts with their requests. City Attorney Winn said in order for the street to go north, some manipulation would have to be done, possibly negotiating with those people in Leawood South who back up to the street that they either be in a benefit district or
consider giving a deed to the right-of-way so the roadway could be shifted to the north. The matter was discussed. On motion by Councilman Wise, seconded by Councilman Crippin, the Mayor was authorized to respond to the school. Motion carried.

Report on 119th Street: City Attorney Winn reported the asphalt was bid, a bid on rock blasting was expected, and they would be under way on a private basis very soon. There was discussion that the improvement went through the intersection at Mission Road.

MAYOR'S REPORT

Appointment of Assistant City Engineers for Storm Drainage and Street Improvements: Mayor Alt stated from time to time there were some conflicts of interest in connection with having the city engineer examine drainage, roadways, etc. because in many cases his firm was doing the work for the people seeking approval. In order to give additional flexibility, he proposed that Johnson, Brickell, Mulcahy and Associates and Larkin & Associates be appointed as Assistant City Engineers. On motion by Councilman Wise, seconded by Councilman Roberts, the appointments were approved. Mayor Alt clarified that he did not intend that the appointments be limited necessarily to storm drainage and street improvements, but that they be used as the Council sees fit. Mr. Robert Van Wye of Larkin & Associates reviewed the qualifications of the engineering firm. He said practically all of their work was for public agencies.

Publicity Committee for One-Half Cent Sales Tax: Mayor Alt stated he had appointed Councilman Wise, chairman, Marcia Rinehart, Jen Funk and John Carper as a committee to work on publicity for the one-half cent sales tax.

Senate Bill 768 and House Bill 2772: Mayor Alt stated these bills made the Public Employer Relations Act mandatory on all public employers. It is presently optional except for the state. On motion by Councilman Roberts, seconded by Councilman Wise, the Mayor was authorized to write representatives opposing these bills.

House Bill Authorizing Cities to Levy One-half Mill for a Fund for Purchase of Equipment for Construction and Maintenance of Streets and Highways: There was discussion that there was already statutory authority to levy such funds. City Administrator Lawler stated he thought present authority was for street improvements as contrasted to equipment.

There was a short recess to change the recording tape.
Annual Contract for Photocopy Machine: Mr. Lawler stated the reason this was submitted to the Council was that the previous contract for a photocopy machine was on a month-to-month basis while the proposed arrangement was on an annual basis with thirty-day cancellation provision. The fee would be $210 per month up to 6,000 copies, for each copy over that it would be 1.9 cents per copy. There was discussion that the copier would be placed in the City Clerk's office, which would mean that the only copier in the Police and Court Building would be in the Police Department and administrative employees were not allowed in the police department. Acting Chief Sellers and Mr. Lawler will work this out. On motion by Councilman Lyons, seconded by Councilman Haas, the Mayor was authorized to sign the annual contract for a photocopy machine.

Consideration of Traffic Signal Improvement - 103rd and State Line: Mr. Lawler said last year the Public Safety Commission had recommended a change in the traffic signals at 103rd Street and State Line to the extent that plans were submitted, a work order was approved by the Council and returned to Kansas City Power & Light Company, and the City had a letter of acceptance. In the final acceptance letter they included a requirement for $2,558.00 which involved a differential cost under the terms of the franchise, cost of removal, and credit for salvage value. Mr. Lawler said that figure had not been included in any of the correspondence up to that point so there was nothing in the budget for it and in order to spend that amount of money and proceed with the improvements, an authorization was needed to make the expenditure from contingency funds. City Attorney Winn will review the matter.

Councilman Wise moved that the ordinances providing for the establishment of the Administrative Committee be placed on the agenda; as well as the hiring of a clerk in the Administrative Department; seconded by Councilman Haas. Motion carried.

Ordinance Providing for the Establishment of the Administrative Committee (First Reading): Councilman Crippin moved that the ordinance be placed on first reading.

Discussion of Hiring a Clerk in the Administrative Department: Mayor Alt stated it was the thought of the Administrative Committee that someone should be hired to operate the telephone console. Councilman Wise stated it was the feeling of some that a study of the organizational structure of the City was badly needed and should be given top priority. The need for hiring an additional person to handle the console was discussed. Councilman Wise moved that the Council authorize Frank Lawler to advertise for an additional clerk in the Administrative Department to assist with clerical duties and answering of the phones; seconded by Councilman Lyons. Motion carried.
Ordinance Relating to Standing Committees (First Reading): Councilman Crippin moved that the ordinance relating to standing committees be placed on first reading. Mr. Lawler stated this ordinance substituted the new administrative committee provisions.

Councilman Wise stated copy for the next newsletter would be presented at the next Council meeting. She asked councilmen to let her know if there was anything they wanted in the newsletter. Councilman Wise requested that Council packets be sent to the three unopposed candidates for the Council.

At the request 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 10:30 p.m.; seconded by Councilman Roberts. Motion carried.

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

On recommendation of the Public Safety Commission, Councilman Haas moved that Acting Chief Al Sellers be promoted to the permanent rank of Chief of Police of the City of Leawood, salary to be determined at a later date; seconded by Councilman Roberts. Motion carried unanimously. Councilman Haas moved that the effective date of Captain Sellers' promotion to permanent Chief of Police of the City of Leawood be made Wednesday, February 22, 1978; seconded by Councilman Roberts. Motion carried. Councilman Wise suggested that background information on Chief Sellers and pictures be submitted to the press.

At 10:35 p.m., on motion by Councilman Haas, seconded by Councilman Lyons, the meeting adjourned to Monday, March 6, 1978, 7:30 p.m.
Minutes of a regular meeting of the City Council of the City of Leswood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, March 6, 1978, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council Kent E. Crippin presiding in the absence of the Mayor. Roll call was answered by Councilmen Wise, Roberts, Crippin, Watts, Lyons. Councilman Hodes arrived just after the roll call was completed.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Architect Sanders, Bob Sirchia, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Lyons, the minutes of the meeting of February 21, 1978, were approved as submitted.

Visitors: Jen Funk, Sherry Soper, Marcia Rinehart, John Carper, Robert Van Wye, Gene Elsas, John L. Carey, Donald W. Jones, Bill Prelogar, Jr., Mr. and Mrs. R. H. Sailors.

Member of the Press: Shirley Klein.

COMMITTEE AND COMMISSION REPORTS

Insurance:

Presentation of Prime Health Plan: Councilman Lyons reported the Insurance Committee had met with Prime Health representatives. He said the plan had been well received in the area with 10,800 members. Under the plan, there is no deductible on hospitalization, it pays for routine matters such as physicals, office calls, outpatient care, eye care, pharmacy, etc. There is co-insurance of 80/20 on mental and nervous conditions for thirty days. On prescriptions, there is a $2.00 maximum per month; on injected drugs, the first shot is free and then there is a $2.00 maximum. When out of town or in emergencies in the area, members are to go to the closest facility. In this area, they are using Menorah, Baptist, St. Luke's, and Shawnee Mission.

Councilman Lyons said Prime Health would come in and set up meetings with the employees and explain the program to them. There are boundaries outside which they feel is too far away to take advantage of it. Councilman Crippin clarified that the City's only action would be whether or not the Council would want to allow them to come to City Hall to meet with employees, each employee would make the determination; if the employee wants it, the City would make the payroll deduction. The employee would have to pay the difference. Cost was quoted at $87.97 on family, $34.96 employee only. Councilman Lyons said it seemed to be well-run and well-
received and if City employees desired to join the plan, he thought they should be allowed to do so. It would not cost the City anything. Councilman Crippin asked that Mr. Lawler do whatever was necessary to set up the meeting and inform the city employees.

Presentation of New Quote from Hartford, and Comparison:
Councilman Lyons reported Hartford was going to raise their rates a little over ten per cent. He said they claimed they had now filled up the City's reserve which was the main reason to stay with them. Councilman Lyons said last year the insurance cost $70.92 per person, premiums on a monthly basis for all employees were $4,750.31; this year they were proposing $5,230.97 per month. Employee rate was $23.75 versus $20.44 last year, dependent $48.83 last year, this year $52.28. Life insurance last year 33¢ per thousand, this year 44¢; accidental death and dismemberment last year 30¢, this year 60¢. Councilman Lyons said The Equitable was quoting unbelievably good rates. For a basic plan such as the City had last year, Equitable would beat Hartford. Premiums on a monthly basis with Equitable would be $4,800, or a difference of $12,000, saving the City about $5,000 per year. Councilman Lyons said the Council would have to decide if it wanted to save $5,000 and change companies or if it wanted to stay with Hartford. Councilman Lyons expressed concern that if the company were changed every year, companies would quit quoting rates to the City. The insurance was discussed. Councilman Roberts said he felt the City would be remiss if it did not get competitive bids; he felt there were some disadvantages to changing companies every year. He asked if the coverage was comparable for the difference in cost. Councilman Lyons said it was. The stop loss figure for Hartford was $3,000, whereas with Equitable it was $5,000. Councilman Lyons said an alternative plan would be to let employees contribute a little bit if they wanted to keep the first dollar coverage.

Presentation of Alternative Group Health Insurance Concept:
Councilman Lyons said the next approach was basically co-insurance. Under the Hartford 80/20 co-insurance plan with $5,000 stop loss, premiums would be $4,420.46; the difference in premiums between the two Hartford plans would be $12,000.

Councilman Hodes said he felt since there were a lot of figures, this should be written out and distributed to the Council, and that it go through the administration of the City. Secondly, he thought the salary review committee should take a hard look at employee contribution. He felt if the employee were paying a percentage of insurance cost he would more likely be concerned about rising medical costs. Co-insurance and employee contribution were discussed. Councilman Roberts also thought there were too many figures to try to make a decision without seeing them in black and white and having some time to spend on them. Councilman
March 6, 1978

Lyons stated a decision needed to be made by the end of this month. He said BMA rates on a co-insurance plan were $4,215.00 with the stop loss at $2,000. He added Equitable had another plan which was in between the two approaches which would save about $6,500. The matter was discussed.

Councilman Lyons said factors to be considered were (1) the companies, (2) the dollars, (3) the coverages, and (4) next year. Councilman Roberts said it seemed to him it was the job of the Administrative Committee to decide what coverage to include in the benefits package for employees and then come as close to that kind of coverage at a reasonable rate. Councilman Crippin asked that Councilman Lyons put the alternatives on paper and give them to Mr. Lawler to be put on the Administrative Committee agenda. The figures should show the plans to see how they impact the total insurance payment by the City versus the impact upon an individual salary. Councilman Wise wondered if the Council was going to continue every year to just absorb the increase in insurance cost or at some point limit the benefit package and fund a certain number of dollars per month per employee. If the package were limited, she suggested that the employees be asked whether or not they would rather pay the difference or go to a co-insurance plan. Councilman Hodes recommended that Councilman Lyons put the information together; give it to Mr. Lawler; Mr. Lawler get with the Administrative Committee; then meet with department heads; and then decide what the City was going to do. Councilman Hodes thought the City should adopt either a maximum limit or co-insurance.

Councilman Wise moved that the agenda be altered to consider the Plan Commission items next; seconded by Councilman Roberts. Motion carried.

Plan Commission:

Resolution No. 450 - Final Plan Approval - Leawood Country Manor, Tract A: Councilman Crippin stated the Plan Commission recommended to the Council that the plan be approved. He said the development was at College Boulevard and Roe Avenue. No one appeared in opposition at the public hearing of the Plan Commission. Councilman Roberts asked how the plan related to the new zoning code being formulated. Mr. Sirchia said he believed it would conform in all respects. Councilman Roberts moved that the resolution approving the final plan for an office building to be located on Tract A of Leawood Country Manor be adopted; seconded by Councilman Watts. Mr. Bill Prelogar, Jr., architect, displayed and explained renderings of the 35,000 sq. ft. building, to be two stories on the front, one story on the south side. Mr. Johnson said in the future there would be a medial along Roe Avenue which would prevent any left turns into the drive on Roe Avenue; at that time, the developer had agreed to provide an access to 112th Street. Mr. Prelogar said the building was intended for professional office use. Resolution No. 450 was approved unanimously. A copy is attached hereto as part of the record.
Ordinance Establishing Zoning Classification of Planned Business District B-1 for a Tract at the Northwest Corner of 89th and State Line Road (First Reading): Councilman Crippin reported the Plan Commission approved the plan and recommended approval to the Council. He stated the property had been zoned Limited Office for some time, there was an overall plan for the property, these were the preliminary plans for a particular area west of Ward Parkway Shopping Center and adjacent to parking for the center. John Carey, architect, explained the plan, and said it was the final piece of the whole tract. The plan included a three-story 87,000 sq. ft. office building, a two-story 25,000 sq. ft. office building, a restaurant, and a 300 sq. ft. savings and loan drive-up facility. Mr. Carey said a traffic study had been made and presented to the Plan Commission, and there had been a meeting of all adjacent homeowners even though none of the residential areas fell within the 200 foot limit. Four or five people showed up expressing interest but were not opposed to the plan. The plan was discussed. A traffic signal would be installed at the entrance to the parking lot. Mr. Johnson said 89th Street west of State Line would be widened to match the section on the east side of State Line in Missouri, and there would be signal modification at that intersection which would be the developer's responsibility; there would be left turn bays provided for northbound traffic, and the developer had agreed to close the medial when the curb was opened for the savings and loan. Councilman Hodes pointed out that the signal at 89th and State Line was tied to the signal at 89th and Ward Parkway and not to the signal at 85th Terrace and State Line, and there was a left turn signal into Missouri which restricted northbound traffic on State Line. He said before a new signal was placed there, he would like to have the present agreement for the signal at 89th and State Line reviewed to see if traffic could flow better along State Line. Mr. Carey stated the proposed signalization had nothing to do with shoppers at the Ward Parkway Shopping Center going back and forth, it grew out of the fact that shoppers needed to turn left and it would help traffic flow of people coming out of the proposed development. Traffic patterns were discussed.

Mr. Carey clarified that what they were asking for now was zoning and land use, the engineering of how any specific portion of it would work would come in at the time that it was to be developed. Chief Toman said as a matter of policy, preliminary plans were examined by the Police Chief and Fire Chief, not by the Public Safety Commission. Chief Toman reported he had stated one reservation regarding the three-story building being 36 feet from the ground level to the roof line—he had cautioned that if three-story buildings were being allowed in the City, consideration must be given to additional manpower and additional ladder capabilities. Mr. Carey said the grade would be brought up 2 feet to 2½ feet above the floor line on one side. In response to inquiry by Councilman Lyons, Mr. Carey stated the residents who came
March 6, 1978

to the meeting went away saying they were glad to have the restaurant. Mr. Carey displayed an overall vicinity map and said the restaurant was so far from any residences that he did not believe there would be a problem. Councilman Watts moved that the ordinance for rezoning be placed on first reading. Mr. Carey stated the area was zoned B-4 presently, they were asking that a portion of it be zoned B-1 to permit the three-story building, the restaurant, and the savings and loan. City Attorney Winn explained under planned zoning this was the plan under which zoning would be granted, no other use would be permitted.

Councilman Wise moved that the agenda be changed to consider items under the Mayor's Report concerning engineering; seconded by Councilman Watts. Motion carried.

Presentation of Letter from Shafer, Kline & Warren Relative to Consulting Work on Subdivision Plats and Plans: Councilman Crippin stated the reason this was on the agenda was that for some time there had been discussion that the City Engineer having clients undertaking development in Leawood created potential for conflict of interest. Consequently, an ordinance had been introduced that Johnson, Brickell and Mulcany and Larkin & Associates would become Assistant City Engineers. Councilman Crippin stated the intention was that Mr. Johnson review streets and traffic and that Mr. Van Wye's firm review storm drainage, sewers, and other things related to engineering. Mr. Kline had written a letter to the Mayor which had been distributed, basically indicating that Mr. Kline and his firm wished to withdraw themselves from the review of development plans, zoning requests, etc., thereby eliminating any potential conflict of interest. Councilman Crippin said agreements had been prepared stating that the engineering firms could go ahead and participate in discussion and work with the staff regarding various developments, zoning cases, etc. The agreements included a lid, recommended to be $500; when the bill reached $500 during any one month, the engineers would notify Mr. Lawler for authorization to proceed with work beyond that amount. Mr. Lawler stated the draft of the agreements contained provision for responsibility on the part of the engineering firms to confirm any request to render service in connection with any plats, etc., by letter to the Mayor or Mr. Lawler, indicating the person who originated it. Councilman Crippin stated he thought the City would have to recognize some professionalism among the people involved. He commented the amount of paper work going through City Hall was unbelievable. Mr. Johnson said normally when someone asked them to do something, they send a letter indicating the scope of the anticipated work, the estimated cost, and expected completion date, but did not charge for this. Councilman Crippin pointed out that was for projects, not for two hours of consultation. Councilman Crippin suggested that the matter be postponed and that there be a recommendation at the next meeting. City Attorney Winn said he had not seen the contracts prior to the meeting.
Councilman Crippin requested that the engineers keep the proper time records on work done between now and the 20th, and he would hope the contracts would be approved retroactive to March 1st. In answer to inquiry by Councilman Watts, Councilman Crippin stated the change in engineers was initiated at the Plan Commission level because often Shafer, Kline & Warren, the City Engineers, could not respond to Plan Commission questions from the City's point of view because of conflict of interest, so essentially the City lacked professional representation. He said Shafer, Kline & Warren still would be used on sewer renovation.

Newsletter - Approval of Copy for March Issue: Councilman Wise stated newsletter copy had been submitted in two parts. She said the article concerning the proposed one-half cent city sales tax had been reviewed by the committee on publicity for the sales tax. She invited councilmen to suggest changes or additions to any of the copy. Councilman Crippin suggested instead of "There is a possibility that the State Legislature will rescind the right of cities to levy a city sales tax," reference should be made to a specific bill. Councilman Watts suggested that the date of the April election be mentioned in connection with council candidates.

Presentation of Proposed New City Letterhead: Councilman Wise said she thought there was a fair consensus that the present City letterhead should be updated. She said City Architect Sanders had designed a letterhead and it was proposed that the City go to only one letterhead to be used by all departments with no one's name on it, which would provide the advantage of quantity orders so that it could be quite nice but still cheaper than the present letterhead. Bob Sanders presented his suggested letterhead which would be embossed on off-white paper with dark brown ink, to be purchased in 10,000 units, cost would be roughly $0.50 a copy, which would be the same as was being spent at present. Councilman Crippin stated the Mayor had indicated he would like to have his name on his stationery. Mr. Sanders suggested that the three administrative phone numbers could be added at the bottom. Councilman Watts suggested overprinting the names of the Mayor, Police Chief and Fire Chief. Mr. Sanders said he had not researched overprinting. Councilman Hodes said he thought the names of certain key officials on letterheads was a nice touch. The matter was discussed. Chief Toman said department heads had agreed that it was not necessary to have their names on the letterhead. Councilman Hodes questioned the prudence of having an embossed letterhead. Councilman Roberts said he would like to see the cost of stationery other than embossed to be investigated, he felt the Mayor as the elected head of the City who gives a tremendous amount of time without compensation, was entitled to his name on the stationery.

The design proposed for the letterhead was discussed. Councilman Crippin suggested that the design should express the character of the City. Councilman Wise moved that the
March 6, 1978

Council adopt the design and ask Bob Sanders to submit finished drawings suitable for printing at a future meeting. Motion died for lack of a second. The Council agreed that Mr. Sanders should proceed with a drawing. Councilman Watts suggested that the reference and date be taken off the letterhead. Councilman Crippin said he hoped the design would be more traditional, indicating the character of the City.

Ordinance:

#599 Ordinance No. 577 - Providing for the Establishment of the Administrative Committee (Second Reading): Councilman Roberts moved that the ordinance be adopted. Councilman Hodes asked why the President of the Council was to be the Chairman of the Administrative Committee. Councilman Crippin explained the Mayor sits as chairman of the Council, where the Mayor is also Chairman of the Administrative Committee, it is a bit one-sided. He pointed out that not being chairman of the administrative committee puts the mayor in an advantageous position in that he may voice his opinions in a much different position. Councilman Crippin stated if the President of the Council were Chairman of the Administrative Committee and no other major committee, the work load would tend to be more evenly distributed among councilmen. Councilman Wise thought there would be opportunity for more balance if a councilman chaired the Administrative Committee. Councilman Hodes wondered if there was another way of doing it other than by ordinance. Councilman Wise said she thought another ordinance was proposed specifying the duties of committee chairmen which would say the Chairman of the Administrative Committee would not hold any other committee chairmanship. Councilman Crippin explained essentially the ordinance diluted what had been considered the power of the mayor. Councilman Wise felt the Council should have a lot more direct control regardless of who was serving as Mayor and who was serving on the Council. Councilman Crippin emphasized that in all due regard to the current mayor, this was not pointed at him, but actually at the position and the way the position had functioned. City Attorney Winn said he felt the Council needed a strong Administrative Committee to screen through matters so that the Council discussed major policy decisions involving the City on a long range basis. Ordinance No. 577 was adopted unanimously.

Ordinance No. 578 - Relating to Standing Committees (Second Reading): Councilman Crippin explained that this ordinance was prepared to insert the Administrative Committee into the establishment of standing committees. On motion by Councilman Watts, Ordinance No. 578 was adopted.

Ordinance Relating to Definition of Work Week for Administrative Employees (First Reading Continued): Councilman Crippin stated the Mayor had requested that this ordinance
be continued to the next meeting. Mr. Lawler explained that the present work week for administrative employees was thirty-five hours. He said the Mayor felt overtime should be paid on a forty-hour week basis. There was discussion that straight time would be paid up to forty hours. City Attorney Winn stated this had been the practice by order of a previous mayor, but it was felt this was not the way to handle something as crucial as overtime.

On motion by Councilman Wise, seconded by Councilman Roberts, discussion of benefit district for 123rd Street was added to the agenda.

Discussion of Benefit District for 123rd Street: City Attorney Winn reported there would be one benefit district on 123rd Street which would go all the way from State Line to Cherokee; however, the street would be built under two separate contracts, the first one to go approximately 2150 feet west of State Line which would be past the western entrance of the proposed school, the second one would be another 1700 feet to Cherokee. The engineering contract for part two would come no later than 120 days after the bid letting for part one. This says to the main developer to the north that either they work out whatever details are necessary to take the street to the north or the City will proceed and take it to Cherokee, which would mean the street in the future would be going straight through to Mission Road under the old right-of-way. Councilman Crippin said the engineer had not been authorized to pursue the design and working drawings. Mr. Johnson said it would be desirable to put continuous street lighting along 123rd Street but the initial estimate of cost on the project did not include street lighting. City Attorney Winn suggested that the Council, Public Works, and staff give some consideration to that, and when the new petitions come in and the Council orders the project to commence, corrections or amendments could be made. It was agreed Shafer, Kline & Warren should make a separate estimate for the lighting. Consensus of the Council was that the Mayor authorize Shafer, Kline & Warren to pursue the design and working drawings for 123rd Street.

CITY ADMINISTRATOR'S REPORT

Approval of Johnson, Brickell, Mulcahy & Associates Fees Totaling $844 for Work Beyond Major Street Plan Contract: Mr. Lawler outlined small bills which had been incurred between the contract on the street program and work covered under the other contract with Johnson, Brickell & Mulcahy: For work in connection with the February 28 Plan Commission agenda, $320; review of traffic signal replacement at 103rd and State Line, $276; zoning district map for zoning ordinance, $248. Councilman Hodes said he felt items like this should be included on the ordinance sheet; if the City Administrator
thinks they should be approved, then a warrant should be issued. Mr. Lawler explained these amounts were not covered by any contract and that was why they appeared for Council approval. There was discussion that up to $1,500 could be authorized by the Mayor, up to $500 by a department head. On motion by Councilman Wise, seconded by Councilman Watts, the items were approved for payment.

Consideration of Authorization of Expenditures from Capital Outlay Account for Desks, Chairs, Files, and Miscellaneous Items: Mr. Lawler explained that this was to provide for necessary furniture for (1) the telephone console operator, (2) the Court Clerk-Bailiff, and (3) desk for Fran Farrer to match furniture in the City Hall Building. The total figure was $5,536, including three typewriters. Mr. Lawler said cheaper furniture could be had but it would not match existing furniture in the building. The matter was discussed. Councilman Crippin suggested that prices on alternate furniture be obtained that would be presentable and fit in rather than the quality that was being proposed. Councilman Wise suggested that cost comparisons be obtained, and that an estimate be gotten from the decorator at 135th and State Line. Councilman Hodes said he thought a real hard look should be taken at future purchases of typewriters because three $800 IBM typewriters were on the list, and a computer system with two terminals could be purchased for $13,000 which would take the place of every typewriter in the City. Councilman Roberts said this would be a function of the Administrative Committee. He suggested that the same decor would not have to be carried throughout the whole building.

Appropriation Ordinances: Nos. 378-A and 364-S in the amounts of $584,244.30 (including $500,000.00 in investments) and $404,244.00 (including $400,000.00 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.

Public Works - Approval of Bids for Dump Truck and Pick-up Truck: Mr. Sirchia stated the dump truck bid by Olathe Ford last year was never delivered so bids had been taken again. He said the money was put into carryover and it had been suggested that the dump truck be purchased out of the capital improvement division of the administrative budget. Mr. Sirchia said the pick-up truck was a budgeted item. Both were badly needed. Councilman Watts moved approval of the bid submitted by Dennis Chevrolet for the dump truck according to specifications and the pick-up truck according to specifications, total price for both vehicles, $14,733.88, as presented; seconded by Councilman Hodes. Motion carried.

Councilman Lyons moved that the Council go into executive session to discuss pending litigation, to return to regular session no later than 10:37 p.m.; seconded by Councilman Watts. Motion carried.
The Council went into executive session at 10:30 p.m. and returned to regular session at 10:37 p.m. The same councilmen were present.

On motion by Councilman Watts, seconded by Councilman Lyons, the meeting adjourned to Monday, March 20, 1978, 7:30 p.m.

\[\text{Signature} \]
President of the Council

\[\text{Signature} \]
Council Reporter

\[\text{Signature} \]
City Clerk
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, March 20, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Crippin, Haas, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, Attorney Donald Jarrett, City Architect Sanders, Herbert Johnson, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Lyons, the minutes of the meeting of March 6, 1978, were approved as submitted.


Approval of Departmental Reports: On motion by Councilman Wise, seconded by Councilman Lyons, the Municipal Court, Fire, Police and Administrative reports were approved.

COMMITTEE AND COMMISSION REPORTS

Insurance - Recommendation Regarding Group Health Program: A chart comparing group health insurance programs had been distributed. Councilman Lyons stated since the report was prepared, Hartford had agreed to reduce the dependent coverage $2.62, to $49.66 per month, so that if the City stayed with Hartford, it would cost $3,162.12 more than the proposed Equitable plan. Jim Borders said the benefit in staying with a company was that the second year the reserve was already established so there was less likelihood of an increase, and the employees would have the benefit of the continuity and other intangible benefits. Mr. Borders said if there was a problem concerning the small difference in the plan proposed by the other company and the revised rate with the Hartford, he would like to have the opportunity to do further shopping because since this came up, he had discovered another company which he firmly believed would have a lower rate yet than the one quoted.

Councilman Watts entered the meeting at 7:40 p.m.

Councilman Lyons repeated that the Hartford rate would go down $167.68 per month or $2,012.16 per year. He said probably the biggest difference between the Hartford and
the Equitable plans was the stop loss; Hartford was $3,000, Equitable was $5,000, or $400 difference in the amount an employee would have to pay in a catastrophic illness. John Snyder explained the chart comparing health coverage plans showing that the Equitable plan was the lowest bid at $4,800. He said the Equitable bid was taken from figures prepared in December and it was guaranteed for three months. After March 31st, Equitable's rates would be increased approximately four per cent. It could be written with an anniversary date of March 31st with the lower premium being paid for one day; if so, the anniversary date next year would probably be March 1 rather than April 1. Councilman Lyons said he calculated the difference between the Equitable plan and the new Hartford plan at $3,162.12 on a yearly basis.

Councilman Lyons said the committee was proposing that whatever the City did this year was to be a base year so that if rates went up next year, the employees would have to pay that difference. If Equitable rates jumped next year, the employees would be unhappy; the odds were that Hartford increases next year would be less because of the reserve. The reserve was discussed. Mr. Snyder said it was not healthy for municipalities to jump from one insurance company to another, but on the other hand, when the City could save several thousand dollars, it would have to pay attention. Councilman Lyons repeated that the City had had good claim service with Hartford. Councilman Lyons moved that the City go with the Hartford base plan as proposed and amended as to the dependent coverage, and also that the City use this particular coverage as a base year, and that any increases in subsequent years be borne by the employees; seconded by Councilman Hodes. Mr. Snyder said it was increasingly important in the insurance industry that the employee bear some of his own medical costs; if it were free, there was a tendency toward over-utilization which hiked rates. Motion carried.

Ordinance Relating to Definition of Work Week for Administrative Employees (First Reading Continued): Mayor Alt requested that the first reading of the ordinance be continued until it could go through the Administrative Committee.

Ordinance No. 579 - Establishing Zoning Classification of Planned Business District B-1 for a Tract at the Northwest Corner of 89th and State Line Road (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. In answer to inquiry by the Mayor, Councilman Crippin stated the sewer connection matter was discussed at the Plan Commission meeting and Kroh Brothers had agreed to do whatever was necessary to get rid of the waste water or they would not build the development. Councilman Hodes asked if there was provision for a left turn at 89th Street for northbound
traffic on State Line Road. Mr. Johnson said future plans provided that the developer would move the median to provide a left turn. Ordinance No. 579 was adopted, Councilman Wise abstaining.

Ordinance No. 580 - Relating to the Regulation of Recreational Vehicles (First Reading): Attorney Jarrett stated the proposed ordinance on recreational vehicles was principally a re-draft of the present ordinance, providing more particular statement on the intent of the City, much more detailed and precise definition section, and a reorganization of the prohibition and permit and regulatory procedures. Mr. Jarrett said it was drafted primarily to clean up some of the ancillary questions which were raised in the lawsuit against the ordinance. Mr. Jarrett recommended that the ordinance be passed on an emergency basis so that the attorneys could proceed to get the litigation over with and, if the court upholds the ordinance, the City could proceed to enforce it and make it meaningful. Councilman Watts moved that the ordinance relating to the regulation of recreational vehicles be passed on an emergency basis; seconded by Councilman Haas. Councilman Crippin recommended in the last paragraph on the second page that the word "as" in the next to last line from the bottom be deleted; and on the third page, paragraph F, that "3/4 ton or less" be changed to "3/4 ton or more." Following discussion and reading of the present parking ordinance, Attorney Jarrett suggested that paragraph F read "gross vehicle weight rate in excess of 3/4 ton." Mayor Alt asked if repealing the present recreational vehicle ordinance would reinstate Ordinance 15-102(j). Attorney Jarrett said once a section was repealed, even though the ordinance that repealed it was itself repealed, the repeal section would still hold. Motion to pass the ordinance on an emergency basis carried unanimously.

Councilman Watts moved that the proposed ordinance be amended so that section 10-802A would read, "A recreational vehicle is a vehicular type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use, and which has its own motive power or is mounted on or drawn by another vehicle"; that 10-802F read, "A pick-up or panel truck for purposes of this ordinance is a motor vehicle designed, used and maintained primarily for the transportation of property and equipped with a manufacturer's gross vehicle weight rate in excess of 3/4 ton"; seconded by Councilman Wise. Motion carried unanimously. On motion by Councilman Crippin, Ordinance No. 580 was adopted unanimously.

Plan Commission:

Presentation of Master Park Plan: Councilman Wise stated the plan was prepared by Dick Kellenberg and his firm in conjunction with an unofficial committee consisting of all
interested members of the Park, Recreation, and Plan commissions; a meeting had been publicized to present it to the public and the meeting was held; subsequently the plan was circulated to the newspapers and there was coverage in The Sun on the plan. She said the decision of the committee was that this should not be made a part of the comprehensive plan and should not be adopted in ordinance form which would make changes difficult, but that the Council take some note of it as a supplement to the comprehensive plan to be used as a planning guide and tool.

Dick Kellenberg reviewed the plan which had been distributed to councilmen. He asked that the Council study the policy statement and respond to it. The policy statement said the neighborhood type unit would not be a part of the plan, rather one or two more city parks, and the City should capitalize on flood plain for parks and open space purposes. Acquiring land would be a gradual process with no intent or implication of massive expenditure of public funds. Mr. Kellenberg said the Plan Commission would more or less be in the driver's seat in executing that type of park plan. He showed an inventory map of existing parks, an inventory of resources and possibilities, and a map of the master plan. He said the plan pointed to specific land areas felt suitable for acquisition as time goes on. It represented 283 acres of land ultimately in the greenway system. One of the features was long fingers of land labeled by-ways extending up valleys in privately developed projects. The plan summary stated there were 50 acres of by-ways not public, 48 acres in a second community park, 157 acres in the floodway itself, 30 acres in the floodway fringe, and only 33 acres above the floodway. Mr. Kellenberg stated the plan represented a viable and achievable plan with relatively low economic levels of investment by the City. He said the committee was sensitive to budgetary constraints; there was a statement that any park and recreation facility should come as close as possible to being maintained by user revenues.

Councilman Crippin verified that the City would have a park system of which 66 per cent would be utilizing land that could not otherwise be utilized by property owners or developers, thereby potentially having two-thirds of the park system at no land cost to the City. During discussion, Mr. Kellenberg said he did not feel it created an inordinate amount of maintenance. Mayor Alt said he understood that if the City received some of the land as a gift, the City could take the value of that land and apply to the Federal Government for a like amount which could be used to purchase more park land. Mr. Kellenberg said they had made studies showing it was quite likely a street along the fringe of the flood plain would be peripheral to a subdivision.

Jack Giesch said he felt there was very poor notice of the public hearing on the park plan and suggested a newsletter.
be sent to every citizen in Leawood concerning public hearings. Mr. Giesch said he felt councilmen should walk through Overland Park's greenway system. Upon inquiry by Mr. Giesch, Councilman Wise stated the City by adopting this plan was not increasing its authority to raise taxes. She said the reason the City did not put out more newsletters was because of cost. Mr. Giesch said he could not see that a projected population increase of 3,500 would warrant spending money now for three parks. He thought the Council should consider more meaningful problems such as street and curbing repair. George Raupp said it was impossible to maintain the system and provide the police protection it would necessitate within the three mill tax levy. He said he had not heard people asking for more parks. Mayor Alt pointed out that this was a plan that would unfold as the population increased and the demand was there. Mr. Raupp said he thought the Council should look at the needs of the people here now instead of something projected twenty years from now.

Resolution No. 451 - Adopting "Park and Greenway Plan, 1978 Edition": Councilman Wise said the intent of the committee was for the Council to take official notice of the plan so it could be used as a tool basically by the Plan Commission. She read and moved for adoption of a resolution adopting the "Park and Greenway Plan, 1978 Edition"; seconded by Councilman Haas. Councilman Lyons stated he was not prepared to vote on the resolution without going into the merits of the plan. The plan was discussed. Councilman Hodes said he personally was not in favor of committing the City twenty years from now to maintaining 280 acres of parks. Mayor Alt pointed out that with a plan the City could avoid mistakes that had been made in the past. Councilman Wise and Councilman Hodes each said they thought the City should be looking at land acquisition in the south part of the City for future park use. Councilman Hodes said he was not in favor of a greenway system through the City because of the public safety aspects. Councilman Haas confirmed that the resolution did not commit the spending of any City money. Mr. Johnson stated that the major street plan had been developed so that normally there was a major collector street one property width away from the floodway fringe to give access for public safety completely along there. Councilman Crippin said the plan could be utilized to tell the City what it did not want to do—if it did not indicate that a park should be located in the particular area where a developer proposed to donate land, the plot could be refused—it gave something to start from. Councilman Wise emphasized that the character of the greenway plan and the vest pocket parks was completely different—the small parks were maintained like lawns, the intention for most of the greenway plan was not to mow it, to leave it in a natural state. Resolution No. 451 was adopted, Councilman Lyons voted nay; Councilman Hodes abstained. A copy is attached hereto as part of the record.
Councilman Watts moved that the agenda be amended to take up the items concerning 123rd Street as the next order of business; seconded by Councilman Lyons. Motion carried.

NEW BUSINESS

Resolution No. 152 - Relating to Improvement of 123rd Street and Acceptance of Petitions for the Creation of a Special Improvement District: Councilman Crippin presented a petition that had been presented to the City which required a resolution relating to the improvement of 123rd Street. Mayor Alt announced that the School Board had that evening approved the petition for the improvement of 123rd Street. Councilman Crippin reviewed that Mr. Kline had been authorized to proceed with the design drawings for 123rd Street. R. J. Campbell wondered how far 123rd Street was going to go. Councilman Crippin said the petition was for 123rd Street to go west to Cherokee in two phases. Phil Kline displayed a map showing 123rd Street and property ownership surrounding it. He explained the two phases of construction. He said the reason for the 120 days between phases was that there was a proposal to change the location of 123rd Street west of the school from its present alignment on the half section line road to northerly and then westerly generally one lot north of the present alignment. Mr. Campbell was concerned about the delay. Mr. Kline said his understanding was that negotiations were going on now for the acquisition of the Bushman property; negotiators were being given 120 days to complete their negotiations, if they were unsuccessful in that time, then the project would go ahead. Mr. Kline said there had been a preliminary plan prepared which followed the existing alignment of 123rd Street; if the negotiations were successful, it was the opinion of several that it would be beneficial to move the entire street at least one lot north because there were some extremely heavy utility relocation costs with the present alignment. Mr. Kline said if the road were moved one lot north, the chances were that the developer would build it himself with no City involvement. Mr. Johnson stated if the street went entirely through the developer's land, he would be totally responsible for building a 61 foot street, if left on its present alignment, people in Leawood South would be assessed for that improvement in a benefit district. Councilman Crippin asked why the resolution stated the improvement would be taken to the center line of Cherokee, not through the intersection. Phil Kline stated the improvement as planned was to complete the Cherokee intersection and to provide the taper back into an existing pavement; if it went on the present alignment, the benefit district would be from State Line to the center line of Cherokee, the improvements would actually complete the intersection and then taper. That was included in the estimate.

Mr. Kline said the two petitions represented ownership of 63.7 per cent of the property. Attorney Jarrett said the resolution should be effective as of March 21 when the City
March 20, 1978

would have the signed petition of the School Board. Mayor Alt suggested that "and" be inserted after "Plaza Savings Association" and the comma "and" be deleted following "Kansas". Councilman Crippin moved that the resolution be approved as amended and be effective March 21, 1978; seconded by Councilman Haas. Resolution No. 452 was approved unanimously. A copy is attached hereto as part of the record.

Resolution No. 453 - Ordering the Improvement of 123rd Street: Mayor Alt said the same change should be made in the first paragraph as indicated in the previous resolution. It was agreed that the date for preparation of plans and specifications should be filled in as September 20, 1978. Councilman Wise moved that the resolution ordering the improvement of 123rd Street be adopted; seconded by Councilman Crippin. Councilman Crippin said he thought the plans and specifications should include street lighting, should the motion or resolution be changed to include it? Mr. Kline did not believe anything further was needed. Mr. Kline said the street lights were not included in the estimated costs, but he did not believe the addition of street lighting would break the project. Attorney Jarrett said street lighting would fall under street improvements and there were contingencies in there so street lights could be added. Mr. Johnson said one of the developers had a responsibility under the newly passed subdivision regulations to provide street lighting, the other three developers did not because they were under the old regulations. Resolution No. 453 carried unanimously. A copy is attached hereto as part of the record.

Street Lighting Standards: Councilman Crippin stated new subdivision regulations required street lighting to be provided by developers on certain types of streets. He asked for an explanation of continuous lighting. Mr. Johnson said it meant maintaining some uniform level of lighting continuously along the street, as opposed to safety lighting which was lighting of intersection areas and hazard zones. Mr. Johnson said the standards presented were generally accepted standards. Councilman Lyons said he felt citizens in north Leawood did not want that much light. Mr. Johnson said shorter poles could be used and on new units light was more scientifically directed downward toward the street. He said the standards recommended were similar to those proposed in Overland Park because there would be much common boundary with Overland Park and a lot of joint lighting projects. The Council examined a sheet labeled "Street Light Cost Data." Mr. Johnson said the unit selected which developers would pay for had a high efficiency rating with respect to energy consumption and a very low maintenance feature. He said there was an alternate for residential streets so that developers could use a 150 watt unit or a 100 watt unit on a lower pole with a more decorative lamp.
City Architect Sanders said there were a lot of detail questions that had to be answered, but it was felt information had to be presented to the Council to get some kind of direction as to policy on standards. Mr. Johnson said he would have no objection on a minor collector street in a residential area to go back to just lighting the intersections and the hazard locations, but if the Street went through a commercial or intermediate area, he would recommend continuous lighting; the intensity would vary dependent upon the character of the area. Mr. Sanders recommended dark poles even though the cost would be slightly higher per foot, and that for the residential pole the City go to twelve feet instead of fifteen. Councilman Wise moved that the Council approve the recommendations set forth by Mr. Johnson and Mr. Sanders; seconded by Councilman Crippin. Motion carried.

Request for Permission to Keep Three Dogs - V. P. Ryder, 2809 West 90th Street: Councilman Hodes reported the Public Safety Commission had voted unanimously to allow three dogs, last year four dogs were allowed; there had been no complaints. On motion by Councilman Hodes, seconded by Councilman Watts, the request was approved.

Recommendation for Purchase of Intoxilyzer: Councilman Hodes reported the City's breathalizer machine was totally inaccurate and at present inoperable. On recommendation of the Public Safety Commission, Councilman Hodes moved for approval of the purchase of one Intoxilyzer machine, net price to the City of $3,807; seconded by Councilman Watts. Chief Sellers stated the Intoxilyzer machine would be mandatory the first of the year. Councilman Hodes said $2,400 was budgeted. Chief Sellers suggested the balance be paid from funds remaining which had been budgeted for radios. Motion carried.

There was a short recess to reverse the recording tape. Councilman Watts left the meeting during the recess.

Public Works - Approval of Recommendations for FAU Priority Projects: Councilman Crippin stated the City had to submit priority projects to MARC by March 22nd; intersection improvements at 95th Street and Mission Road were being submitted. Councilman Crippin moved for approval; seconded by Councilman Wise. Mr. Johnson stated current Federal legislation was leaning toward an 80/20 share on such projects. Motion carried.

Special Sewer Committee Report: Mayor Alt presented a proposed letter to Commissioner Bacon and Mr. Quick, chairman of the committee for Kansas City, Missouri, negotiating with Johnson County in connection with solution to the sewer problem in the Greater Kansas City area. Mayor Alt reported the necessary papers
for a Step 2 grant had been sent in to the Kansas Department of Health and Environment. Councilman Crippin stated the situation was critical and requested a monthly progress report on the grant; he said the Council should exercise every bit of power it may have to get the job done. Mayor Alt said the Special Sewer Committee felt it would be desirable prior to completion of negotiations between Kansas City, Missouri, and Johnson County, for Leawood to again state its position, which had been done in the letter. It further asked that the pending grant applications of Kansas City, Missouri, Johnson County, Kansas, and Leawood be supported immediately; that immediate closing of Indian Creek plant was not practical or feasible, and that in a reasonable time the plant be phased out.

Councilman Crippin moved that Mayor Alt be authorized to send the letter forward as the policy of the Governing Body of the City of Leawood; seconded by Councilman Haas. Mayor Alt said he would see that progress on the grant was followed. Motion carried.

MAYOR'S REPORT

Legislation: Councilman Hodes said material presented to councilmen was getting too cumbersome. He said Bill Eddy having been Mayor was familiar with the needs of this City, perhaps someone should clear the bills and if there was something really important the Council should be informed.

Mayor Alt said Bill/39 had been amended, now Leawood as a Class B city could go ahead and pass the half cent sales tax. Councilman Wise moved that the Council authorize Mayor Alt to write letters to legislators giving the positions indicated; seconded by Councilman Hodes. Motion carried.

OLD BUSINESS

Larkin & Associates Contract as Amended and Johnson, Brickell, Mulcahy & Associates Contract as Amended: Councilman Crippin reported the contracts had been discussed and redrafted, the intent and purpose was for the City to have greater control over the engineering consultant costs while at the same time allowing some flexibility for the planning and building departments to consult with the engineers. Councilman Crippin moved for approval of the Larkin & Associates contract and the Johnson, Brickell, Mulcahy & Associates contract; seconded by Councilman Hodes. Motion carried.

CITY ADMINISTRATOR'S REPORT

Submission of Competitive Prices for Office Furniture: Mr. Lawler reported this was a submission of a tabulation of costs for office furniture and equipment, total figure being about $2,500 less than the original proposal presented at the March 6th meeting. It involved two desks and chairs
for the clerks of the court, file cabinet, one desk and chair for the telephone console operator, and typewriters, total figure $3,796. He recommended a $100 allowance for desk equipment, for a total of about $3,900, to be paid from the capital improvement fund. He said a new desk for the assistant city administrator had been eliminated. On motion by Councilman Haas, seconded by Councilman Lyons, the expenditure for office furniture and equipment was approved as recommended.

Appropriation Ordinance: Appropriation Ordinance No. 379-A in the amount of $21,183.89, providing for payment of certain claims against the City, was submitted and approved on motion by Councilman Haas.

Councilman Wise stated a working copy of the 1978 budget had been distributed and there would be a quarterly report at the next Council meeting.

At 11:00 p.m., on motion by Councilman Wise, seconded by Councilman Haas, the meeting adjourned to Monday, April 3, 1978, 7:30 p.m.

Eugene E. Clev
Mayor

Jane Lile
Council Reporter

Attest

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

A regular meeting of the City Council was held at 7:30 p.m. on Monday, April 3, 1978, at the Ranch Mart Auditorium, 3736 West 95th Street, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, DeKinder, Crippin, Watts, Hodes. Mayor Alt announced that Councilman Roberts was unable to be present because of the death of Mrs. Roberts' father.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Architect Sanders, Herbert Johnson, Dick Kellenberg, 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 March 20, 1978, were approved as submitted.

Visitors: A list of visitors is attached hereto.

COMMITTEE AND COMMISSION REPORTS

#33 Ordinance Relating to Definition of Work Week for Administrative Employees (First Reading Continued): Mayor Alt requested that the first reading of the ordinance be continued to the next meeting.

Plan Commission:

#36 Two Ordinances Providing for Rezoning of Tract at the Northwest Corner of State Line and 123rd Street (First Reading): Mayor Alt stated one ordinance covered rezoning to Planned Business B-1 and the second ordinance covered rezoning to Planned Multifamily R-3. Councilman Crippin explained the ordinances and the procedure, stating that placing the ordinances on first reading did not indicate approval or denial, and no vote would be taken at this meeting on the ordinances. Mayor Alt stated the Council had minutes of the Plan Commission meetings covering the public hearing and final deliberations where the Plan Commission recommended approval of the proposed zoning to the City Council, as well as all staff reports and relevant material.

#68 Mr. James Grier, representing the applicant for zoning, stated the application involved a 37 acre tract of land commonly known as the Leawood Drive-In Theater located at 123rd and State Line. He said his presentation would address the issue of strip zoning, the issue of size and quality of the development proposed and practical and engineering considerations. Mr. Grier said the applicant had followed a careful procedure to inform the public, the Plan Commission and adjoining property owners. He
said Mr. Williams entered into a contract to purchase the property in April, 1977; prior to that they had informed the Plan Commission that they intended to proceed with commercial development of this property; the Plan Commission indicated they thought the principal issue involved would be the quality of the plan proposed. Mr. Grier said before the public hearing by the Plan Commission there was a flier circulated (a copy of which he gave to the Council) presenting misleading, inaccurate information in which the project was portrayed to be twice the size of Red Bridge Shopping Center and purported to be strip development from 119th Street to Highway 150. He said another flier had been distributed before this meeting asking residents to come out and stop a development such as exists on Metcalf Avenue and on Noland Road. He said such development was not and never had been their intention. He said the opposition sent out such fliers when they knew they were not accurate, and said he was told the fliers were sent out because apathy was a big problem. Mr. Grier asked that public sentiment be measured with a degree of fairness. He said they felt they had developed a quality plan that met the requirements of the ordinances and was not an overpowering concept of commercialization.

Mr. Grier reviewed the principal aspects of the plan utilizing a slide presentation. He pointed out that the property had been used commercially for many years, and that the boundaries were State Line Road which consultants had recommended be improved to a width of five lanes, 123rd Street which would be improved to become a collector street of four lanes with medians narrowing to two lanes to the west, the school to the west, and bounded on the north by Verona Gardens. Mr. Grier displayed a master plan of the property showing 32 multifamily units on eight acres, a loop road in the center of the property, 16 acres with 6 one-story retail commercial buildings with a total of 119,000 sq. ft., the remainder of the property would be devoted to office and financial use containing approximately 93,000 sq. ft.

Mr. Grier compared the proposed development to other centers and stated it was like Meadowbrook Village plus a grocery store but would have twenty-five per cent more open space than at Meadowbrook and 75 feet more setback; the office development at Meadowbrook and Oxford Plaza was almost identical; the Oxford Plaza plan had a financial building which was an element the Meadowbrook center did not have.

Mr. Grier pointed out that Mission Road had three shopping centers between 71st Street and 95th Street yet it maintained a very residential character attributed to the fact that the centers were well planned and located at major intersections. He said the setback of 100 and 120 feet from State Line roadway as widened at Oxford Plaza differentiated it from other shopping centers in Johnson County.
Mr. Grief said they had hired the firm of Howard, Needles, Tammen & Bergendoff to undertake a traffic study and the developer would undertake improvements recommended by that firm and the City's consultants. As to engineering aspects of drainage, grading and sewers, they had employed the firm of Shafer, Kline & Warren, and the developer would make improvement in the size of sewer pipe under State Line Road.

Mr. Grief pointed out that the comprehensive plan and an earlier comprehensive plan showed the property in question would be used commercially. He said the proposed plan complied with the master plan of the City, that the fact that the property had long been used commercially could not be ignored, and that the Council could not ignore the recommendation of the Plan Commission. He said they believed they were proposing a quality development, one that did not have any characteristics of a strip development.

Bob Sirchia read the staff report. He said previously Oxford Township did have a portion of the site zoned commercial; when it was annexed into the City of Leawood it was zoned with the most restrictive zoning, Single Family R-1; the developer was applying for zoning in order to comply with engineering and design standards of the City and had met all of the submission requirements. The report stated the proposal was not in total compliance with the comprehensive plan, the comprehensive plan indicated a neighborhood convenience center for only a part of the 33-acre site. The report stated it would appear that the proposed development had a pattern of land uses that were compatible with existing uses and the intersection of an arterial and a collector street was favorable for commercial use. The traffic analysis performed by Johnson, Brickell & Mulcahy stated the trip generation pattern prepared by the developer appeared to be generally realistic. Further, to insure safe ingress and egress at the proposed shopping center site, as well as maintaining adequate service for existing and future through vehicles on State Line Road, the development plan should include flaring the State Line Road pavement north and south of the project to provide two through lanes in each direction along the site in addition to left turn lanes at 121st Terrace and Santa Fe Trail, and signalization of the 121st Terrace and Santa Fe Trail intersections with State Line Road.

The analysis by Larkin & Associates of the storm and sanitary sewer plan submitted by the developer stated the internal drainage system of the development appeared to be adequate; however, the culvert under State Line Road into which the drainage system would discharge would not be adequate to handle the increased flow caused by this development. It was recommended that in the final design stage, provision be made for protecting the area at the
west end of the State Line culvert from further erosion and that provision be made for increasing the capacity of that culvert, and it might be necessary to increase the size of the outlet pipe.

As to environmental effects, the staff report stated the plan attempted to handle the increased activity by providing open space, low density, substantial landscaping and no through streets, resulting in reduced environmental impact on neighboring property. The report concluded that screening along the streets should be considered at the final plan stage; that tree planting in the right-of-way on State Line Road should be deleted to allow for future street improvements; and that the change from a largely open site to one with considerable impervious surfaces and buildings would likely cause additional storm runoff. In summary, it stated the proposal was in general basic compliance with accepted planning principles.

In answer to inquiry by Councilman DeKinder, Mr. Grier stated the applicant had a contract which required purchase of the property no later than December, 1978. Upon inquiry by Councilman Hodes, Mr. Johnson stated there was a possibility that signalization might be required at 123rd Street. He added that the predominant movement from the school would be to the west and to the north; hopefully High Drive would be extended down through the school property to 123rd Street.

Mr. Grier explained community leaders had indicated they were opposed to any commercial development, there were no objections to any specific element of the plan. Mr. Grier said the residential portion of the plan was basically a buffer or screening device for the homes in Verona Gardens, if the commercial were not approved obviously there would be no need to provide that kind of buffering and the property would not be developed in that manner. Mr. Grier said they believed the property must have a commercial development in order to be economically feasible.

Mr. Doug Patterson, J. C. Nichols Company, suggested that the developer hear the people, reconsider the plan, and develop the property in a more residential type of subdivision.

Dr. James Thompson, superintendent of Blue Valley School District R-229, read a statement from the Board of Education, administration, and a community advisory group expressing concern about the prospect of a shopping center immediately adjacent to their new elementary school, that it was not a compatible arrangement with increased motor traffic and crimes. They urged rejection of the rezoning request. Dr. Thompson stated they acquired the property over a period of twelve months beginning in early 1976. He said the former owner had indicated the drive-in site would be single family residences. He said they had not discussed what other than single family residences would be suitable on that site. He
April 3, 1978

added that multiple family dwellings could pose a problem if located adjacent to a school. He said commercial development surrounding another school in their district had created problems already. Dr. Thompson stated the status of an access road was in discussion with the developer to the west.

Mr. Thomas Nordstrom, representing area residents, stated it appeared the Plan Commission did not address the project's total impact on the community, but only the technical aspects. He said residents took exception to the developer's and the City's traffic figures. He said their reasons for opposing the project were increased and unacceptable levels of traffic, whether adequate studies had been made concerning drainage into Missouri, the impact upon the adjacent school, the impact upon the Historical Society of New Santa Fe, whether or not this project would promote or lend itself to strip zoning of State Line, and the impact upon the total community. He said they had filed with the City Clerk sufficient petitions to require a three-fourths majority of the Council to pass the ordinance.

Mr. Nordstrom said it was very clear at the meetings with the developer that the people did not want a shopping center, not capriciously, but because of the things a shopping center creates. Councilman Hodes asked Mr. Nordstrom about a hand-bill circulated prior to the public hearing in February containing information that appeared to be erroneous. Mr. Nordstrom stated something was needed to overcome apathy of people in opening junk mail.

Meyer Brown, president of South Kansas City Community Council, referred to a letter he had written to the Plan Commission, and read one paragraph concerning surface drainage. He said Kansas City had found the traffic studies to be inadequate. He said the South Kansas City Community Council opposed commercial development at this project. Mr. Johnson read from a letter from Kansas City, Missouri, that they did not dispute the traffic analysis findings or assignments. Mayor Alt asked Mr. Brown what his source of information was on the storm drainage. Mr. Brown said they had some people on the Missouri side unofficially take a look at it. In answer to inquiry by Councilman Watts, Mr. Sirchia said the study addressed itself to the runoff from the site, it did not extend under State Line.

Mr. Nordstrom said they did not feel the Plan Commission had done its homework. He said the engineer in March said the drainage for some distance into Kansas City, Missouri, was adequate but that was not what he said in February. Mr. Nordstrom contended that the City had not done a study and if the developer had done a study it was not being shown for an obvious reason. Mr. Grier said they had made a study and furnished Leawood information concerning it; he said they had communicated with Kansas City on February 20, 1978, and sent them copies of reports on drainage that had been...
done and were satisfied that there was no problem. Mr. Grier said the water discharged into a paved ditch which was adequate for the entire watershed.

Dr. Donald Wilson, vice president of Leawood South Homes Association, said there was general opposition to the request for rezoning because increased traffic would constitute a safety hazard for school children and all residents, and such an operation would attract a variety of individuals to the center and make it more difficult to limit contacts students would have with outside influences. He stated a quality of life appropriate to Leawood residents should be maintained, and said they were willing to accept reasonable, well-planned, regional commercial developments which did not clog traffic flow, endanger educational services, and which through their planning and placement sought to maintain the essential residential character of the community.

Mr. Robert E. Mulloy, Jr., president of the Historical Society of New Santa Fe, said the southern route of the Santa Fe Trail crossed state line right at the point of the proposed shopping center. He said the Society had filed an application nominating the eight acres on the Missouri side of Santa Fe Trail and State Line Road to the National Register of Historic Sites, and Missouri was processing the application. He said there was also under consideration the possibility of a nature park from State Line to Wornall Road, and commercial use of the proposed site might endanger those projects.

Mr. Gil Bledsoe, president of Verona Hills Homes Association, said the entry and exit streets of the shopping center were totally residential streets in Verona Hills on the Missouri side, with the center the nature of those streets would change. Mr. Bledsoe said he had received no invitation to any meeting concerning this project. He pointed out that approximately eighty acres from Blue Ridge Boulevard to 135th Street had been zoned commercial for a long time. He emphasized that the neighborhood did not end at State Line. He said there was a problem with runoff downstream on the Missouri side and the problem was going to become much worse. In answer to inquiry by Councilman Watts, Mr. Bledsoe said Santa Fe Trail was a natural cross-over street to Wornall and was used more than they would like to see it used; the major east-west street was Minor.

Mr. Robert Kalinich, vice president of Verona Gardens Homes Association, said the traffic figures presented were totally unacceptable—the developer's proposal indicated 1380 trips, their research indicated 1910 trips. He cited a transaction projection furnished by The Fleming Company on a grocery store of comparable size. He said the traffic analysis of the developer made several other statements which they considered questionable, such as the south entrance from 123rd Street was designed to be the main entrance, the projected volumes of traffic leaving the State Line exits were

2446
insufficient to install traffic signals, and vehicles leaving the development would proceed as gaps in the State Line Road traffic were available. He said traffic signals proposed by the Plan Commission would only pose additional hazards to an already dangerous area since the vertical sight distance at these intersections was very poor. Mr. Kalinich said piece-meal four lanes such as the flaring proposal of the developer served only to create bottlenecks; he said there was a possibility of three traffic signals within a quarter of a mile on State Line.

Mr. Johnson stated his firm had completed an independent analysis and was satisfied with their analysis and recommendations; their figures indicated there would be 602 trips in and 745 trips out which totaled 1347 in the pm peak hour. He stated the report's figures were realistic and based on nationwide studies plus independent studies of their own. Councilman DeKinder observed that there did not seem to be a great deal of difference between Mr. Kalinich's figures and the ones used in the report.

Anna Brown, Leawood South, said the hopes, dreams, benefits and quality of living conditions for many people should and must overshadow completely the benefit of a few acres of land to one man. She said the Council had a moral obligation to Leawood residents to maintain the high quality of living which now exists in Leawood. She maintained there was no need for a shopping center at 123rd and State Line and asked why the people could not decide what they wanted in their neighborhood.

Bill Judd, former councilman, said he was concerned about storm drainage and alleged street widening. He said people along 84th and Cherokee Lane were inundated after development of The Cloisters and cited drainage problems at 89th and Mission Road and at 98th Street west of Lee Boulevard. He claimed water from the proposed development would be taken under State Line and dumped. He said it was a bi-state and bi-city problem and thought it had not been looked into thoroughly enough. He said no one had said how long it was going to take to widen State Line Road and, once again, that was a bi-state problem. He said he could not see how the present setup was going to accommodate the traffic that was going to be generated.

Bob Roush, Leawood South, read a letter which would be delivered to the mayor and councilmen documenting what had happened to him over the past two years on this problem. He said Mr. Sirchia advised him that because the drive-in was in operation when the city annexed this area it was permitted to remain in operation as long as the property did not change hands and the operation was continuous. If either of those cases was not complied with, the zoning was to revert back to agricultural or R-1 zoning. He said Mr. Sirchia showed him a long range plan that showed nearly all of the property in the vicinity of Leawood South was
zoned for single family dwellings with the exception of a corridor along 135th Street which was zoned for multifamily dwellings and commercial areas; because of this his feeling was a plan would not be accepted which would zone any other land commercial. Mr. Roush said with this assurance they built their house. He asked the Council to maintain the long range zoning plan and vote against the proposed zoning change.

Councilman Wise said she gathered the opposition was not to this particular plan or to commercial development in general in south Leawood, but rather to any commercial development at this specific site. She asked Mr. Nordstrom to outline factors which he felt made this particular site unacceptable which would not necessarily apply at another location, and what did residents of south Leawood feel were acceptable criteria for a site for commercial development. Mr. Nordstrom said he believed people would not be opposed to a regional shopping center in an area already zoned commercial by both Kansas City and Leawood. He said the factors which made this particular site unacceptable were as listed in his presentation. Mr. Nordstrom stated they had never said that this was strip zoning, as a matter of fact the people who looked at the plans for the first time at a meeting held by the developer commented that it was a nice looking shopping center; he said the placement was the problem.

Councilman Hodes stated the Council did recognize its moral obligation to residents as evidenced by its vote for the fire station in the southern part of the City, the problem was that councilmen represented all the people and had to look at the overall picture.

Jack Rupert asked who would pay for the widening of State Line Road. He said he did not like the shopping center and surely did not want to pay for the street.

City Attorney Winn explained the procedure of first and second readings for ordinances and that if the Council disapproved the ordinances the recommendation must be returned to the Plan Commission with a statement specifying the basis for disapproval.

The ordinances relating to zoning of the tract of land on the northwest corner of 123rd Street and State Line for planned business district and for planned multifamily will be put on second reading at the Council meeting of April 17, 1978. Councilmen DeKinder said he would like to have corroboration from Mr. Owsley of Larkin & Associates regarding his statement on downstream drainage. Councilman Wise asked that the engineers also state the difference in runoff between a development of a commercial nature and a development of single family nature.

There was a brief recess.
Resolution No. 454 - Approving 1st Plat of the Hunters Ridge Subdivision: Councilman Crippin stated the Plan Commission recommended to the City Council that the subdivision plat be approved contingent upon approval of street and storm drainage plans by the Assistant City Engineer. Councilman Crippin moved that the Hunters Ridge subdivision be approved with those contingencies; seconded by Councilman Wise. In answer to inquiry by Councilman DeKinder, Phil Kline said the plat was approximately 1,500 feet west of State Line Road on the south side of 123rd Street. Mr. Kline said at the request of the City's traffic engineer the plat had been designed so that High Drive entered 123rd Street approximately 160 feet east of the entrance of the school property. Street names were discussed. Chief Toman said some changes may have to be made. Mr. Ellis stated he understood that 123rd Street was to be changed and the houses now backing on 123rd Street would be backing on the back yard of another house. Councilman Hodes said 123rd Street would not be realigned at Lots 3, 4, 5 and 6. He asked if the Plan Commission had addressed that problem. Councilman Crippin said with the buffer strip as shown, the Plan Commission was amenable to approving the plat; he said there was a plan showing how the buffer area would be landscaped. Resolution No. 454 was adopted unanimously. A copy is attached hereto as part of the record.

Ordinance Establishing Fees for Examination of Development Plans by City Staff (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. Councilman Wise asked how the fees differed from present fees. Mayor Alt asked Mr. Sirchia if he could prepare a comparison of present fees and proposed fees by the next meeting. Mr. Sirchia said the fees were comparable to those of other cities. There was discussion that it would not be appropriate to charge for updating the city map, that any such cost would be a city cost.

Ordinance Amending and Supplementing Zoning Regulations; Incorporation of New Zoning Regulations by Reference (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. Mayor Alt suggested that the ordinance be studied closely. Councilman Wise suggested that before the Council voted at the second reading that a presentation on the changes be made by a member of the Plan Commission or the staff. City Attorney Winn suggested that it be done in written form and distributed to the Council. Mayor Alt said he was in favor of a verbal presentation by the staff.

Request for Permission to Solicit Funds - American Cancer Society: On motion by Councilman DeKinder, seconded by Councilman Crippin, the request of the American Cancer Society for permission to solicit funds was approved.

Councilman DeKinder requested a short executive session
at the end of the agenda. Mayor Alt requested that the agenda be changed to make the Mayor's Report concerning litigation the last item.

CITY ADMINISTRATOR'S REPORT

Consideration of Funding from Johnson County Public Works Task Force: Mr. Lawler explained that this involved submitting to the Johnson County Public Works Task Force several projects which could be funded by the County. He said the only cost to the City would consist of materials and supplies. Projects recommended by the Administrative Committee for submission were: (1) a curb and gutter survey, (2) a sidewalk survey, (3) street signs survey, and (4) clearing of bank of Indian Creek adjacent to Leawood City Park. The County would furnish funds to cover all salaries or wages, including supervision, and expense to provide vehicles or equipment to accomplish the work. Councilman Crippin determined that the result of the survey would be a city expenditure to finance replacement; he said he was opposed to the City financing replacement of curbs and gutters and sidewalks in the City, most cities did it on a benefit district basis. Mr. Lawler said once the facts were determined, property owners could be approached for an assessment, otherwise it would have to be financed out of the City's capital budget. Mayor Alt said he would not propose if the survey were made that the City get into any improvement program of any kind until it had been adequately studied and determined how the job would be done. Mr. Lawler said there was no intention of getting into anything other than finding out how much there was. Councilman Watts moved that the items be voted on individually; seconded by Councilman Wise. Motion carried.

There was discussion that the projects had not been considered by any committee other than the Administrative Committee. Item 1 died for lack of a motion. Item 2 also died for lack of a motion. Councilman Crippin moved that Item 3, the street signs survey, be approved; seconded by Councilman Wise. Motion carried, Councilmen Watts and Hodes opposed. Councilman Crippin moved for approval of Item 4, clearing of creek bank adjacent to the park; seconded by Councilman Wise. Councilman Watts asked if consideration had been given to clearing of areas damaged as a result of the flood. Councilman Wise stated it was discussed but the Administrative Committee was concerned about public opinion that would be generated by putting strangers in back yards doing work. In answer to inquiry by Councilman Watts, Mayor Alt stated there was at the present time no firm plan to clean out the creeks. Councilman Hodes asked if the workers in this program could also be used to clean out some of the creeks behind homes. Mr. Lawler said projects had to be specifically outlined as to what was expected to be accomplished. Motion carried.
Discussion of Recommendation to Approve Alternate II Plan for Improvements to City Council Chamber: Councilman Hodes moved for approval of the recommendation; seconded by Councilman Wise. Mr. Lawler explained the plan for moving the council area back, building a platform in the council chamber and incorporating a speaker system (which was not included in the figure presented), creating more seating capacity for visitors, the chamber to be used for all committee and commission meetings and the court. City Architect Sanders stated it would cost approximately $3,000 to upgrade the speaker system with permanent mounting which was not included in the $2,600 estimate he had made. He said a question had been raised as to whether the existing petition separating the council chamber from the judge's chamber and conference room could be removed. He said it would be relatively simple to remove the wall but there was a problem in trying to relocate space for the judge's chamber and the clerk of the court. He said the southwest corner housed the furnace and should remain. Mr. Lawler said another consideration was making space available for the City Engineer, City Architect, etc., but the upstairs room would need to be converted first. Chief Sellers suggested that the approach be for a larger courtroom since it was built with LEAA funds. City Attorney Winn favored Chief Sellers' approach; he was concerned about applying LEAA money toward administrative functions of the City. The matter was discussed. Councilman Hodes asked if there could be another diagram prepared showing removal of the wall and seat configuration, possibly the judge could use some other office. Mr. Sanders said he had learned that there was a need for counseling from time to time during court sessions. Councilman DeKinder suggested turning the Council area at an angle and leaving the corner office. Mr. Sanders said funds for the speaker system would be needed at the time of construction because it would be built in. The motion and second were withdrawn. The matter was referred back to the Administrative Committee.

Report and Recommendation Regarding Traffic Signal Modification - 103rd and State Line: Mr. Lawler reviewed that modification of the signal had been authorized some time ago, then a work order came in asking for $2,558, the cost of removing the old signal, which had not been brought out earlier; Kansas City Power & Light Company advised that it was part of the franchise agreement. The question was whether the City should go ahead with the project or take an alternative approach of going to the State for 90/10 funding for installation (the $2,558 would still have to be paid but the project would be city property). Mr. Lawler stated it appeared it would be an economical move for the City to try to obtain 90/10 funding from the State of Kansas. Mr. Johnson said he had contacted the Department of Transportation and determined that funds were available, a letter had been drafted submitting to the State a request for the funding; with an
immediate response construction could probably begin the latter part of this year; a set of plans and specifications was needed to initiate a contract for the installation. He said he felt the fee specified by Kansas City Power & Light Company was excessive.

For the funding, Mr. Johnson stated all that needed to be done was to send the letter to the State requesting construction funds, the City would be responsible for the design plan preparation; the State would request a report on the need for signal improvements at that location. He said it would take about a year on the 90/10 funding as opposed to ten years on FAU funding. Councilman Wise moved that the City request the 90/10 funding from the State; seconded by Councilman Watts. Councilman Watts asked the exact cost by Kansas City Power & Light for the signal. Mr. Johnson said they were charging $2,097 per year for the signal in perpetuity. He estimated power maintenance cost would be $1,000 per year and total construction costs about $9,200 local funds. There was discussion that the type of signal to be submitted for 90/10 funding was a more responsive system than the type included in Kansas City Power & Light figures. Councilman Hodes asked Mr. Johnson to get a figure from Kansas City Power & Light on rental cost of the more expensive system with magnetic detectors in the road bed. Mr. Lawler said funds could come from the capital outlay fund. Motion carried.

Recommendation Regarding Street Construction Standards for Street Lighting and Street Name Signs: Councilman Wise moved for approval of the recommendation; seconded by Councilman DeKinder. Greg Bangs of the Home Builders Association advised that several of their members were currently trying to eliminate from subdivision regulations the item referring to the financial responsibility of the developer for street lights. Councilman Crippin said the developers wanted to eliminate it from the subdivision regulations but he did not think the City could afford to put in the street lights. He said he did not think the regulations proposed were unduly strict. Mr. Johnson said the Leawood standards did not propose continuous lighting in residential areas. The scope of the work to be done by Johnson, Brickell & Mulcahy was discussed, including development of six different lighting standards with design specifications. Councilman Crippin stated he thought the Council did not have much choice because when a developer came forth with street plans the City had to have specifications to show how to put in street lights. Maintenance was discussed. Mr. Lawler said once the City got into the arrangement it would have to make a contractual arrangement with someone, probably Overland Park, to provide this service. There was discussion that funds would come from the contingency account or capital outlay. Councilman DeKinder determined the City would be responsible for maintaining the lights and paying for the power. Motion carried.
Councilman DeKinder moved that the Council go into executive session to discuss personnel and items involving litigation, to return to regular session at 12:00 midnight; duly seconded. Motion carried.

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

There was discussion concerning whether or not the next meeting should be at Ranch Mart Auditorium. Mayor Alt did not think it was necessary. Councilman Wise thought there would be a lot of people. Mayor Alt said he could arrange it but it would not be given as much publicity as this meeting.

At 12:02 a.m., on motion by Councilman Watts, seconded by Councilman DeKinder, the meeting adjourned to Monday, April 17, 1978, 7:30 p.m.

Eugene F. Alt
Mayor

Jane Dile
Council Reporter

Attest:

City Clerk

2453
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 17, 1978, at the Ranch Mart Auditorium, 3736 West 95th Street, 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, Police Chief Sellers, City Attorney Winn, Herbert Johnson, Robert Myers, Bob Van Wye, Dick Kellenberg, 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 April 3, 1978, were approved as submitted.

Visitors: A list of visitors is attached hereto.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Wise, seconded by Councilman Watts.

On motion by Councilman Watts, duly seconded, the agenda was changed to take up zoning at 123rd and State Line as the next item of business.

Discussion Relating to Zoning of Property at 123rd and State Line: Mayor Alt explained two ordinances were before the Council relating to zoning of a tract of land at the northwest corner of 123rd and State Line known as Oxford Plaza—one ordinance for planned business zoning and the other covering multifamily dwellings. He stated the deliberations would be within the Council itself at this meeting. City Attorney Winn stated he had examined protest petitions and it was his opinion that there had been sufficient protest filed with reference to the R-3 zoning, hence six votes would be required for passage of that ordinance. He stated a protest petition filed by Blue Valley School District was not sufficient since it did not technically meet the provisions of the statute in that action was not taken in the form of a resolution at a Board meeting. He said the persons in Verona Gardens who had petitioned were not within 200 feet of the property so their petition was not sufficient. City Attorney Winn stated it was his opinion a legally sufficient protest had been filed with reference to B-1 zoning and that also would require six votes for passage.

Mayor Alt explained the Council could approve the recommended zoning by adopting the ordinances or return it to the Plan Commission for further consideration specifying the basis for the disapproval. The Plan Commission after
reconsidering same may resubmit it with a change giving reasons therefor or submit a new and amended recommendation. If the Plan Commission fails to act within ten days after it is referred back the inaction may be considered by the Council as a resubmission of the original recommendation and act accordingly.

Ordinance Relating to Zoning of Tract of Land at 123rd and State Line Road as Planned Business (B-1) (Second Reading): Councilman Crippin read the proposed ordinance. Councilman Watts moved for approval; seconded by Councilman DeKinder. Councilman Watts determined that a row of mature pine trees would be removed by the widening of 123rd Street. He suggested right turns only at the Santa Fe Trail exit from the project. Mr. Johnson said that would not be a reasonable proposal. Mr. Johnson stated he did not anticipate that 123rd Street would be a major entrance to the development, rather that entrance and exit would serve people from the south or west of the development. Mr. Johnson said at the present time there was not a warrant for a traffic signal at 123rd and State Line, traffic signals were proposed at the two streets north of 123rd Street primarily so the developer would be responsible for their installation, probably a signal would become warranted at 123rd Street which would be a city responsibility. Mr. Johnson agreed with Councilman Watts that sight distances were not adequate at 123rd Street but absence of traffic volume or accident pattern established it would be difficult by the book to get a signal located there. During discussion, City Attorney Winn stated requirement of a signal at 123rd Street could be a part of the recommendations to the Plan Commission if the matter were referred back to them, or it could be made a condition precedent. Councilman Watts asked if the project were approved could the Council require that a fence be erected between the shopping center and the school property at the developer's expense. City Attorney Winn said that would really be a part of the landscaping plan which would come a little later in the proceedings. Councilman Watts asked if the Council or Plan Commission had any legal or moral obligation if the development were approved to approve a commercial project, if requested, on the south side of 123rd Street at State Line. City Attorney Winn stated each proposal had to be considered on its own merits, to decide whether the land use for that specific location was appropriate or not.

Councilman Roberts stated there was very poor visibility both to the north and to the south coming out on 123rd at State Line. He could not conceive how cars would ever get out of 123rd Street if there were signals at 121st Street and Santa Fe Drive. Mr. Johnson stated additional lanes required to be installed by the developer when the development goes in would dilute the traffic and increase the number of gaps; he said probability of three signals going in would be quite reasonable and it was reasonable to design a signal to allow traffic to proceed north and south. Councilman Roberts
April 17, 1978

Cited a problem of a recently installed signal at I-435 and Roe Avenue backing up traffic. Councilman Roberts asked if there was indication from Kansas City, Missouri, that they intended to widen State Line Road to four lanes. Mr. Johnson said Kansas City had indicated they would be placing that widening in the next five-year plan. Councilman Roberts asked about a letter from Kansas City, Missouri, that they did not see a need for signalization at Santa Fe Road or 119th Street at this time. Mr. Johnson said he felt Kansas City, Missouri, was trying to relieve itself of any responsibility for improvement costs at that location. He added that the signalization at I-435 and Roe did make the location safer.

Councilman DeKinder said he was concerned about the amount of runoff that was going to occur. Mr. Sirchia stated there had been no further discussion concerning runoff. Councilman Hodes read from a letter from Shafer, Kline & Warren that the storm drainage structure under Santa Fe Road was not nearly large enough to carry a 25 year storm, however excess flow could easily run across the roadway causing only local flooding. Robert Myers said Santa Fe Road at that location was in a valley and water that could not get through the culvert would go over the road to a depth of one foot or two feet. He said the situation existed at present, and if there was no development at all on the Kansas side it would still be a problem. He said a 400 acre area was involved; the culvert was designed for something less than a two-year storm; if Oxford Plaza were developed it would make around a 2 per cent difference. In answer to inquiry by Mayor Alt, Mr. Myers said the difference in commercial development and single family development would be fifteen per cent considering the fifty acres; that additional area was added across State Line. Mr. Myers said the concrete ditch was sufficient to carry the drainage. Bob Van Wye of Larkin & Associates said his partner got essentially the same figures and believed Mr. Myers was correct in his analysis.

Councilman DeKinder stated since the last Council meeting there had been a number of letters questioning either the honesty or the integrity of a member of the Council at the last meeting. He said he found that type of trash totally offensive and out of place and well below the normal dignity of the people he had come to know in serving on the Council; he would hope the same enthusiasm and interest would be shown in the next election or budget hearing.

Councilman Wise read a statement in which she stated she had decided to vote against the proposed zoning ordinance because of concern over the intrusion of commercial development at this predominantly residential location. She said the designation of the northwest corner of 123rd Street and State Line as a commercial site in the 1975 Leawood Comprehensive Plan was made to accommodate an existing use and was not intended to dictate use of the property once the
drive-in operation ceased. Councilman Wise quoted from the introduction of the comprehensive plan that the plan must remain general, flexible, usable and marked not the end of the planning program in Leawood but the beginning. She said since the adoption of the comprehensive plan in 1975, three significant changes had taken place in the vicinity of the drive-in property: (1) A dramatic increase in the number of high-quality residential subdivisions and homes on both sides of the state line; (2) Withdrawal of longstanding plans for two sizeable retail shopping centers in the area by J. C. Nichols and Kroh-Moffitt because of community resistance; and (3) Purchase and development of a large school site by the Blue Valley School District.

Councilman Wise said the area had evolved into a high-quality residential community free of commercial development by community choice. The developer had pointed out that the Leawood zoning ordinances provided that planned business districts shall be located at or near the center of their trade territory. Councilman Wise stated it did not follow, however, that every neighborhood large enough to constitute a trade territory must have a planned business district. She stated it seemed evident that runoff and traffic congestion around the center would be considerably greater than if the center were not there, and no one had made the claim that the presence of a shopping center next to a school was advantageous or desirable.

Councilman Wise stated she did not oppose commercial development in general, but felt it would be in the best interest of the City and the area's citizens to maintain the strong residential character of one of its most desirable areas as it now exists and as neighborhoods in north Leawood have existed.

Councilman Roberts stated in the long, tedious deliberations councilmen had made on this issue, he had sought all the professional and other guidance he could. In doing so he had gone to the preamble to the subdivision regulations of the City which stated that the Plan Commission and the Council shall not approve the subdivision of land if it had been determined that the best interests of the public are not being served. He said the people of south Leawood are not a negative people, they are a progressive people as evidenced by their homes; they are sophisticated, concerned citizens and they are concerned not only for their own vested interests but for the whole of Leawood and for their good adjoining neighbors in Kansas City. He said the Plan Commission and the Council had heard from representatives of large numbers of people, but he had only heard from one proponent for the proposed project with the exception of the developers themselves. Councilman Roberts said the voice of the people on this project had been heard loudly and clearly that they did not need the project and they did not want the project; consequently, he could not support the project.
Roll call vote on the ordinance for Planned Business zoning was four nay, three aye. Mayor Alt declared that the ordinance did not pass and should be returned to the Plan Commission for further consideration with a statement of the reasons why.

Councilman Crippin said in light of the statements previously made; in light of the fact that three years ago the comprehensive plan was prepared to accommodate an existing use of such a magnitude that it was placed in a commercial use classification (at which time a public hearing was held with approximately fifty persons in attendance and no one objected to the commercial classification) but three years had passed, additional families had moved into the area, a new school was under construction, and attitudes had changed; also in light of the fact that comprehensive plans should be made flexible to reflect change, and the fact that he believed that residential neighborhood residents should have the opportunity to select and to protect their environment, thus increasing the opportunity for more stable neighborhoods, he would move that those statements be included in any statement that is referred to the Plan Commission with regard to the Council's action in denying the zoning change; seconded by Councilman Lyons.

Mayor Alt asked Councilman Wise if she wished to have her statements included. Councilman Wise said that was why they were made. Councilman Lyons said he personally liked the plan but felt the center was too large for the area; he would like the developer to seriously consider more strict conformance with the comprehensive plan which would phase the proposed center down considerably. Councilman Lyons said the reason for his vote would be that it did not technically conform with the existing land use plan. He said he was in agreement with Councilman Roberts in that he thought as elected officials councilmen do need to listen to the voice of the people, the people who live out there are the ones that would be affected, and although that was not his ward, he was with them. Councilman Lyons moved to amend the motion to include his statement; seconded by Councilman Wise. Mayor Alt suggested withdrawal of the amendment so that the statements by Councilman Roberts and Councilman Wise might be incorporated therein also. The motion and second were withdrawn. Councilman Lyons then moved that all the aforementioned statements be incorporated into an amended motion; seconded by Councilman Wise. Amendment carried. Motion carried. Mayor Alt directed the City Clerk to send the matter back to the Plan Commission with the reasons stated in the motion just passed.

Ordinance Relating to Zoning of Tract of Land at 123rd and State Line Road as Planned Multifamily Residential (R-3) (Second Reading): Councilman Crippin read the ordinance. Councilman Hodes moved for approval; seconded by Councilman DeKinder. City Attorney Winn advised the Council to consider
the R-3 application solely on its own merits. Councilman Wise commented that it seemed irrelevant without the commercial zoning. Councilman Roberts asked the staff if the R-3 project would stand by itself so far as traffic, drainage, safety, etc. Mr. Johnson said in all probability the developer would not be required to make the improvements along State Line Road as required by the balance of the proposal. Councilman Roberts asked if the street in the R-3 project would meet with subdivision regulations without the commercial. Mr. Johnson said the road would probably have to be redesigned. With an access road to State Line, Mr. Johnson said the R-3 project would meet subdivision regulations. Mayor Alt said at the final plan stage the appropriate provisions should be made to handle that. Councilman Wise said she had no philosophical objection to the townhouse concept but it would be difficult to approve a piece of the total plan.

Roll call vote on the R-3 zoning was four nay, three aye. The ordinance did not pass. Councilman Crippin moved that the Plan Commission be advised that the reason for not approving the multifamily development was that subject development had been proposed in a plan which had been integrated into a total plan for a parcel of property under one ownership; consequently, in effect eliminating the plan that had been proposed for the majority of that property, it was felt that the multifamily proposal in question should be denied at this time; seconded by Councilman Wise. Councilman DeKinder stated by requiring that there be two separate actions to zone two separate parts of the plan and then stating the reason for returning it to the Plan Commission was because the Council was really considering it all as one plan, it seemed the City was setting the rules as it went along. Motion carried with four aye votes, three nay.

There was a short recess.

Councilman Watts moved that the next item of business be the ordinance relating to planned multifamily zoning for Brittany Court, following that, the resolution relating to single family plat of Longwood Forest; seconded by Councilman Lyons. Motion carried.

Ordinance Relating to Zoning for Planned Multifamily Residential, R-3 - Brittany Court - 112th and Roe Avenue (First Reading): Councilman Crippin stated the Plan Commission recommended to the Council that the project be approved. He moved that the ordinance be placed on first reading; seconded by Councilman Watts. Mr. Sirchia presented the plan. He said the theme of the development was similar to Huntington Farms but it was much less dense, with 46 units. He said the streets were private and would not be dedicated to the City. Councilman DeKinder said in the past the Council had required certain concessions for access on private streets by public safety vehicles. City Attorney Winn suggested that the same covenant on safety
be followed as was used in Dorset Manor. Gary Corser stated the property had already been before the Council once but the plan had been changed and separated from Huntington Farms. He said emergency exits would be provided out of this project and out of Huntington Farms also. Chief Toman said with two exits accessible by police and fire it met his approval. He said 112th Street should be labeled 113th Terrace, and the resolution should be corrected. Mr. Corser said the construction standards of the streets would meet city specifications, the width would not. Mr. Johnson said he was asked to review plans and possibly approve street construction for these areas yet there were no basic standards for private streets. He said they did not fulfill basic street standards pertaining to geometrics. He suggested that the Public Works Commission review private streets and establish some minimal standards. The ordinance passed first reading.

Resolution No. 455 - Relating to Single Family Plat - Longwood Forest - College Boulevard and Mission Road:
Mr. Sirchia presented the plat. He said the future alignment of Mission Road was indicated along the east side of the subdivision and a bridge would be required. He said the developer had agreed to improve College Boulevard to a 28 foot width (which exceeded requirements) and had made the offer to improve it to a 41 foot width if he could get the property owner to the south to participate in the improvement; he had dedicated 55 feet of right-of-way. The developer had agreed to install street lights both on College Boulevard and within the subdivision itself. As far as the right-of-way for the future alignment of Mission Road, Mr. Simon had agreed to dedicate 20 feet; Mr. Long, owner of the property to the east, had agreed to dedicate 60 feet. In reaching that agreement, the Plan Commission had absolved both Mr. Simon and future owners of lots in Longwood Forest, their heirs and assigns, and Mr. Long, his heirs and assigns, from contributing to the cost of the initial construction of the new Mission Road. The old portion of Mission Road would then only serve the Foxhill Office complex and the Plan Commission was proposing that Mr. Simon be absolved from participating in the improvement of old Mission Road. Mr. Sirchia said it was expected that at some future date that right-of-way would be abandoned just north of College Boulevard. Mr. Sirchia said Mr. Simon had agreed to meet city requests on storm drainage above the minimum standards. Mr. Winn stated the City had an executed agreement from the Long family giving the 60 feet of right-of-way. Mr. Sirchia stated the new Mission Road alignment was further in the flood plain but construction was still possible. Mr. Johnson stated there would be additional expense to build Mission Road at that location because it would be in a floodway fringe requiring a fill area to bring it up out of the flood area. Councilman Hodes thought the realignment of Mission Road would be very beneficial, eliminating traffic through Leawood. Mr. Sirchia said the City had
a letter from the developer's engineer agreeing to all the conditions. Councilman Roberts moved that the resolution be adopted; seconded by Councilman Watts. Councilman Watts moved to amend the motion to incorporate the policy statement of the Plan Commission; seconded by Councilman Hodes. Amendment carried. Resolution No. 455 was adopted. A copy is attached hereto as part of the record.

Councilman Wise moved that the agenda be changed to consider the ordinance adopting a new zoning code as the next item of business; seconded by Councilman Roberts. Motion carried.

Ordinance No. 581 - Amending and Supplementing the Zoning Regulations, Incorporation of New Zoning Regulations by Reference (Second Reading): Mr. Kellenberg stated the proposed zoning regulations had been carefully prepared and edited but would require additional changes from time to time. He reviewed major amendments or additions to the current zoning ordinance. He said the configuration of zoning districts had been changed. The new ordinance had the following districts: Agriculture, single family, planned single family, planned two family, planned garden apartment, planned cluster residential, planned apartment house, planned high rise apartment, planned offices, planned restricted business, planned general business, recreational, and planned industrial. He said he felt that this pattern of zoning districts gave ability to control development of the community and still allow flexibility. He said the old district for country clubs and public parks had been changed to a recreation district which was much broader and included private commercial recreation facilities, such as racquet clubs. Side yard regulations had been changed so that they now required that the side yard be ten feet plus one-half the height of the adjacent wall exceeding ten feet. He noted that there was no long list of uses in the commercial and industrial districts, instead there was a performance type of enumeration of zoning uses. Mr. Kellenberg said there was a separate section requiring submission of a landscaping plan with all applications except single family dwellings. He said most of the setbacks and percentage of land coverage still prevailed. There were provisions for high rise buildings under planned zoning approval. A policy statement was included that this community is basically a low density, single family, open space community. He said he thought the way it was worded the Governing Body had a good position on being extremely sensitive to the kind of building to be approved.

There was a short recess to change the recording tape.

Councilman Roberts asked if something had been done to provide more parking in condominium areas. Mr. Kellenberg said the ordinance itself did not contain language that
would require extra parking for guests. He thought a better way to handle it would be for planning concepts to be brought to bear on the projects, to be a little more specific on requests for zoning to get the parking where it belongs.

City Attorney Winn said as he understood it, R-1 applicants would simultaneously be involved in a zoning procedure and a platting procedure. He had some reservations about complicating what had been a relatively simple procedure on single family. Mr. Kellenberg said this was a move by the Plan Commission to eliminate unplanned zoning districts. He said he did not believe the ordinance in any way required that all single family come under RP-1 zoning, that there was the opportunity still for R-1 zoning.

Councilman Wise left the meeting at 10:08 p.m.

City Attorney Winn asked what was the point of having developers go through the additional procedure. Mr. Sirchia said he did not believe the amount of time would increase at all, as it would be considered simultaneously, one of the benefits would be that the City would have a certain amount of control that it did not have now.

Mr. Kellenberg said with the enormous amount of rural land with no streets, sewers, etc. it would be preferable to have a legislative type act and public hearing to change it to urban type zoning. Councilman Crippin said the question had arisen as to whether agricultural uses would be designated residential on the zoning map, the conclusion was that they should be left agricultural, and as the requests for subdivision review came in the land would be zoned; the thought was that it might create a conflict with current agricultural uses to zone everything north of 135th Street residential and everything south agricultural. Mr. Kellenberg said provisions for the Board of Zoning Appeals and the Plan Commission were the same as the current ordinance. Mr. Sirchia said the flood insurance ordinance was not affected.

City Attorney Winn noted that restrictions on roofing and building materials remained the same with no flexibility to consider new types of material. He suggested using language such as "or other equivalent materials", so that the City Architect could review other materials and perhaps allow them. Councilman Lyons agreed. Mr. Kellenberg said zoning regulations did not ordinarily specify building materials. Mr. Johnson noted that the building material regulations pertained to residential and there was nothing to say what should be used in an office type structure. As to open space, Mr. Kellenberg said there was a deviation from the hard numbers on setbacks, etc. to allow the developer some latitude.

Mayor Alt asked about the provision that land annexed into the City would retain the zoning placed on the land by the township zoning board until the City by due process zoned
such land. Mr. Kellenberg said that provision would insure continuing uninterrupted flow of zoning control. He reminded the Council that the map went hand in hand with the ordinance. Mr. Kellenberg said the suggested regulations probably placed more emphasis on the comprehensive plan than the previous regulations did. He did not think the proposed regulations would lower any standards. Mr. Sirchia stated the staff felt there were no problems with the document that could not be overcome through working with it. Councilman Crippin stated the Plan Commission had reviewed the document with intensity and he had no question about the ordinance. On motion by Councilman Crippin, Ordinance No. 581 was adopted unanimously.

#168 Ordinance No. 582 - Establishing Fees for Examination of Rezoning Applications, Development Plans, Sign Approval, Special Use Permits and Street Vacations by City Staff (Second Reading): Councilman Watts moved that the ordinance be adopted; seconded by Councilman Hodes. The fees were discussed. Mr. Sirchia stated the fees were based on actual costs. There was discussion that the fee for special use permits was intended to apply to the first application, not renewal thereof unless there was a major change. City Attorney Winn suggested that it be left as it was and that the staff decide whether there were any special costs. Ordinance No. 582 was adopted unanimously.

#192 Ordinance Defining Work Week for Administrative Employees (First Reading): Mayor Alt requested that the ordinance be continued on first reading inasmuch as it had not been considered by the Administrative Committee.

#193 Ordinance Relating to Drainage Ways and Trash (First Reading): Mayor Alt stated the ordinance was introduced because it was felt the City did not have sufficient control in commercial areas. Mr. Lawler explained that it was to give the City leverage over trash in commercial areas, and to prohibit deposit or accumulation of debris or growth of shrubbery or trees which would restrict the flow of any natural drainage way. The ordinance passed first reading.

#199 Public Safety - Request for Permission to Solicit Funds - City of Hope: On motion by Councilman DeKinder, seconded by Councilman Hodes, the request for permission to solicit funds for City of Hope was approved.

#201 Metropolitan Police Awards: Councilman DeKinder said Chief Sellers had invited him to attend the Metropolitan Police Awards dinner. He recommended that someone from the City always attend that function and that serious thought be given to submitting acts of heroism by Leawood officers for consideration for award.

#211 MAYOR'S REPORT

Mayor Alt asked that department heads start work on their budgets.
CITY ADMINISTRATOR'S REPORT

#212 Discussion of Agreement for Traffic Signal - 95th and State Line: A letter dated April 11, 1978, from the Assistant Director of Transportation of the City of Kansas City, Missouri, had been distributed. It stated that the City of Kansas City must retain full responsibility for the timing of the signal at 95th Street and State Line Road. Councilman Hodes said he would be opposed to signing a contract with any municipality giving up Leawood’s right to control at least in part a traffic signal. Mr. Johnson said he thought Leawood would have to give up that right to the owner of the signal because the owner would be legally responsible for accidents or malfunctions. Mr. Lawler said at the present time Leawood paid half the cost of operation of the intersection, under the agreement Leawood would just pay the energy cost. The matter was discussed. Councilman DeKinder suggested that the agreement state that timing of the signal shall be jointly arrived at. City Attorney Winn said it was a matter of negotiation, if the City wanted to save money and possibly give up potential liability, then the contract was not a bad deal; if control of the signal was of crucial public import, then the City should share the control of it. The matter was referred to the Public Safety Commission for recommendations to be made to Mr. Lawler.

#259 Consideration of Authorizing Mayor to Enter into Contract for Repair of Flood Damage to Concrete Lined Drainage Ditch: Mr. Lawler said a contract was to have been delivered. It was not available. He said the amount of the contract was around $5,000. Mayor Alt said he thought normal bid-letting procedures should be followed, the bids opened, and a recommendation made at the next Council meeting.

#274 Appropriation Ordinances: Nos. 380-A and 365-S in the amounts of $127,680.32 and $56,768.77, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman DeKinder.

#295 Increase in Liability Coverage: Mayor Alt stated the public officials liability coverage had been increased.

At 11:05 p.m., on motion by Councilman Watts, duly seconded, the meeting adjourned to Monday, May 1, 1978, 7:30 p.m.

June Lile
Council Reporter

Attest:
City Clerk

Mayor

Eugene E. Alt
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 1, 1978, 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, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Architect Sanders, Herbert Johnson, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: Mr. Lawler suggested that in the third line of the second paragraph on page 2464 the words "disaster contribution" should be substituted for the word "contract". Mayor Alt suggested that in the first line on page 2455 the words "with a change" be stricken and the word "without" be substituted. On motion by Councilman Wise, seconded by Councilman DeKinder, the minutes were approved as corrected.

Visitors: Mayor Alt welcomed citizens, members of the Press, and in particular the families of councilmen—Mrs. John Carper, Mrs. Edwin Haas, Mrs. Herbert Roberts, Jennifer Hodes, Dick, Sheri, Kyle and Matthew Rinehart, and Ben Rockey, Plan Commission member. A copy of the visitors roster is attached hereto.

On motion by Councilman Watts, seconded by Councilman DeKinder, the agenda was changed to consider the ordinances on B-1 and R-3 zoning at 123rd and State Line as the next item of business.

Discussion Concerning Ordinance Relating to Zoning of Tract of Land at 123rd Street and State Line Road as Planned Business (B-1) and Ordinance Relating to Zoning of Tract of Land at 123rd and State Line Road as Planned Multifamily Residential (R-3): Mayor Alt reviewed that at the Council meeting of April 17, 1978, the Council voted on two ordinances relating to zoning of a tract of land on the northwest corner of 123rd Street and State Line, known as Oxford Plaza, one ordinance relating to zoning a portion to Planned Business District B-1 and another covering zoning of the remainder to Planned Multifamily R-3. He said that vote was taken on the basis that petitions presented to the City represented over twenty per cent of the land within 200 feet. City Attorney Winn stated it had since been determined that J. C. Nichols Company owned on the east side of State Line about 130,000 sq. ft. of area eligible to protest, others who owned an additional 90,000 sq. ft. did not protest, therefore, the Nichols property constituted about 12½ per cent of the total perimeter area of 200 feet.
around the project, so the Nichols petition was not sufficient to constitute 20 per cent according to the statute. Mr. Winn said he was still of the opinion that the petition filed by School District 229 was defective because no information had been furnished that the president was authorized at a regularly convened meeting of the school board to sign the petition. Therefore, it appeared that as to the B-1 zoning there was not a sufficient protest. As to the R-3 zoning, Mr. Winn stated the petitions were all in order and were sufficient, so there was and continued to be a sufficient protest against the R-3 zoning. At the suggestion of Mayor Alt, Councilman DeKinder moved to renew the motion made at the April 17th Council meeting relating to the adoption of an ordinance to zone the property at the northwest corner of 123rd and State Line, known as Oxford Plaza, to B-1 zoning; seconded by Councilman Hodes. Councilman DeKinder asked the procedure if the motion were to fail. City Attorney Winn stated if the motion to renew failed, then the previous vote would stand and it would go back to the Plan Commission with the same recommendations collected from Council comments at the last meeting. He further explained that following the last meeting, the Plan Commission was advised not to consider the matter until it came back to them after this meeting. Councilman Wise asked that the City Attorney state his reasoning as to why the Council should re-vote. Mr. Winn said he felt that Council members may have cast their votes under some misconception given to them, therefore, the most advisable procedure would be to renew the motion and cast the ballots once again. He said he did not feel any attempt on the part of the school board to correct their petition was going to overcome the defect.

Councilman Lyons pointed out that the prior vote was not null and void. City Attorney Winn agreed and said he was suggesting a proper procedure to have a clean slate. Councilman Lyons stated he did not understand why the Council should re-vote and he would oppose the motion. A roll call vote of the Council resulted in a four to four tie. City Attorney Winn explained that the Mayor could not vote to break a tie on a simple motion, only on a vote on an ordinance. Mayor Alt declared that the motion did not pass, therefore, the action taken at the previous meeting would stand. He said the matter would be referred back to the Plan Commission for the reasons that were stated at the previous meeting.

There was a short recess.

Ordinance No. 583 - Relating to Drainage Ways and Trash (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 583 was adopted unanimously.
Ordnance No. 584 - Regarding Planned Multifamily Residential, R-3 Zoning - Brittany Court (Second Reading):
Councilman Wise moved that the ordinance be placed on second reading. Ordinance No. 584 was adopted unanimously.

MAYOR'S REPORT

Mayor Alt thanked the Council for its cooperation and assistance and said he would like to feel he could call on the retiring members of the Council at any time.

Appropriation Ordinance: No. 381-A in the amount of $24,024.22, providing for payment of certain claims against the City, was submitted and approved on motion by Councilman Watts. Councilman Hodes noted that it cost $1,600 to hold an election for four unopposed offices in the City and he hoped the City was moving toward tying election dates with national elections. Mayor Alt stated the City was required to hold primary elections if more than two people filed for an office, at a cost of about $250 per polling place. He said he was asking the Ordinance Committee to draw up a charter ordinance to charter out of the requirement for a primary.

Councilman Hodes said he would like to see a copy of what was entailed in the charge of $6,200 for engineering services for March. Councilman DeKinder noted that there was approximately $10,000 spent in various consulting services, he suggested careful consideration be given before a consultant was asked to check into something. Mr. Lawler explained that several separate contracts with Johnson, Brickell and Mulcahy were involved in the expenditure.

Presentation of Certificates of Appreciation and Keys to the City to Retiring Council Members and Former City Architect: Mayor Alt presented certificates of appreciation and keys to the City to retiring councilmen Edwin N. Haas, Samuel T. DeKinder, and John M. Watts, and a certificate of appreciation to former City Architect John Granstedt.

There was a short recess.

Oath of Office Administered to Newly Elected City Officials: City Clerk Jinny Oberlander administered the Oath of Office to the following: Councilman John T. Carper, Ward 1; Councilman Jen D. Funk, Ward 2; Councilman Jean Wise, Ward 3; and Councilman Marcia K. Rinehart, Ward 4.

Roll call of the new Council was answered by Councilmen Wise, Roberts, Funk, Crippin, Carper, Rinehart, Lyons, Hodes.

NEW BUSINESS

Election of President of the Council: On motion by Councilman Roberts, seconded by Councilman Lyons, Councilman
Kent E. Crippin was unanimously elected President of the Council.

Resolution No. 456 - Designation of Official City Newspapers: Councilman Wise moved that the resolution be adopted designating The Johnson County Sun as the official city newspaper for all documents requiring legal publication; seconded by Councilman Roberts. Councilman Lyons moved that the motion be amended to designate The Olathe Daily News as a second official city newspaper; seconded by Councilman Hodes. City Attorney Winn pointed out the Olathe News was a daily paper and could fill a void in a tight time bind. Amendment carried. Resolution No. 456 was adopted. A copy is attached hereto as part of the record.

Designation of Depositories for City Funds: On motion by Councilman Lyons, 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 as depositories for City funds as shown on the report distributed.

Appointment of City Officials: On motion by Councilman Wise, seconded by Councilman Lyons, city officials were appointed for one year, as follows:

- Fire Chief: Jourdan A. Toman
- City Marshal/Chief of Police: Al R. Sellers
- City Treasurer: Donald E. Golik
- City Attorney: Larry Winn III
- Assistant City Attorney: David M. Jancich
- City Administrator: Frank Lawler
- Chief Building Official and City Architect: Robert Sanders
- City Engineer: Shafer, Kline & Warren
- Assistant City Engineers: Johnson, Brickell, Mulcahy & Associates
- Assistant City Architect: Larkin & Associates
- City Clerk: John Granstedt
- Consulting Attorney (Sanitary Sewers): Jinny Oberlander
- Municipal Judge Pro Tem: Max Bagby
- Assistant Chief Building Official: Ray L. Borth
- Public Officer - Substandard Structures: Gerald Rushfelt
- Larry Winn III

Oath 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: Frank Lawler, City Administrator; Jourdan A. Toman, Fire Chief; Al R. Sellers, City Marshal/Chief of Police; Donald E. Golik, City Treasurer; Larry Winn III, City Attorney; Robert Sanders, Chief Building
Official and City Architect, Herbert Johnson, Assistant City Engineer; and John Granstedt, Assistant Chief Building Official.

Authorization of Signatures for Warrant Checks for City Obligations, All Funds, and for Savings-Checking Transaccounts:

On motion by Councilman Roberts, seconded by Councilman Wise, the Mayor, City Treasurer, President of the Council, City Clerk, and City Administrator were authorized to sign warrant checks for city obligations.

Authorization to Approve Transaccount Telephone Transfers:

Mayor Alt recommended that the City Clerk, the City Administrator, and City Finance Clerk be authorized to approve transaccount telephone transfers. Treasurer Golik asked if there was documentation that the transfer had been authorized. Councilman Hodes moved that the City Clerk, the City Finance Clerk, the City Administrator, and City Treasurer be authorized to approve transaccount telephone transfers; seconded by Councilman Wise. Motion carried.

Appointments to Committees, Commissions and Boards:

On motion by Councilman Wise, seconded by Councilman Carper, the following appointments were approved:

**ADMINISTRATIVE COMMITTEE**

Kent Crippin, President of the Council, Chairman 1979
Eugene E. Alt, Mayor 1979
Jean Wise, Chairman of Budget and Finance Committee 1979
Phil Hodes, Chairman of Public Safety Commission 1979
Kent Crippin, Chairman of Public Works Commission 1979

Ex Officio:
Donald Golik 1979
Larry Winn III 1979
Frank Lawler 1979

**BOARD OF ZONING APPEALS**

Charles T. Witthaus 1981
William D. Myers 1981

**BUDGET AND FINANCE COMMITTEE**

Donald E. Golik 1979
John Carper 1981

**INTERGOVERNMENTAL COOPERATION AND COMMUNITY AFFAIRS**

Jen Funk, Chairman 1981

2469
LEGISLATIVE COMMITTEE

John Carper, Chairman 1981
Marcia Rinehart 1980
Carol Garner 1979
Clarence Roeder 1979

NEWSLETTER COMMITTEE

Andrew Lyons, Chairman 1979
Jean Wise 1979
Jen Funk 1979

ORDINANCE COMMITTEE

Kent Crippin, President of the Council, Chairman 1979
Jen Funk 1981

PARKS COMMISSION

Marcia Rinehart, Chairman 1980
Ed Summerville 1980
Pearl Scott 1979
James Barrick 1980
Joe Neuner 1979

PLAN COMMISSION

James Balderson 1981
Herbert A. Block 1981
Robert Sanders, Ex Officio 1979
Gerald P. Foster 1981

PUBLIC SAFETY COMMISSION

Phil Hodes, Chairman 1981
Herbert Roberts 1981

PUBLIC WORKS COMMISSION

Joseph Fitzpatrick 1981

RECREATION COMMISSION

Gary McKillip 1982
Marcia Rinehart 1982

INSURANCE COMMITTEE

Lloyd Lynd, Jr. 1980
John Carper 1979

ASSISTANT CIVIL DEFENSE DIRECTOR

Bettie M. Bridges 1979
Resolution No. 457 - Relating to Construction Standards for Private Streets: Councilman Crippin stated the resolution had been generated because the City had adopted street construction standards but a question arose as to what standards were to be utilized in checking the plans for private streets. Councilman Crippin said it was felt there should be a resolution at least expressing a statement of policy by the City indicating that all private streets constructed in the City
shall hereafter with the exception of right-of-way be built to street construction standards of the City. He explained that "with the exception of right-of-way" meant that in condominium or multifamily projects a 50 foot right-of-way possibly not be included, just the width of the paved area. The proposed resolution included a provision that all such private streets be accompanied by a declaration of public safety. Councilman Crippin reported there were some reservations by two members of the Plan Commission that the resolution could place constraints upon creativity and innovation by developers in the design of their street systems. However, after discussion those individuals did not say they would oppose it. Due to problems that had been generated in the past where private streets were approved but after construction had taken place the people had requested the City to accept the streets, Councilman Crippin moved that the resolution be adopted; seconded by Councilman Wise. Councilman Wise wondered if the Plan Commission had considered going further and outlawing private streets and, if not, should the right-of-way requirement be included also. Councilman Crippin said the Plan Commission felt that if the City followed the proposed policy developers would choose not to plan a development with private streets. He said he was not sure the City could legally write an ordinance saying there would be no private streets per se. Councilman Wise wondered if the City should deal with the right-of-way situation in some manner at some point so that any private street could later be dedicated to the City. Councilman Hodes wondered why right-of-way was needed if the streets were already built to city specifications as to width. Councilman Lyons said it seemed a contradiction to allow a private street but to dictate how it would be built. City Attorney Winn was concerned that if there was a specific exception on the right-of-way dedication that the ordinance setting forth that requirement might have to be modified to provide that it could be waived under certain circumstances.

Mr. Johnson said at the present time there were no standards by which to say this is a good private street or this is a bad private street. Mayor Alt pointed out that whether streets were private or not the City had an obligation for the public health, safety and welfare, and if an emergency arises the mayor and other constituted authorities of the city must act notwithstanding that the streets are private. Councilman Roberts said citizens were concerned that there were private streets in Leawood that were not sufficient for police and fire protection, and they were concerned about maintenance of those streets, some of which were not built to good standards and had gone to pieces; he suspected that some of those people bought their property with the understanding that the City eventually would take over the streets. Councilman Roberts said he believed the City should have minimum standards on private streets the same as the minimum standards on public streets. Councilman Crippin said a question in his mind was how much the review process could be legislated without running the risk of
working into a box so that in the event the City wanted to do something different it would not be able to do it. He said that was the reason the matter was presented in resolution form as a statement of policy. Resolution No. 457 was adopted, Councilman Lyons voting nay. A copy is attached hereto as part of the record.

Resolution No. 458 - Relating to the Improvement of 119th Street and Acceptance of Petitions for the Creation of a Special Improvement District: City Attorney Winn stated petitions had been presented to the City by John H. Moffitt, Capital Funds, Inc., and the Garland family, asking that the City create a benefit district to finish 119th Street from Ensley to Mission Road. The total cost would be $246,000, the owners' property to be assessed for 95 per cent of the total cost, 5 per cent (the approximate cost of utility relocation) to be assessed against the City at large. Mr. Winn said the petitioners owned approximately 75 per cent of the property, the only owner not petitioning was the Hall family. He said there were two resolutions before the Council, one to accept the petitions and the second to order the work to proceed. He referred to a time schedule prepared by Mr. Johnson. Mr. Winn explained that bonds would be issued for the entire cost and five per cent would be assessed to the City; temporary notes would be issued to pay contractors. Councilman Crippin moved that the resolution relating to the improvement of 119th Street and to the acceptance of petitions for the creation of a special improvement district be adopted; seconded by Councilman Lyons. Resolution No. 458 was adopted. A copy is attached hereto as part of the record.

Resolution No. 459 - Ordering the Improvement of 119th Street: On motion by Councilman Lyons, seconded by Councilman Wise, Resolution No. 459, ordering the improvement of 119th Street, was adopted. A copy is attached hereto as part of the record. Mr. Johnson pointed out that 119th Street was under the grandfather clause and was being built with asphalt curbs, 36 feet back to back. Mayor Alt suggested that the Public Works Commission meet with Phil Kline to look over the final plans.

Improvement of 123rd Street: City Attorney Winn stated there was a problem involving litigation and he would like to have an executive session dealing with acquisition of right-of-way at 123rd Street and State Line. Mr. Johnson said there was an engineer's estimate of $300,000 to complete the work described on the 123rd Street project, engineering and legal fees would bring that to $360,000, the benefit district had $365,000; the engineer's estimate did not include anything for right-of-way acquisition or construction easements and there was no money left in the project at this time to put in the street lighting. The plans had been approved. On motion by Councilman Roberts, seconded by Councilman Wise, this item was moved to the bottom of the agenda for executive session, Councilman Lyons opposed.
Approval of Low Bid for Repair to Flood Damaged Concrete-Lined Ditch: Councilman Hodes moved for approval of the bid of Carter Construction, Inc. in the amount of $7,100 for the work to be done at 87th and Overhill; seconded by Councilman Wise. Mayor Alt explained that in the flood last fall the concrete-lined ditch underwashed and the City was being reimbursed $5,000 by the Federal Government. Mr. Lawler stated the landowner had agreed to give the right-of-way provided the contractor replaced the sod, etc. Motion carried.

Interlocal Agreement - Improvement of Intersection of 95th and Mission: City Attorney Winn stated the purpose of the agreement was to improve the configuration and signalization of the intersection of 95th Street and Mission Road, such intersection being partially located in Overland Park, Prairie Village, and Leawood. The cost would be $1,100,000, allocated as follows: Johnson County, 50 per cent of the local government share inclusive of engineering fees but exclusive of the cost of traffic signals, sidewalks, street lighting, legal fees and right-of-way acquisition, the balance of the cost, exclusive of traffic signals, to be paid 52 per cent by Overland Park, 15 per cent by Prairie Village, and 33 per cent by Leawood. Cost of traffic signals to be paid 50 per cent by Overland Park, 25 per cent by Prairie Village, and 25 per cent by Leawood; pedestrian signal adjacent to Marsha Bagby School to be paid 50 per cent by Leawood and 50 per cent by Overland Park; all other costs to be divided between the cities in the same ratio as the total construction cost. Application had been made for FAU funding. Mr. Winn said Leawood would be the administrative agency; the State of Kansas administered FAU grants and controlled the day-to-day goings on and accountings. In answer to inquiry by Councilman Carper, Mr. Johnson said the allocation percentages were based on the amount of construction in each of the cities. It was observed that the improvement went a little farther east on the Overland Park side of 95th Street than on the Leawood side. Mr. Johnson stated no residential property in Leawood would be affected by this project.

Resolution No. 460 - Setting Forth Findings and Determinations of the Governing Body on the Necessity and Advisability of Improving the Intersection of 95th Street and Mission Road: On motion by Councilman Crippin, seconded by Councilman Roberts, Resolution No. 460 was adopted. A copy is attached hereto as part of the record.

Approval of Interlocal Agreement - Improvement of Intersection of 95th and Mission Road: On motion by Councilman Roberts, seconded by Councilman Crippin, the Council approved the agreement among Johnson County, the City of Overland Park, City of Prairie Village, and the City of Leawood for the public improvement of the intersection of 95th Street and Mission Road and extended portions of said roadways converging at the intersection.
Request for Permission to Solicit Funds for Muscular Dystrophy - ERA: Chief Sellers stated the request was from ERA represented by Oxford Company Realtors to solicit funds for muscular dystrophy; he said this solicitation was to take the place of the normal house to house solicitation. Councilman Wise commented that this was a commercial firm and it would appear that the firm was using the muscular dystrophy drive as permission to go door to door in Leawood in their blazers. She questioned allowing any commercial firm permission to do that. Chief Sellers said he understood the Muscular Dystrophy Association had recruited these people to do this. Chief Toman said it was a nationwide situation. Councilman Lyons cited an instance in Prairie Village and said he did not think Leawood should let itself get in that position with a commercial firm--it could not be controlled. Mayor Alt declared for lack of a motion the matter was dead. Councilman Hodes stated the City Clerk should notify them that their request had been denied and the Police Department should be apprised.

Councilman Roberts wondered if there was some way a letter could go from the City of Leawood to the Muscular Dystrophy Association advising them of the reasoning behind the Council's action. City Attorney Winn said he thought the Public Safety Commission should discuss the whole area and perhaps set some guidelines because it seemed to be a new trend in fund raising. Mayor Alt asked Chief Sellers to draft a letter for the Mayor's signature encompassing the reasons. Chief Sellers wondered if it might be approved if they did not wear ERA blazers and did not pass out any cards. Councilman Crippin wondered since it was a universal situation did it create any of the problems associated with it if it were just done in Leawood by a specific company. He said he did not think eliminating the blazers would solve the problem. Mayor Alt said he thought the City of Leawood was letting itself in for a great deal of criticism for not allowing Muscular Dystrophy to solicit. Councilman Hodes said he thought the default was that the application was signed by Oxford Company Realtors. Chief Sellers said he had checked and found that they were the authorized Muscular Dystrophy representatives for the area. Mayor Alt declared the matter closed for lack of a motion and said the Muscular Dystrophy Association would be advised as to why it was turned down.

Councilman Roberts moved that the Council go into executive session to discuss the matter of 123rd Street which might involve litigation, to return to regular session at 10:05 p.m.; seconded by Councilman Carper. Motion carried.

The Council went into executive session and returned to regular session at 10:05 p.m. The same councilmen were present.

Condemnation of Property - 123rd Street: Councilman Crippin moved that the Council authorize the City Attorney to begin condemnation proceedings for the acquisition of right-of-way
from the property located on the northwest corner of 123rd Street and State Line Road for purposes of improving 123rd Street west from State Line; seconded by Councilman Roberts. Mr. Johnson said he thought a 20 or 30 foot construction easement should be obtained. Councilman Wise moved to amend the motion to include a construction easement on the north side of 123rd Street along this property; seconded by Councilman Roberts. Amendment carried. Motion as amended carried.

At 10:10 p.m., on motion by Councilman Lyons, seconded by Councilman Wise, the meeting adjourned to Monday, May 15, 1978, 7:30 p.m.

Mayor

Council Reporter

City Clerk

2476
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 15, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Carper, Rinehart, Lyons, Hodes.

Others present were Fire Chief Toman, Police Chief Sellers, City Treasurer Golik, Bob Sirchia, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Rinehart, the minutes of the meeting of May 1, 1978, were approved as submitted.


Lions Club Presentation: Members of the Lions Club presented to Mayor Alt a check in the amount of $225 for the purchase of a build-a-board stretcher for the City's rescue units. Mayor Alt thanked the Lions Club and reviewed the Club's history of donations and help to the City.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Roberts, seconded by Councilman Wise.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance: Councilman Wise commented that the audit report had been distributed to Council members, and the recommendations contained in it had been discussed by the Administrative Committee. Treasurer Golik asked why the swimming pool building was insured for $300,000. Councilman Wise said it was because the equipment was considered a part of the building.

Ordinance Relating to Grass and Weeds (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. He said the proposed ordinance was to put back into ordinance form wording that had appeared in the previous zoning ordinance. Mayor Alt asked the City Clerk to check section numbers before the second reading.

Ordinance Relating to Adoption of Street Construction Specifications and Standards (First Reading): Councilman Crippin stated the proposed ordinance concerned putting into ordinance form the standards previously adopted and...
at the same time referred to the previously adopted street standards as set forth by the Kansas City Chapter of the American Public Works Association, 1966 Edition. Mayor Alt said he would like to have that changed to the 1972 edition. Councilman Crippin said the 1966 should be changed to 1972 prior to the second reading of the ordinance. Mr. Johnson said the street construction standard sheet referred to the most recent edition of the American Public Works Association manual so that the City did not have to keep changing it. He said the following clause from the previously adopted ordinance should be inserted: "The regulations shall apply to any subdivision plat or plan for which approval is sought after the effective date of this ordinance; further, the standards set out herein shall apply to any existing street which is reconstructed within the existing right-of-way." Councilman Crippin agreed that should be inserted prior to second reading. Councilman Crippin moved that the ordinance be placed on first reading.

Plan Commission - Report on Public Hearing - Oxford Plaza: Councilman Crippin read from correspondence that the developer of Oxford Plaza had requested a continuance of the public hearing of the Plan Commission, and that a continuance had been granted to the Plan Commission meeting of June 27, 1978.

Since Councilman Crippin needed to leave, on motion by Councilman Crippin, seconded by Councilman Lyons, the agenda was changed to consider the ordinance relating to acceptance of easements for storm sewer purposes, Oxford Hills, Second Plat, as the next item.

Ordinance Relating to Acceptance of Easements for Storm Sewer Purposes - Oxford Hills, Second Plat (First Reading): Mr. Sirchia stated this was a matter pertaining to a plat and storm drainage plans that had already been approved by the Council, the plat located on 119th Street just west of Verona Gardens. He said a storm drainage system had been allowed for but the engineer had left the easements off the plat. The proposed ordinance was to accept the easements to maintain it. He said the easements would not interfere with any building setback lines, and the staff recommended approval. Councilman Crippin moved that the ordinance be placed on first reading.

On motion by Councilman Wise, seconded by Councilman Crippin, the agenda was changed to consider approval of repairs to Mission Road as the next item.

Public Works - Approval of Repairs to Mission Road: Councilman Crippin reported the area concerned was south of 103rd Street towards I-435 on Mission Road. He said because of some drainage conditions the street had some very deep depressions. He said the Public Works Commission realized that sometime in the future there would be a new street there with curb and gutter; however, something needed to
May 15, 1978

be done now. Councilman Crippin reported it had become necessary to repair the street and there were two alternatives (1) to provide permanent repairs estimated to cost $20,000, and (2) temporary improvement which would last two to three years at a cost in the vicinity of $7,400. He said the Public Works Commission felt the $7,400 solution would be a better one in light of the fact that a subdivision in Overland Park was currently under construction and heavy equipment was using the area, and realizing that some time in the future Mission Road would pass under I-435. On recommendation of the Public Works Commission, Councilman Crippin moved that the City have plans drawn, etc. and bids obtained for repairing the street, not to exceed a cost of $7,400; seconded by Councilman Hodes. There was discussion that Leawood by agreement was responsible for maintenance of the whole street in that area. Councilman Wise had reservations about the project on the basis of priorities; she said there were streets in need of repair and that section was used by very few people. Councilman Roberts said he had viewed the area and there was no question in his mind from a safety standpoint that the street needed immediate repair. Councilman Wise asked if the drainage problems causing the problem would happen again. Councilman Hodes said there was a pipe that needed to be opened up and it would be ditched to drain properly. Councilman Crippin said there still was the opportunity for this same thing to happen again. There was discussion that cost of manpower of the Public Works Department was not included in the estimate. Councilman Lyons said it seemed the reason Mission Road was torn up was because of work contractors did to the west; he wondered if the contractor ever put the road back the way it was. Councilman Roberts said the worst part of the roadway was on the east side, not on the west side where the construction was. There was discussion that under the new subdivision regulations developers would be responsible for all bordering streets. Motion carried, Councilman Lyons opposed.

Resolution No. 461 - Providing for Additional Street Lights - Leawood South: Councilman Hodes reported that in 1976 the Council authorized the Mayor to sign a work order with Kansas City Power & Light Company calling for ten additional street lights in Leawood South, in the meantime there was no ordinance, the work order was lost, and it was now necessary to reinstate the motion authorizing the Mayor to sign. On motion by Councilman Hodes, seconded by Councilman Wise, the following resolution was adopted:

RESOLUTION NO. 461

BE IT RESOLVED that the Mayor be authorized to sign Work Orders 1 and 2 under Ordinance No. 563 providing for ten additional street lights in the City of Leawood, Kansas, to be paid for from the City's reserve fund with the Kansas City Power and Light Co. (Leawood South)
Councilman Crippin left the meeting at 8:10 p.m.

Resolution No. 462 - Relating to Proposed Additional County Levy to Operate Ambulance Service: Councilman Hodes reported the Public Safety Commission had examined material concerning a proposal by the County Commissioners that they levy one mill to operate countywide Type II rescue units similar to that already operated in Leawood. Since Leawood already had them and they were funded out of the City budget, Councilman Hodes moved that the resolution be adopted and forwarded to the County Commissioners; seconded by Councilman Carper. Chief Toman said the proposal had come about because some fire departments operating Type II units now did not desire to continue and were asking the County Commissioners to assume operation of them by 1979. He said by 1980, the State would require that every unit have at least one emergency medical technician on the unit plus it must be available twenty-four hours a day. He said the projected cost under the County proposal to operate two units was $274,000; the County program anticipated operating six Type II units on a county level and eight Med-Act units (an increase of two). He said Leawood's units could arrive in half the response time of the County units. The proposal would increase the cost to Leawood residents. Chief Toman said his suggestion that the mill be levied only in areas that desired the service had not been accepted. He stated it cost less than $10,000 to operate Leawood's two units annually, not including purchase of the equipment, because the manpower was a combination firefighter-emergency medical technician plus the volunteer emergency medical technicians. Mayor Alt suggested the words "firefighter" and "technician" be made plurals. Resolution No. 462 was adopted. A copy is attached hereto as part of the record. Mayor Alt asked Chief Toman to draft an appropriate letter for the Mayor's signature pointing out some of the things that he could transmit to the Chairman of the Board of County Commissioners.

Authorization to Hire Two Temporary Laborers: Mayor Alt requested that this item be removed from the agenda.

Preparation of Engineering Contracts for Traffic Signal Improvement - 103rd and State Line: Councilman Hodes reviewed the history of efforts to effect improvements at the intersection of 103rd and State Line. He reported there was ninety per cent Federal funding available for the total cost of around $47,000 for the latest type of magnetic detector signalization; the Federal Government would not pay on engineering costs estimated at $3,500. Councilman Hodes said ten per cent of the total cost of the total project, not counting engineering, would be about $4,700 which would be about half of the amount authorized two years ago with Kansas City Power & Light Company. Mr. Johnson said there was a tight deadline; the State had offered to let a contract for construction in September if the City would supply the plans by August 1; June 1 would probably be the latest date for a contract. Councilman Hodes moved that the Council authorize
Johnson, Brickell, Mulcahy and Associates to prepare plans for that intersection and also to enter into an agreement with the Kansas Department of Transportation to pay ten per cent of the total construction costs on the project; seconded by Councilman Roberts. There was discussion that since the expenditure had been approved previously and not spent, the funds must be in capital improvements carryover. Motion carried. Elizabeth O'Brien said she knew of at least two other intersections in Leawood which were desperately in need of signal improvement. Mayor Alt said the City would be happy to receive suggestions and put them before the Public Safety Commission for consideration.

#867 MAYOR'S REPORT

Mayor Alt reported City Administrator Frank Lawler had suffered a heart attack but was progressing satisfactorily.

Mayor Alt urged each department to be working on a long range capital improvement program of about five years in length so some items could be put in the 1979 budget.

OLD BUSINESS

#871 Agreement with Kansas City, Missouri, Relative to Traffic Signal at 95th and State Line: Mr. Sirchia reviewed that earlier this year Kansas City, Missouri, bought the traffic signal at 95th and State Line from Kansas City Power & Light Company and submitted a proposal whereby Leawood would pay the power cost to run the signal while they would pay the other operational and maintenance costs. He said the Public Safety Commission had studied the matter of timing of the signal and determined that Leawood could not control the timing because Kansas City was responsible for any accident that might take place there because of the timing of the signal; therefore, they would time it. He said Kansas City had estimated that it would cost Leawood less to pay for the power to run the signal for a year than it was costing to lease half the signal from Kansas City Power & Light Company for a year. Councilman Hodes pointed out that the proposed contract could be cancelled by either party with ninety days notice and for that reason Public Safety and Public Works felt it should be approved. Mr. Johnson reviewed cost figures, saying one-half of the rental cost was about $1,050 per year, energy cost was estimated at $520, so it would be about half of what Leawood was paying before. There was discussion that the agreement would go into effect on April 1, 1979. Councilman Hodes moved that the Council approve the agreement with the City of Kansas City, Missouri, for the signal at 95th and State Line; seconded by Councilman Lyons. Motion carried.

#885 Appropriation Ordinances: Nos. 382-A and 366-S in the amounts of $539,117.64 (including $400,000.00 in investments) and $7,649.50, 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 Wise explained there was a sizeable plumbing bill at the park because toilet stools froze when the heater in the building did not work, and because there was a problem with the valves several shower heads had to be replaced, and there were various problems with the drinking fountain. Councilman Wise said there would be some repair bills of rather large magnitude for repair of a tennis court crack. Councilman Hodes asked about an item in the appropriation ordinance for planning services by Kellenberg and Company. Mr. Sirchia said $75 was a monthly fee for preparation of data for the Plan Commission and consultation with the planning staff. Councilman Wise explained that the Plan Commission had felt very strongly that they needed professional input to make intelligent judgments on plans coming in. Mayor Alt will request a re-evaluation from the Plan Commission of the need for these services. Councilman Hodes requested a report by the staff sometime in the near future as to how $10,158 worth of radios for Public Works vehicles were being utilized. Councilman Hodes noted there were bills from four printing companies. Councilman Wise said Mr. Lawler had been working toward getting copies of all forms to put out for bid on an annual basis. She said the Administrative Committee would consider priorities at its next meeting, this would probably be one of the items. Councilman Hodes said he had suggested two years ago that pool patches be purchased far enough in advance to effect some larger purchase discounts.

Progress Report on 119th and 123rd Street Benefit Districts: Mr. Johnson summarized that the City was presently advertising for bids on 119th Street and 123rd Street; bids would be opened May 24; engineers would review the bids and make a recommendation to the Council. Since this was a critical project because of the school area, he suggested that the Council convene in special session to award a contract on 123rd Street and 119th Street benefit district improvements based on the engineer's recommendation on the bidding. It was agreed that a special session be held on Tuesday, May 30, 1978, at 5:30 p.m., for that purpose.

At 9:00 p.m., on motion by Councilman Lyons, seconded by Councilman Carper, the meeting adjourned to Monday, June 5, 1978, 7:30 p.m.
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 5:30 p.m. on Tuesday, May 30, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. A request for a special session for the purpose of handling the agenda attached had been signed by councilmen present. Roll call was answered by Councilmen Wise, Roberts, Funk, Rinehart, Hodes.

Others present were Fire Chief Toman, Police Chief Sellers, City Attorney Winn, Bob Sirchia, Herbert Johnson, Tom Bieszczat, the City Clerk, and the Council Reporter.

Recommendation on Bids for Improvement of 119th Street and 123rd Street and the Awarding of Contracts: Tom Bieszczat of Shafer, Kline & Warren stated they had reviewed the bid tabulations and found them all to be in order and, therefore, recommended that the low bidder, Union Construction Company, be awarded the contract on 123rd Street, and that Reno Construction Company be awarded the contract on 119th Street. He said both bids were well below the engineer's estimate and both companies had done work for the City in the past. He said the time schedule was flexible, they had indicated working days. Mr. Bieszczat said an official bid tabulation for the City's records would be presented when it was typed. Mayor Alt noted that three bids on 123rd Street were fairly close together. Mr. Johnson said Reno Construction Company's representative was thirteen minutes late for the bid opening on 123rd Street. Mr. Bieszczat read a letter from Phil Kline, president of Shafer, Kline & Warren, recommending that contracts be awarded to the low bidder on each project, and further stating that subject to the City awarding the contracts, they would be ready to issue work orders to the contractors as soon as right-of-way and easements had been secured and they knew contractors could work around the utilities which must be moved. City Attorney Winn said he was confident all of the right-of-way would be in hand by Friday. Mr. Winn said there were 875 feet of a six-inch gas main which needed to be replaced at a cost of $21.16 per foot, total cost $18,515.00, plus other utility relocation. Total utility relocation had been estimated to be $11,000.00. The City had agreed to pick up five per cent of the total cost. He said it appeared 119th Street would come in about $2,000 under the project which did not include anything for underground utility relocation. Mr. Johnson recommended that an accounting be done on both projects to see how much money was being spent and how much the City had as a total to work with. Mr. Bieszczat clarified that the $290,257.73 on 123rd Street should not be considered a firm, actual figure, that was merely an estimated unit cost; the units could vary during construction. All bids were made in this manner. Councilman Wise moved
that the Council accept the bid of Union Construction Company for the work on 123rd Street; seconded by Councilman Roberts. Motion carried. Councilman Roberts moved that the Council accept the Reno Construction Company bid for the work on 119th Street; seconded by Councilman Wise. Motion carried. Mayor Alt requested that Tom Bieszczat and City Attorney Winn draw up the necessary documents.

Extension of Sick Leave for City Administrator Frank Lawler: Mayor Alt reported Mr. Lawler was getting along well. He said Mr. Lawler had sick leave to take him through May 24th, the Council had the power to extend sick leave, and he recommended that Mr. Lawler's sick leave be extended through the first pay period in June. The matter was discussed. City Attorney Winn said when extraordinary sick leave had been granted in the past, it had been at full rate.

Councilman Carper entered the meeting at 5:53 p.m.

Councilman Wise moved that the Council extend Frank Lawler's sick leave at full pay through the first pay period in June; seconded by Councilman Hodes. Motion carried.

Repair Work at the New Fire Station: Councilman Hodes asked if anyone in the City had authorized any construction company to perform repair work at the fire station. He said neither he nor Fire Chief Toman knew anything about it but crews were moving in to do some work. They had not been able to reach Mr. Granstedt. Mayor Alt said there had been no authorization on his part. City Attorney Winn also stated nobody had been authorized to do any work. Mr. Winn said perhaps Mr. Granstedt had gotten a go-ahead from an insurance carrier. There was discussion that there should be Council approval on any settlement and a recommendation from the Building Committee.

Discussion Relative to Funds to Cover Construction Costs on 119th Street and 123rd Street: City Attorney Winn said ordinarily, unless the City had sufficient funds on hand, temporary notes would be issued to cover the construction. Budget and Finance Chairman Wise will discuss the matter with Mr. Winn.

City Attorney Winn said there was a severe time deadline if the City contemplated chartering out of part or all of the tax lid, such that a charter ordinance would have to be passed at the next meeting. Mayor Alt stated it was more compelling to make sure the City had taken the necessary action to effect the sales tax. City Attorney Winn said he was in the process of preparing an ordinance on that.

At 6:00 p.m., on motion by Councilman Wise, seconded by Councilman Rinehart, the meeting adjourned to Monday, June 5, 1978, 7:30 p.m.

Eugene E. Alt
Mayor

ATTEST:

City Clerk ......... 2484
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 5, 1978, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council Kent E. Crippin presiding in the absence of the Mayor. Roll call was answered by Councilmen Roberts, Funk, Crippin, Carper, Rinehart, Lyons, Hodes.

Others present were Fire Chief Toman, Police Chief Sellers, City Treasurer Golik, Bob Sirchia, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes - Meeting of May 15, 1978: On motion by Councilman Lyons, seconded by Councilman Roberts, the minutes of the meeting of May 15, 1978, were approved as submitted.

Minutes - Meeting of May 30, 1978: On motion by Councilman Hodes, seconded by Councilman Carper, the minutes of the meeting of May 30, 1978, were approved as submitted.

Visitors: Mrs. Kent E. Crippin. Member of the Press: Cathy Hamm.

COMMITTEE AND COMMISSION REPORTS

Insurance: Councilman Lyons moved for approval of payment of insurance premium invoices, as follows: $415 for renewal of public employees blanket bond, $3,300 for quarterly audit for Workmen's Compensation insurance, and $422 for increase in public officials liability bond; seconded by Councilman Carper. Motion carried.

Ordinance:

Ordinance No. 585 - Relating to Adoption of Street Specifications and Standards (Second Reading): Councilman Roberts moved that the ordinance be placed on second reading. Ordinance No. 585 was unanimously adopted.

Ordinance No. 586 - Relating to Acceptance of Easements for Storm Sewer Purposes - Oxford Hills, Second Plat (Second Reading): Councilman Crippin reviewed that this was an easement which was inadvertently left off the plat by the engineer preparing the plat. Councilman Lyons moved that the ordinance be placed on second reading. Councilman Hodes requested that approximate street location in addition to the legal description be indicated for such ordinances. Ordinance No. 586 was adopted unanimously.

Ordinance No. 587 - Relating to Public Nuisance (Grass and Weeds) (Second Reading): Councilman Crippin explained the
ordi

nance was to include a phrase that had been omitted in the new zoning ordinance. Councilman Carper commented that there was an inordinate number of lots in Wards 1 and 2 that had grass in excess of twelve inches in height. Councilman Crippin said probably the reason such grass had not been cut was that no one had complained. Chief Sellers stated some of the people had been asked to cut their grass. Councilman Crippin asked that Councilman Carper report any specific violations to the City staff.

Councilman Wise entered the meeting at 7:42 p.m.

On motion by Councilman Lyons, Ordinance No. 587 was unanimously adopted.

MAYOR'S REPORT

#1023 Appointment of Councilman Roberts as Chairman of the Public Works Commission: Councilman Crippin stated he had resigned as Chairman of the Public Works Commission and Mayor Alt had proposed the appointment of Councilman Roberts as Chairman of the Public Works Commission. On motion by Councilman Hodes, seconded by Councilman Lyons, the appointment was approved.

#1025 Appointment of Acting City Administrator: Councilman Crippin reported Mayor Alt had appointed Bob Sirchia as Acting City Administrator and the Administrative Committee felt this should be backed by Council action. Due to the added responsibilities and the additional overtime, the Administrative Committee took action to increase Mr. Sirchia's salary approximately thirty per cent, from approximately $12,000 per year to $15,600 while he occupied that position, retroactive to the day he moved into the position. Councilman Hodes suggested that possibly Mr. Sirchia would be interested in a car allowance which had a different tax effect. Councilman Roberts suggested that the matter of car allowance be taken up at the next Administrative Committee meeting. On motion by Councilman Wise, seconded by Councilman Roberts, the Council approved the action of the Administrative Committee with regard to the increase in salary for the period that Mr. Sirchia occupies the position.

#1035 Applications for Position of City Engineer: Councilman Crippin reported two applications had been received and an engineer working in the area might possibly be interested in the position. He proposed that the Administrative Committee meet on June 12, 1978, at 4:00 p.m. to consider those applications and make a determination as to whether or not an interviewing committee be formed or that the Administrative Committee do the interviewing. He added Mr. Johnson indicated several street inspections were coming up and consulting costs were skyrocketing. Councilman Wise suggested that the Administrative Committee also go over
the administrative budget at that time. Councilman Crippin said the salary for the City Engineer would have to be determined, previous salaries quoted appeared to be too low. He added that it had been determined that the regular meeting of the Administrative Committee would be held on the fourth Monday of every month at 7:00 p.m., and that a short meeting would be held at 4:00 p.m. on the second Monday of the month. He invited councilmen to Administrative Committee meetings.

Resignation from Plan Commission: Councilman Crippin stated he had resigned from the Plan Commission and suggested that councilmen submit names of persons who might be interested in serving on the Plan Commission.

Meeting on Sewer Situation: Councilman Crippin stated Councilman Carper and he had requested that the Mayor invite various officials concerned with the sewer situation in northern Leawood to attend a meeting to bring people up to date as to Step II and Step III grants, when construction could be anticipated, the current impact of negotiations between Kansas City, Missouri, and Johnson County, etc.

OLD BUSINESS

Approval of Payment to Carter Construction Company for Repair to Flood Damaged Concrete Ditch: Mr. Sirchia reviewed that during the flood in September there was considerable damage to a concrete flume at 86th and Overhill, so great that the Public Works Department could not handle the repairs. As a result, the City had to contract for the repair work and pay for it with money received from the Federal Government. He read from a letter from Phil Kline, acting as City Engineer, that the work had been performed satisfactorily in substantial compliance with the plans and specifications, and recommending payment in full to the Carter Construction Company. Councilman Lyons moved that the City pay Carter Construction Company $7,100 for repair work completed at 86th and Overhill; seconded by Councilman Hodes. Motion carried.

Approval of Audit Invoice: Mr. Sirchia stated this item should be removed from the agenda. He said he had initialed it as acting city administrator and the Mayor had signed it. Councilman Carper confirmed that this was a progress billing and the auditing firm still had the responsibility of completing the fixed asset portion of the audit.

MAYOR'S REPORT (continued)

Appointment of Space Study Committee - City Hall and Police and Court Complex: Councilman Crippin reported Mayor Alt had proposed the appointment of Councilman Roberts as Chairman of an ad hoc committee titled the Space Study Committee for City Hall, with Councilman Carper and Councilman Funk as members and City Architect Sanders ex officio. He said at Council direction City Architect
Sanders had undertaken a review of space needs and submitted a report to the Administrative Committee. Councilman Crippin requested that the report be given to the entire Council.

Approval of Contract for Repair of Damage to Fire Station No. 2: Councilman Hodes referred to a letter written by Mr. Sirchia with regard to damage to Fire Station No. 2 caused by blasting. He said a meeting had been held with the City Attorney, the adjusters, representatives of the insurance companies carrying the insurance both on the City's property and the contractor, and it was felt that a settlement somewhere near the $25,000 requested would be awarded to the City. He said approximately $14,000 worth of repairs needed to be done immediately. The project architect, John Granstedt, had requested that the work be performed and Pitman Building Corporation had crews already on the premises and had started to work. If the City waited for the settlement from the insurance company, it would be six months before Pitman Building Corporation could get crews back on the job, and it was felt since Pitman was the original builder, it would be money saved to use that company. Councilman Hodes moved that the Council approve contracts for services with Pitman Building Corporation totaling $14,528; seconded by Councilman Roberts. Mr. Sirchia said City Attorney Winn was relatively certain the City would collect at least the $14,000 for the actual repairs, the second group of costs for Public Works labor, administrative, architectural and legal fees was not certain. Councilman Hodes stated normally something like this would be put out for bids but it was very difficult on such repairs to get outside bidders. He explained that the damage was done by blasting when sewers were put in. Motion carried.

St. Joseph Hospital Helicopter Demonstration: Councilman Hodes invited everyone to a demonstration of the St. Joseph Hospital helicopter to be held at 1:00 p.m. on June 6th at the Leawood Park.

Report on Street Improvements: Mr. Sirchia stated the gas line within the 119th Street benefit district would have to be moved at City expense and it had been learned that the Gas Company would not move it until they had a letter from an authorized official of the City asking them to move the line and indicating that the City would pay the cost, estimated at $18,515, which had been included as part of the benefit district costs. Mr. Johnson said it would take three weeks from the date of receipt of the letter for the Gas Company front office to authorize the work. He said there would be a pre-construction conference with the contractors on Friday concerning 119th Street and 123rd Street. He said the City Clerk had in hand a contract signed by Union Construction Company, the next step on 123rd Street would be issuance of notice to proceed. Councilman Crippin said status of right-of-way and construction easements.
would be discussed in executive session because of potential litigation. Mr. Johnson said as soon as a contract was received from Reno Construction Company, notice to proceed would be issued. Mr. Johnson further stated there would be a pre-construction conference on June 6th concerning 111th Street between old Mission Road and new Mission Road, and construction would proceed shortly. Councilman Lyons moved that the President of the Council be authorized to sign a letter to the Gas Service Company regarding the re-location of gas lines at 119th Street based on their estimated cost of $18,515; seconded by Councilman Wise. Motion carried.

On motion by Councilman Roberts, seconded by Councilman Carper, the Council went into executive session at 8:13 p.m. to discuss 123rd Street because of possible litigation and the park plan and improvements, to return to regular session at 8:30 p.m.

The Council returned to regular session at 8:30 p.m. The same councilmen were present.

At 8:31 p.m., on motion by Councilman Lyons, seconded by Councilman Wise, the meeting adjourned to Monday, June 19, 1978, 7:30 p.m.

Eugene E. All
Mayor

June Lile
Council Reporter

Attest:

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

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, June 19, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Carper, Rinehart, Lyons, Hodes.

Others present were Fire Chief Toman, Police Chief Sellers, Acting City Administrator Sirchia, City Attorney Winn, City Treasurer Golik, Herbert Johnson, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Lyons, the minutes of the meeting of June 5, 1978, were approved as submitted.

Visitors: Dean H. Culp, Vicki Culp, Alison Mantel, Richard J. Bono, Chris Seitter, Cheryl Cowan. Member of the Press: Cathy Hamm.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Carper.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

Ordinance Authorizing Issuance of Temporary Note - 119th Street Improvement (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. City Attorney Winn stated it appeared the rate of interest would be 5½% for 180 days, a little beyond the construction period of the street. Mr. Sirchia said the total amount of the construction contract on 119th Street was $193,759.

Ordinance Authorizing Issuance of Temporary Note - 123rd Street Improvement (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. The rate of interest would be 5½%. The amount of the construction contract on 123rd Street was $290,276.

On motion by Councilman Roberts, seconded by Councilman Hodes, the agenda was changed to take up the Public Works portion of the agenda at this time.

Public Works - Benefit District 78-1 - Subcontract Proposal: Councilman Roberts stated Union Construction Company was the low bidder on the improvement of 123rd Street and the contract was awarded to that company. He said they had since requested that they be permitted to subcontract this phase...
of 123rd Street to Reno Construction Company which latter company would be doing the work on 119th Street (they did not get in their bid on 123rd Street before bidding was closed). Councilman Roberts stated it was the recommendation of the Public Works Commission that Union Construction Company be permitted to subcontract this job to Reno Construction Company. Mr. Sirchia said it would be to the advantage of the City to have one contractor to work with. Mr. Johnson stated Reno Construction Company would probably do more of the total work than Union Construction Company would have. City Attorney Winn stated the City would still look to Union Construction Company for performance. Councilman Roberts moved that Union Construction Company be permitted to subcontract this job to Reno Construction Company; seconded by Councilman Wise. Motion carried.

Recommendation of Low Bid - 1978 Street Improvement Program:
Phil Kline reported three bids were received, as follows: McAnany Construction Company, $80,510.60; Holland Construction Company, $97,515.92; and Reno Construction Company, $72,871.06. The engineer's estimate was $76,028.00. On recommendation by Mr. Kline, Councilman Roberts moved that the contract for the 1978 street overlay program be awarded to Reno Construction Company in the amount of $72,871.06; seconded by Councilman Crippin. The list of streets to be overlaid was not available at the Council table. Mr. Kline said some major work was planned on Roe Avenue in the vicinity of 127th Street, Overbrook in Leawood South from the entrance to Pembroke Lane was included, the rest were residential streets. Councilman Lyons objected to the decision as to which streets were to be overlaid having already been made. Councilman Hodes said the decision was made by three councilmen and two city engineers and the city administrator. Mayor Alt said in the past a map indicating the streets was presented to the Council. He recommended that the Council go along with the Public Works Commission recommendation. Mayor Alt added that he thought the City should ask the County for $1,250 per lane mile for road maintenance which was the amount approved by the State for state roads. In answer to inquiry by Councilman Rinehart, Mayor Alt said the City's policy had been that it repaired small portions of curb that had become hazardous, it had not gone into an extensive curb repair program. Councilman Roberts stated curb replacement was under study by the Public Works Commission at this time. Motion carried.

There was a short recess to reverse the recording tape.

Ordinance Relating to Duties of the President of the Council:
Councilman Crippin reported this ordinance spelling out the duties of the President of the Council and the next one abolishing the Ordinance Committee were the result of recommendations of the Administrative Committee. He said the first paragraph was a duplication of responsibilities in
the existing ordinance, the second paragraph concerning being chairman of the administrative committee was also part of another ordinance, the remaining sentences concerned responsibilities that were not stated in any other ordinance and could be deleted if the Council preferred a general statement, as in the first paragraph, that the President of the Council takes the place of the Mayor in his absence. He asked Council consideration of those sentences in that everything previous to that point was included in other ordinances. After consideration of the way the Ordinance Committee was now functioning in that ordinances were prepared by various other commissions and staff members and were merely presented to the Council by the Ordinance Committee, the Administrative Committee felt there was really no reason for the Ordinance Committee. However, some councilmen had indicated they felt the Ordinance Committee should remain in effect. The matter was discussed. Mayor Alt questioned the duplication and whether the Council would want to deal with this particular ordinance. Councilman Crippin said it had been brought to his attention that there was nothing that indicated the specific responsibilities of the President of the Council. Councilman Wise moved that the ordinance be placed on first reading. Mayor Alt recommended against passage of this ordinance because he felt there were adequate statements in existing ordinances. Councilman Crippin said this was meant to take place of the duplicated section. Councilman Lyons moved that the language which was deleted, i.e., that the President of the Council be Chairman of the Ordinance Committee, be reinstated in this ordinance; seconded by Councilman Crippin. Councilman Lyons said the Ordinance Committee could be a viable part of the City if the Council would let it; he said the lines of communication and procedures needed to be delineated. Councilman Wise said she felt someone else other than the Council President should chair the Ordinance Committee, she felt there was a need to spread committee chairmanships around among councilmen. City Attorney Winn suggested that the Council await the completion of a suggested flow chart for ordinances. Councilman Roberts said he was convinced there was need for an Ordinance Committee, he said councilmen on the other committees had their hands full without being burdened also with the development of ordinances. He believed other commissions should furnish input but there should be a committee which had the time and ability to study ordinances and put them into form without burdening the City Attorney or the Administrative Committee. Councilman Hodes said he thought the Council would be in a better position to abolish the Ordinance Committee and have the Administrative Committee review ordinances that were coming out of various commissions and staff members' hands before they come to the Council. Councilman Lyons said he thought there was a function for an Ordinance Committee or some body to funnel into, to make sure ideas were carried out, that ordinances accomplished what was to be accomplished, and get them written in proper form. Councilman Crippin said the Administrative Committee
could not be the reviewer of all ordinances because it had
enough other things to do. Mayor Alt declared the vote on
the amendment undetermined, the second and motion were
withdrawn so that the ordinance abolishing the Ordinance
Committee could be considered.

Ordinance Abolishing the Ordinance Committee: Councilman
Lyons stated the Council needed to establish a procedure to
get ordinances moving smoothly. Councilman Crippin stated
the point of the Ordinance Committee was only to review
ordinances to determine whether or not they conformed to
City policy. The ordinance died for lack of a motion to
put it on first reading.

Ordinance Relating to Duties of the President of the Council:
There being no motion to put the ordinance on first reading,
the Mayor declared the ordinance dead.

Public Safety:

Ordinance Relating to One-Way Glass and Other Applications
Prohibited on Windshields, Certain Windows and Headlamps
(First Reading): Councilman Hodes stated one-way glass and
certain reflective or shading applications on windshields
and side windows of automobiles prevented police officials
from seeing what was going on inside automobiles. He moved
that the ordinance be placed on first reading. Councilman
Wise suggested that such ordinances be accompanied by a brief
statement as to why they were being presented. Councilman
Hodes said the ordinance would also disallow headlights which
were covered with any adhesive film or other glaze or appli-
cation which was highly reflective or nontransparent. Chief
Sellers stated there was no problem with tinted or smoked
glass as applied by the manufacturer. There was discussion
concerning "motor vehicle required to be registered in this
state." Mayor Alt questioned use of the word "rear" in the
last sentence of paragraph (b). Mayor Alt suggested that
those points be clarified before second reading.

Ordinance Relating to Maximum Speed Limits (First Reading):
Councilman Hodes said the ordinance presented was almost
an exact repeat of the present ordinance with changes in
the speed limit on Mission Road, 94th Street to 95th Street,
from 35 to 30 miles per hour, and on 103rd Street, Mission
Road to Lee Boulevard, to 30 miles per hour, because of a
case in which the judge ruled that the speed could not be
reduced more than ten miles per hour coming into a school
zone. Councilman Hodes suggested that in paragraph (b)
the word "also" be added in the last sentence, to read:
"The provisions of this subsection shall also apply . . . "
Councilman Hodes moved that the ordinance be placed on
first reading. Mr. Johnson said he thought there was a
problem with the school zones, the 20 miles per hour would
only pertain when children were going to and from school,
not during the whole school day. Chief Sellers said he
thought the City could add to state regulations and he thought "when children are present" was adding to instead of taking away. City Attorney Winn will study that. Councilman Lyons commented that it made no sense at all for Leawood to have a 20 miles per hour speed limit on one side of the street by Cure of Ars School and Prairie Village to have 35 miles per hour on the other side of the street. The ordinance passed first reading. The City Attorney will review it to make sure it is within the limits of the law.

Ordinance Prohibiting Parking on 89th Street, State Line to Dykes Branch (First Reading): Councilman Hodes said the present ordinance prohibited parking on the north side of the street. After hearing testimony from several citizens and with construction that was going to be taking place in the development of the restaurant and banking facility and the number of cars that were turning around and parking there, the Public Safety Commission authorized the Police Chief to post temporary no parking signs on the south side of the street. This ordinance would allow the signs on a permanent basis. He said the signs had facilitated movement of traffic and no complaints had been received. Councilman Hodes moved that the ordinance be placed on first reading.

Ordinance Relating to the Repeal and Replacement of Section 165 (c) (3) of the "Standard Traffic Ordinance", 1976 Edition (First Reading): Councilman Hodes stated the ordinance provided that studded snow tires would be allowed in the City from November 1 to April 15. He moved that the ordinance be placed on first reading.

Request for Permission to Keep Three Dogs: Councilman Hodes said the request was from Miriam Krum, 9718 Overbrook Road, signatures from adjoining property owners had been presented, there had been no complaints, and the Public Safety Commission recommended to the Council that permission be granted for one year. Councilman Hodes moved for approval of the request; seconded by Councilman Roberts. Motion carried.

Crime Prevention Grant: Councilman Hodes stated this was a seventy-five per cent Federal grant for the total salary and fringe benefits of the crime prevention officer plus some office equipment, including a typewriter. Councilman Hodes moved for approval of the grant; seconded by Councilman Wise. Motion carried.

MAYOR'S REPORT

Appointment of Committee to Interview City Engineer: Mayor Alt stated the Administrative Committee recommended that three applicants for the position of City Engineer be interviewed. He proposed the appointment of the following committee to do the interviewing: Councilman Roberts, Chairman, Councilman Crippin and Mayor Alt, members, and the City
Administrator, ex officio. On motion by Councilman Rinehart, seconded by Councilman Lyons, the appointments were approved.

Appointment of Committee to Renegotiate Telephone Company Franchise Ordinance: On motion by Councilman Roberts, seconded by Councilman Lyons, Councilman Carper was appointed Chairman of the Committee to Renegotiate the Telephone Company Franchise Ordinance, with Councilman Funk and the City Administrator as members.

Extension of Sick Leave for City Administrator Frank Lawler: Mayor Alt reported Mr. Lawler's doctor had recommended that he work an hour or two per day at home for a week; the Mayor had suggested that he work on recommendations concerning the salary program. Mayor Alt reviewed that extraordinary sick leave with pay had been granted to June 15. Councilman Roberts moved that Mr. Lawler be granted sick leave with pay through the end of June; seconded by Councilman Wise. Councilman Roberts recommended that a policy be formulated concerning extraordinary sick leave.

Meeting Regarding Sewer Situation: Councilman Crippin stated he and Councilman Carper felt there should be a meeting on the sewer situation and suggested that such a meeting be held on the evening of July 10. He asked for clarification as to who should contact the proper authorities to be present to help explain the situation. Mayor Alt said he thought it should be the responsibility of the Special Sewer Committee and there would be a meeting of that committee concerning the matter.

NEW BUSINESS

Resolution No. 463 - Relative to Stanley Incorporation: Councilmen had received a memorandum from the Mayor, a Plan Commission resolution with a map showing the proposed Stanley incorporation with a red line showing the Plan Commission's recommendation for the city limits of Leawood, and a notice that there would be public hearings on June 26 and June 29. Mayor Alt presented a proposed resolution setting out Leawood's position on the incorporation for presentation to the County Commissioners either at or prior to the public hearing. Mayor Alt stated the village of Stanley proposed to incorporate an area including all the environs around the south end of Leawood to State Line. He said the resolution in essence did not oppose per se the incorporation of the City of Stanley if the area to the south of Leawood were left unincorporated so it could follow its natural course of development and the citizens could make a choice as to where they would like to live as far as the cities were concerned. He said the Administrative Committee had met to go over the resolution and made a couple of corrections. City Attorney Winn said Leawood should make it clear that the grandiose scheme now proposed was far too broad. Councilman Crippin said he felt several
people in that area had the misconception that if Leawood annexed them their taxes would escalate considerably; in fact, they had more reason to have an escalation in taxes in a newly incorporated city. The resolution was discussed. City Attorney Winn said he felt it was a bit presumptuous for this Plan Commission or this Council to draw a southern boundary line, that was something future Governing Bodies and future Plan Commissions were going to have to determine. He suggested that Leawood merely oppose the magnitude of the Stanley incorporation. Mayor Alt said the Administrative Committee agreed it would be better to leave this open to general negotiation but to oppose the incorporation in its present extent. The matter was discussed. Councilman Roberts suggested saying in paragraph 2 that Leawood "would not oppose it" rather than "would favor it."

Councilman Carper moved for approval of the resolution and authorization of the Mayor to transmit it to the County Commission; seconded by Councilman Lyons. City Attorney Winn reviewed changes which were previously made in ink on the draft and suggested the addition of the following paragraph:

"NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, that they oppose the petition to incorporate the Stanley area with regard to its proposed boundaries and would respectfully request that the Board of County Commissioners deny the petition for incorporation."

Councilman Wise moved to amend the resolution as read by the City Attorney; seconded by Councilman Lyons. Amendment carried. Resolution No. 463 was unanimously adopted as amended.

1979 Budget Meetings: Councilman Wise invited councilmen to sit in on the meeting on the administrative budget next Monday night. She also said a quorum was needed at Council meetings on July 17 and August 21 for approval of the budget. The public hearing will be held on August 14.

Appropriation Ordinances: Nos. 383-A and 367-S in the amounts of $371,231.76 (including $250,000.00 in investments) and $6,915.50, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted. Councilman Hodes was alarmed at the amount of $612 to Dictation Systems, Inc. for dictation equipment. Councilman Roberts said he could not imagine paying that kind of money for dictation equipment. Councilman Hodes noted the amount paid based on number of copies from the copy machine and said he felt councilmen received copies of too much information. He suggested that the Administrative Committee discuss the matter. Councilman Hodes questioned an item to Ranch Mart Hardware for $410 which apparently included some lawn mowers. He asked for a report on the lawn mowers from the Park Department. Councilman Carper said he would like to see the file on problems and plumbing
bills at the park. The appropriation ordinances were approved. Councilman Hodes suggested that the checks to Ranch Mart Hardware and to Dictation Systems, Inc. be held until they could be reviewed.

At 10:10 p.m., on motion by Councilman Wise, duly seconded, the meeting adjourned to Monday, July 3, 1978, 7:30 p.m.

Eugene E. Allen
Mayor

June Libs
Council Reporter

Attest:

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

A regular meeting of the City Council was held at 7:30 p.m. on Monday, July 3, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Carper, Lyons, Hodes. Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, Bob Sirchia, Fred Krebs, Phil Kline, the City Clerk, and the Council Reporter.

Minutes: City Administrator Lawler suggested that the word "acting" be added before the words "city administrator" in the seventeenth line of the second paragraph on page 2491. On motion by Councilman Lyons, seconded by Councilman Wise, the minutes of the meeting of June 19, 1978, were approved as amended.


On motion by Councilman Roberts, seconded by Councilman Lyons, the agenda was changed to consider the Public Works item at this time.

Public Works - Change Order No. 1 - Benefit District 78-2 - 119th Street and Mission Road: Phil Kline stated sidewalks were included in the plans on 119th Street probably to conform to ordinance without regard to the discussions that were held between representatives of the City and the developers who petitioned for the improvement. He said when the developers saw the plans which included sidewalks they immediately reminded members of the City staff that they had an agreement with the City that they would support a petition and would petition for the improvement of 119th Street if it were done to the same specifications as 119th Street coming from the east to the point where this project begins. Mr. Kline said he recalled that these were always the discussions, that they would not support the benefit district if it was any wider, thicker, or in any other way altered from the specifications for the street that had already been improved to that point. He said he informed them deletion of the sidewalk at this point would require Council action. He said the contractor had signed a change order to delete the sidewalk in the amount of $9,860.50. Mr. Kline stated he did recall that those participating in the meetings with the developers did agree that the City would not include other items than what was included in the street coming up to this project. The matter was discussed.

Councilman Crippin observed that 119th Street was the only street going all the way across between 111th Street and 135th
Street and would receive quite a bit of traffic, so it would seem to him a sidewalk was a necessity regardless of how it was paid for. City Attorney Winn stated both Phil Kline and Herb Johnson agreed the sidewalk was not properly in the specifications, it was an extra and the City could not enforce the developers paying for it; if the Council felt there was a public interest in the sidewalk, it definitely should be brought before the Council for consideration. He said the developers said they did not want the sidewalk even if it were free. They felt it was unnecessary, it did not connect to any existing sidewalk, it was a sidewalk in the middle of nowhere. Councilman Crippin said it was now, but with the draw there and for potential access to the park and swimming pool from this part of town, the sidewalk was the only walkway unless the street were used, and with the amount of traffic 119th Street may be getting it was a bad situation. Mayor Alt said if the Council desired this, it would have to come out of capital improvement funds. Councilman Roberts said he believed it was important to maintain credibility with the developers and he also believed that now that the City had established standards they should be adhered to in further negotiations on benefit districts. He said he felt the City would be remiss not to go ahead with plans for a sidewalk there regardless of whether the City or the developers would furnish it. He said the area to the west had been designated in the comprehensive recreation plan as future green area, he visualized 119th Street as one of the principal thoroughfares in south Leawood until 135th became developed, and he would hate to see children using the street itself for pedestrian and bicycle traffic. City Attorney Winn said there was no doubt in anyone's mind that the bargain was that they were under the old specifications, the plans had already been drawn by Mr. Kline a year ago for 119th Street, well ahead of any new street standards. He said 123rd Street and all remaining streets would be under the new specifications. Mr. Kline said this was a circumstance where the standards were being changed in the middle of a job--plans had been submitted and approved for private construction and then came the benefit district. No street lights were included in the specifications. Councilman Wise suggested that the City openly present the matter saying plans had been changed, the Council felt the sidewalk was necessary. Councilman Crippin said it would seem the City might now be in the position of reneging upon what its representatives had told the developers.

Mr. Kline said it was not imminent because they were not going to be building sidewalks for a long time. Since there was some question, Mayor Alt suggested that action be withheld until the next Council meeting and that it be referred to the Public Works Commission in the meantime.

**COMMITTEE AND COMMISSION REPORTS**

**Budget and Finance:** Councilman Wise reported there was a distribution on the budget which would come up for approval.
at the next meeting. She said the Budget and Finance and
Administrative committees had met, and there would be
another meeting of the Budget and Finance Committee on
July 5 at 7:30 p.m. Councilman Wise said there seemed to
be a general feeling that the fairly large amount of carry-
over, over $300,000, should be reduced; the basic options
were: (1) use some of it to offset the cost of federally
mandated costs which were rising each year, including Social
Security, KPERS, Workmen's Compensation and Unemployment,
or (2) use part of the carryover to make a significant
capital expenditure, or (3) a bit of both. Councilman Wise
said the proposed mill levy for 1979, assuming the City
would levy for all those federally mandated items, would
be 19.9825 as opposed to 17.3790 for 1978. She said because
of the vote last year reducing the intangibles tax it was
inevitable that ad valorem taxes would go up the next few
years. She said next year a further increase of about 1½
mills would be needed to offset the reduction begun in
intangibles tax and if the carryover were used this year,
the cost of Social Security, etc. could no longer be
absorbed in the general fund. If there were no levy for
those federally mandated items this year, there would be
a substantial rise next year.

Councilman Wise mentioned there had been discussion of using
some of the carryover for the purchase of a multi-purpose
tract of land (partially park land, possible relocation of
the Public Works Building, and a possible police substation).
City Attorney Winn suggested that if a decision were made to
acquire such property and it was felt that it might be a
joint venture between several departments, it would be
simpler budgetwise to take the funds from the departments
involved and put them into a capital expenditure fund and
then expend it from that fund, earmarking it before the 1979
budget was published.

On motion by Councilman Wise, seconded by Councilman Carper,
the agenda was changed to consider the park report as the
next item of business.

Park: Fred Krebs reported a very good season, as of June
12th 697 pool memberships had been sold which tied the previous
high; to date, 841 had been sold. The average patrons per
day was up 75 from last year. To date, 1,130 tennis member-
ships had been sold. He said the swim team and Junior Tennis
team were doing well, and enrollment in the first session of
the playground program increased from 28 last year to 66 with
outstanding evaluations. He said there were eighteen softball
teams in three leagues, and a senior citizens program was
added. New installations included two tennis backboards,
picnic tables, and the jogging trail. He said they were in
the process of making some improvements on the playground
area and the caboose which should enable the City to get a
better rate on liability insurance.

Mr. Krebs explained that two lawn mowers were purchased this
year because of an increase in crew and one of those previously purchased broke down. Councilman Hodes said he felt it was a mistake to trim the small park areas around the city as carefully as had been done. Mr. Krebs said until the question of title to the small parks was resolved, they were simply doing what had been done. Mayor Alt said hopefully some proceedings in the mill would get the matter clarified and taken care of by the end of the year.

Mr. Krebs explained the problem with shower heads for which there were no replacement parts. He said the company which had sold the City the original shower heads, to protect their reputation, sold the new ones at half price, the cost was $100 each, labor $150 each. Councilman Carper said it appeared that a doctrine of implied warranty would apply here because they sold goods without informing the City there were no replacement parts, did not supply a manual stating the mechanism had to be broken down in total to winterize, and the fact that they agreed to furnish new units at half price indicated they were in the wrong. He thought there was merit to follow up. City Attorney Winn requested a complete memorandum on what had happened. Mayor Alt asked Mr. Krebs to see that such memorandum was furnished.

Councilman Hodes said he felt the City had a top notch park. He said he detected from some councilmen through questions concerning it paying for itself, a doubt that a recreation department was necessary. He said he appreciated what had been done at the park. Councilman Crippin said he thought Mr. Hodes' remarks were unfounded; he said the same questions had been asked of other departments. He added that he thought recreation could get out of hand possibly easier than any other function of the City and in order to protect the coffers of the City, those kinds of questions were asked. He said he did not think there was a person on the Council who did not feel the recreation department was doing a good job, but councilmen would be remiss not to ask questions.

Authorization of Shelters at the Park: Mr. Krebs reported the Recreation Commission had approved the purchase of two new picnic shelters at the park. He said the best bid he got from local construction companies to do the whole job was $6,300 per shelter. He said he had investigated the use of pre-cut kits for the shelters, and furnishing the labor and the concrete slab they could be built for approximately $4,000 each. He said one shelter would be located at the southwest corner of the children's playground, which would provide needed shade for picnickers and the playground program, the other to be located north of the wading pool and east of the intermediate pool to serve pool spectators. He said they were proposing wooden shelters because of the zoning ordinances of the City. He presented cost figures on several shelters and recommended purchase from Vaughan and Associates of 16' by 20' shelter kits, immediate delivery, at $2,285 per shelter. In addition, the Recreation Commission
and Park Commission had authorized a maximum of $1,000 for the slab for each shelter and labor, nails and shingles, total approximately $4,000 per shelter. Mr. Krebs said the City Architect had not reviewed the shelters, he had talked to the park architect and he felt these were compatible. The matter was discussed.

Mr. Krebs said the pre-cut structures were preferable because he could use his own recreation and park labor to put them up. Mr. Krebs stated if the authorization were delayed until the next meeting, they would not be able to construct them this season because he would not have the manpower available. Councilman Crippin stated he had used some of these kinds of shelters before and from a design point of view there was no problem. Councilman Wise stated members of the Recreation Commission felt confident with anything approved by Tom Nelson, the recreation complex architect. Mr. Krebs stated the funds were in the 1978 budget. Upon inquiry by Councilman Lyons, Mr. Krebs said some possible additions at the park included racquetball courts, running water to the field areas and existing picnic shelters and possibly restrooms near the picnic shelters, renovation of caboose, and developing a tree nursery. Councilman Crippin said he would encourage the Recreation Commission to further evaluate the need for a qualified police officer.

Councilman Wise said the shelters had been under discussion for some time, she didn't feel any further evaluation was necessary, and the feeling of the Recreation Commission was that any architecturally designed shelters would require hiring much higher priced labor for installation. Councilman Wise moved that the Council approve two shelters with a maximum price of $4,000 each, the price to include pre-cut parts to be purchased from Vaughan and Associates at $2,285 each, the concrete slab to be poured underneath each shelter at a maximum cost of $1,000 each, the balance to be in the form of our own Park Department labor and hardware; seconded by Councilman Hodes. Councilman Roberts objected to not having this kind of thing planned far enough in advance so it could be reviewed by the City Architect. Mayor Alt requested of the Recreation Commission that any project like this in the future be in the Council folders. Councilman Crippin commented there was a close correlation between the $8,000 for this project and the $9,800 discussed for a sidewalk along 119th Street; he asked the Council to keep that in mind when the vote was taken. Motion carried.

Councilman Hodes left the meeting at 9:02 p.m.

Ordinance No. 588 - Authorizing Issuance of Temporary Note - 119th Street Improvement (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 588 was adopted unanimously.

Ordinance No. 589 - Authorizing Issuance of Temporary Note - 123rd Street Improvement (Second Reading): Councilman
Crippin moved that the ordinance be placed on second reading. Ordinance No. 589 was adopted unanimously.

Ordinance No. 590 - Restricting Use of Studded Snow Tires (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 590 was adopted unanimously.

Ordinance No. 591 - Prohibiting Parking on 89th Street, State Line to Dykes Branch (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 591 was adopted unanimously.

Ordinance Relating to Acceptance of Right-of-Way Grant for Street Purposes from Capitol Funds, Inc. for 123rd Street (First Reading): City Attorney Winn said he believed Capitol Funds, Inc. was concerned with 119th Street rather than 123rd Street. He asked Bob Sirchia to check with Phil Kline to be certain the right legal description was on the right deed before the second reading. Mayor Alt declared the ordinance to have been placed on first reading.

Ordinance Relating to Acceptance of Right-of-Way Grant for Street Purposes from the Garland Family for 119th Street (First Reading): Councilman Crippin moved that the ordinance be placed on first reading.

Ordinance Relating to Acceptance of Easement for Storm Sewer Purposes from Hunter's Ridge, Inc. - 123rd Street and State Line (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. Mayor Alt suggested that an overall plat be available at the council table for the second reading.

Ordinance Relating to One-Way Glass and Other Applications Prohibited on Windshields, Certain Windows and Headlamps (Second Reading): Chief Sellers reported he had sought clarification concerning tinted windshields, etc. but had not as yet received it. The second reading was continued until the language was clarified.

Ordinance No. 592 - Relating to Maximum Speed Limits in the City (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. City Attorney Winn reported he and Mr. Johnson agreed that the ordinance should be adopted; he would examine questions raised and material presented by Mr. Johnson. Also, he said there was a theory that would keep the Council from having to change the ordinance every time a speed limit was changed. Ordinance No. 592 was adopted unanimously.

Report Concerning Dictating Equipment: Councilman Crippin reviewed that a question was raised at the last meeting concerning purchase price of dictating equipment for the City Architect. He said the equipment purchased was the
MAYOR'S REPORT

Sewer Connection Charges: Mayor Alt announced that effective July 1st the sewer connection charges to Kansas City, Missouri, would increase from $2.88 to $3.28. It had been taken into consideration in the budget and would not result in an increase at this time to the people in Leawood.

Report on Bicentennial Fund: Mayor Alt read the 1976 letter of former Mayor Eddy concerning the bicentennial fund, and the report of the City Clerk that the balance in the fund as of July 3, 1978, was $1,167.62.

Public Meeting on Sewer Renovation: Mayor Alt reported a public meeting would be held on July 10 at 7:30 p.m. to discuss renovation of the Dykes Branch and James Branch sewers.

Appointment of Civil Defense Director: Mayor Alt stated Mr. Akerly had resigned and he proposed the appointment of Bettie Bridges as Director of Civil Defense. On motion by Councilman Wise, seconded by Councilman Carper, the appointment was approved.

Stanley Incorporation: Mayor Alt expressed appreciation to Councilman Funk for representing the City, along with the City Attorney and representatives of the Plan Commission, at the hearing on incorporation of the Stanley area.

Recreational Vehicle Trial: Mayor Alt announced that the trial concerning recreational vehicles would be held on July 11th, 12th and 13th in Judge Stanley's court.

Report on City Administrator Lawler: Mayor Alt reported that Mr. Lawler's doctor had granted permission for him to return to work full time provided that he not subject himself to pressure situations at this time. He will work on the salary program and ordinances administering salaries, overtime, vacations, etc.

At the request of Mayor Alt, Councilman Carper moved that the Council go into executive session to discuss a concert being held in Leawood on July 4th possibly involving litigation, to return to regular session not later than 9:40 p.m.; seconded by Councilman Crippin. Motion carried.

The Council went into executive session at 9:25 p.m. and returned to regular session at 9:38 p.m. The same councilmen were present.

Councilman Crippin stated he would not call an Administrative Committee meeting for Monday, July 10th.
At 9:39 p.m., on motion by Councilman Wise, seconded by Councilman Lyons, the meeting adjourned to Monday, July 17, 1978, 7:30 p.m.

Eugene E. Albright
Mayor

Jane Lile
Council Reporter

Attest:

City Clerk
A special meeting of the City Council was held at 5:30 P.M. on Wednesday, July 12, 1978, in the Police and Court Building, 9617 Lee Boulevard. Request for special meeting for the purpose of establishing a date and approving the NOTICE OF PROPOSED USE HEARING for 1979 Federal Revenue Sharing funds had been signed by Councilmen Roberts, Wise, Funk, Rinehart and Lyons.

Councilman Wise, acting as temporary chairman, stated the meeting was called on behalf of the Mayor in the absence of the President of the Council, for the purpose stated. Councilmen Roberts, Funk, Rinehart and Lyons were also present, as were the City Administrator, the Police Chief and the City Clerk.

Mrs. Wise was elected Acting President of the Council on motion of Councilman Roberts, seconded by Councilman Lyons. She explained the new Federal requirement and its effect on the overall budget time schedule. She proposed that July 25, 1978, 7:30 P.M. be set for the Use hearing. Councilman Wise advised that a quorum of the Council would be required since it would be necessary to vote on the budget at that time. The regular budget hearing is still scheduled for August 14.

On motion of Councilman Rinehart, seconded by Councilman Lyons, the Council approved July 25, 1978, 7:30 P.M. for the Proposed Use Hearing for Federal revenue sharing funds and the following uses: Public Works, $45,000 for street sweeper; Fire Department, $7,000 for station wagon; $5,000 for ordinance codification.

The meeting was adjourned.

[Signatures]

Acting President of the Council

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

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, July 17, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Carper, Rinehart, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Treasurer Golik, Bob Sirchia, Frances Farrar, Fred Krebs, the City Clerk, and the Council Reporter.

Minutes - Meeting of July 3, 1978: On motion by Councilman Wise, seconded by Councilman Lyons, the minutes of the meeting of July 3, 1978, were approved as submitted.

Councilman Crippin entered the meeting at 7:32 p.m.

Minutes - Meeting of July 12, 1978: On motion by Councilman Rinehart, seconded by Councilman Wise, the minutes of the meeting of July 12, 1978, were approved as submitted.

Visitors: Jan Ackerson, H. F. Coulter, Ric Coulter, Mr. and Mrs. E. M. Fields, R. A. Williams, Geraldine Olson. Member of the Press: Cheryl Cowan.

Request for Resurfacing of Mission Road, 143rd to 151st Street: Mr. E. M. Fields said Mission Road was surfaced north and south, but the mile from 143rd to 151st Street was not, and they were asking that it be surfaced. Councilman Roberts said that road was not included in this year's program, but the Public Works Commission had discussed the necessity of something being done to Mission Road from Highway 150 south past Merry Lea Farms, and would consider it further. Mr. Fields said the road carried a lot of traffic. He said when it was dry there was a great deal of dust, when it was wet there was a lot of mud. Councilman Roberts said the Public Works Commission would consider it but it would not be a finished street until it went into a benefit district. Mr. Fields said it had been surfaced south of 151st Street by the County. R. A. Williams said they had been paying Leawood taxes for several years and had not gotten a dime's worth of service; had they not been taken into Leawood they would have almost certainly gotten a hard surfaced road when the County built the portion to the south. He said he would like to see a speed limit sign out there. He said if Leawood could not build the road, he would like Leawood to de-annex that territory. Councilman Hodes reminded Mr. Williams that he was getting fire and police protection. Mr. Williams said everyone on the one mile road signed a petition last summer asking that something be done to the road. He said some rock was put on before
July 17, 1978

winter. Councilman Crippin said he recalled a letter about the dust situation. Mr. Sirchia said some oil was put down but it was not very effective. H. F. Coulter said the portion by his property was paved but he agreed with the other statements, and added that Metcalf was the only north-south street in that area that was paved and he felt this was a legitimate request. Jan Ackerson said she was present for the road. Mayor Alt told Mr. Fields he would ask the Public Works Commission to look into it and would contact them. Mr. Fields said there was too much traffic to have it nothing more than a gravel road.

On motion by Councilman Rinehart, seconded by Councilman Carper, the items on the addenda were included in the agenda.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Wise, seconded by Councilman Rinehart.

COMMITTEE AND COMMISSION REPORTS

On motion by Councilman Wise, seconded by Councilman Carper, the agenda was changed to take up the Intergovernmental Cooperation and Community Affairs report as the next item.

Intergovernmental Cooperation and Community Affairs: Councilman Funk moved that the Council continue its present agreement with Services for Seniors plus giving them $100 to cover their administrative costs for one year; seconded by Councilman Carper. Mrs. D'Agostino, president of the board for Services for Seniors, explained the program. She said she never would have approached Leawood for $100, they had gone to the other cities for a $5,000 grant from which citizens could draw if they did not have money to pay for their repairs, ten per cent of any amount that was spent on repair of homes of their citizens was taken out for administrative funds. She said she did not have the figures and did not know that $100 was ten per cent of the work that had been done in Leawood. She said the program covered home repairs, home maintenance and weatherization, and enabled senior citizens to remain in their homes. She said $100 was a token. Councilman Funk said the people using the service in Leawood paid their own labor. Charles Williams stated they did ask for $500 for assistance for persons over sixty years of age, with income under a certain amount, and who owned their homes. He said within the last year there had been 27 people helped in Leawood. He said Leawood was only asked for the administrative amount of $500, not for the grant of $5,000 from which its citizens could draw. He said in reviewing the matter, Mr. Iliff, project director, had said $250 appeared to be a more appropriate sum. Councilman Funk said for the number of persons served, $100 seemed very fair. Councilman Crippin said he had had experience with the dial-a-ride service of Services for Seniors, it was well-run and definitely
July 17, 1978

a quality program. Councilman Funk said reports to the City indicated that 22 different families were served by this in the last year and a half. Mrs. D'Agostino said she would like the opportunity to come back and make a presentation to ask the City to set aside $1,000 for the people in Leawood who had need to draw from. Councilman Lyons suggested that they get their proposal figured out and come back. Upon inquiry by Councilman Wise, Mr. Williams said the fees were set up to only cover labor and materials. Mr. Williams said they also did referral calls at no charge to help persons under the guidelines find someone to do work for them. He said those calls did not show up on the reports. Councilman Lyons moved that the matter be continued until the group could submit to Councilman Funk's committee a comprehensive report or request as to what they really wanted; seconded by Councilman Crippin. Motion carried.

Budget and Finance: Councilman Wise stated a revised packet of budget material had been distributed. She said the proposed mill levy was slightly lower than last year as a result of a decision reached at a Budget and Finance Committee meeting to fund all of the employee benefit funds out of the carryover. This would have the effect of leaving the mill levy about the same as it was for last year. She said the Council could not vote on it until the use hearing for the revenue sharing funds was held, which would be on Tuesday, July 25, 1978, at 7:30 p.m., and a quorum would be needed directly after that hearing for the purpose of voting on the budget and notice of public hearing on the budget which would be August 14. Councilman Wise stated the voters had given authority to raise the mill levy a total of seven mills for the next eight years; she said without that authority the total mill levy would be the same, the distribution of funds would be slightly different. Councilman Wise stated the parks and recreation mill levies had been reduced 3/4 mill each and the difference was put in a reserve fund for acquisition and long term maintenance.

Mayor Alt commented that the amount budgeted for salaries was an increase of twenty per cent, not including employee benefits. The budget was discussed. There was discussion that going to data processing would result in benefits but not enough reduction in demand on a clerk's time to reduce personnel. Councilman Roberts agreed with the Mayor in his concern about the number of additional people being budgeted. Councilman Wise thanked Frances Farrar for a tremendous amount of work on the budget.

Councilman Lyons noted there was a separate land acquisition fund for parks of about $77,000 and $15,000 in the recreation budget. Councilman Wise said the problem was that the City could not transfer funds directly into a reserve fund, it had to be done by levying new funds and using carryover in an old fund for next year's expenses. Councilman Lyons thought
the Council should make a policy decision as to what it was going to do with parks before almost $77,000 was locked in for land acquisition; he thought the Council should consider priorities. Councilman Wise said it seemed evident to the Parks and Recreation Commissions that there would be need for another piece of ground for parks and possibly other services. Councilman Lyons said he thought recreation was fine but the Council had to give citizens essential services before recreation. Councilman Roberts agreed that the Council would have to decide what the priorities would be; he said he was not opposed to acquiring land so long as the Council had a specific purpose in mind for the use of that land and so long as it did not increase taxes for the people of Leawood; he thought the label recreation reserve indicated a specific use for it. Councilman Lyons said the Council could not just think about acquiring land, it must anticipate the cost of maintenance. Councilman Rinehart said land was not a bad investment. She said it was her understanding that the funds for land acquisition would be for parks because the money was coming from park and recreation funds which could not be carried over if they were not in a special fund. She said she would not be in favor of lowering the parks and recreation mill levies if they were also going to have the fund taken away from them. She said the money had already been set aside for acquisition, it had nothing to do with roads and public works. Councilman Wise said there was carryover in parks and recreation budgets which they were attempting to budget for long term maintenance and acquisition of land. She explained the carryover could not be transferred in a lump sum to a separate fund, so instead of levying new money for operating expenses, carryover was budgeted for operating expenses and an equivalent amount was levied for land acquisition and long term maintenance. Councilman Wise said the land acquired could also be used for some other city function.

There was discussion concerning changing the title of the fund to include land acquisition for a variety of purposes. Councilman Rinehart was concerned that a part of the fund was originally set aside for perks. Mr. Lawler said for all intents and purposes the public had already been led to believe that money in the operating budget for acquisition of park land was for recreational purposes because it was in the recreation budget, and that the policy decision was made at the time that money was levied. Councilman Crippin said it had been discussed that the City would purchase a piece of property which essentially could be used for public works and recreation but in terms of not knowing who was going to be on the council in the future, it hinged on the title of the fund, so that at some later time there was really no question that it could be used for many things. City Treasurer Golik suggested that even with a resolution it could be rescinded by a future council. Councilman Crippin said why not get it settled now and get
the right title on it. City Attorney Winn said it would not make any difference what the title was, a future council could abolish the whole fund. Councilman Crippin thought there was less chance of that happening if it were set up under the correct title at this time. Councilman Hodes stated if it was the Council's intent by approval of the budget and approval of the resolution to purchase land, there was no time better than today to start because it was going up ten to twelve per cent a year. City Attorney Winn said he thought by next year the Council would have committed to buy a piece of land or have its eye on one and would know what it would cost; he said the intent of the budgetary laws was not to accumulate large funds over a long period without a specified need. Councilman Rinehart said the Parks and Recreation Commissions were looking at a parcel of property right now, hoping to come up with some specifics within six months. It would be an all-purpose tract. The title for the fund was discussed. Councilman Wise suggested that the fund be called a reserve fund for public land acquisition and park maintenance.

Resolution No. 464 - Establishing a Reserve Fund for Public Land Acquisition and Maintenance of Park and Recreation Facilities: Councilman Wise moved that the resolution presented be changed in the following manner: The first paragraph to read: "The need for a reserve fund for public land acquisition and maintenance of park and recreation facilities having become apparent, the Leawood City Council does propose the following resolution."; the second and third paragraphs to remain the same; the fourth paragraph to read: "Now, therefore, be it resolved that a reserve fund for public land acquisition and maintenance of park and recreation facilities be established in accordance with the Home Rule of the Kansas Constitution for the purpose of acquisition of public land, renovation, replacement and addition to park and recreation facilities." The motion was duly seconded. Resolution No. 464 was adopted as amended, Councilman Lyons opposed. A copy is attached hereto as part of the record.

Budget and Finance (continued): In answer to inquiry by Councilman Carper, Mayor Alt stated the uniform situation for the police department had not been resolved. As to security at the park, Chief Sellers said the solution he had come up with would be for Parks and Recreation to hire the City's off-duty officers for that specific purpose at a set rate, on a contractual basis. Treasurer Golik doubted that that could be done without paying the benefits also. City Attorney Winn will look into it.

Councilman Wise said there were a number of things in the budget that brought out larger questions that had not been resolved but were included to give opportunity to do the things deemed appropriate.
Ordinance:

#1079 Ordinance No. 593 - Relating to One-Way Glass and Other Applications Prohibited on Windshields, Certain Windows and Headlamps (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Chief Sellers said he was firmly convinced that the State left out a sentence in its statute but he could not convince them. He said he felt it could be enforced as is. Ordinance No. 593 was adopted.

#1085 Ordinance No. 594 - Relating to Acceptance of Right-of-Way Grant for Street Purposes from Capitol Funds, Inc. for 123rd Street (Second Reading): Councilman Roberts moved that the ordinance be placed on second reading. Ordinance No. 594 was adopted.

#1087 Ordinance No. 595 - Relating to Acceptance of Right-of-Way Grant for Street Purposes from the Garland Family for 119th Street (Second Reading): Councilman Roberts moved that the ordinance be placed on second reading. Ordinance No. 595 was adopted.

#1088 Ordinance No. 596 - Relating to Acceptance of Easement for Storm Sewer Purposes from Hunter's Ridge, Inc. - 123rd Street and State Line (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 596 was adopted.

Ordinance Relating to the Control of Mopeds (Motorized Bicycles (First Reading): Councilman Crippin stated the Ordinance Committee had not seen the ordinance prior to its being placed in the council packets, but he personally had no objection to its being placed on first reading. Councilman Hodes said this came out of Public Safety and explained it was an adaptation of state statute to be able to enforce the state's guidelines in municipal court. Councilman Roberts moved that the ordinance be placed on first reading.

#1093 Parks - Discussion Relative to Dogs in Leawood Park: Councilman Rinehart said there had been complaints from patrons concerning dogs in the park, there was a safety factor and a sanitary factor. She said the Recreation Commission felt that it should be considered by the Council, if the Council felt there should be an ordinance the Commission would prepare one. She said there was now an ordinance that dogs must be on a leash but on the jogging trail they could be nipping at the heels of the next jogger. Also, dog excrement near the children's playground could be extremely unhealthy. She asked the feeling of the Council concerning banning dogs from the park. Councilman Wise said it was pointed out that Leawood Park was one massive playground and there seemed to be no area where dogs should not be banned. Mr. Krebs said there had been extensive literature about the problem of dog waste and
the fact that it could create parasite-infested ground. Councilman Rinehart said the recommendation of the Recreation Commission was that an ordinance be proposed banning dogs from the park, but the Commission wanted support of the Council before bringing it forth. Mr. Krebs said it probably could not be enforced very well, but on the other hand, there were a lot of stakes, particularly the parasite problem. Mayor Alt suggested that the Recreation Commission look into this as far as the experience of other cities in enforcement, etc. Following discussion, Mayor Alt suggested that the Recreation Commission go ahead and draft an ordinance. City Attorney Winn suggested they consider amendment or revision of the existing dog ordinance. Councilman Hodes proposed a vote by the Council on what direction the Commission should take. Councilman Rinehart moved that an ordinance be drawn banning dogs in Leawood Park; seconded by Councilman Wise. Councilman Funk stated she hated to see an ordinance passed that was not enforceable. Motion carried with four aye votes, three nay, and one abstention.

There was a short recess to change the recording tape.

Public Safety - Approval of Contractor's Invoice for Repairs to Fire Station No. 2: Councilman Hodes said the work was done to repair damage to the fire station caused by blasting, the work had been completed at less than the architect's estimate, and would be fully reimbursed by insurance. City Attorney Winn said settlement of the insurance claim was being negotiated. Councilman Hodes moved that the invoice to Pitman Building Corporation be approved in the amount of $11,078.09; duly seconded. Motion carried.

Public Safety - Request for Permission to Distribute Advertising: Councilman Hodes stated the Public Safety Commission had recommended that the request for permission to distribute advertising (free ice cream bars and a handout) by Century 21 Martin Burke Company on a Saturday in July or August be denied on the grounds that it could attract a large number of children of all ages, expose them to unnecessary hazards from passing vehicles, and could result in an accumulation of debris. Councilman Hodes moved that the request by Century 21 Martin Burke Company to distribute popsicles and ice cream in Leawood be denied; seconded by Councilman Lyons. Motion carried.

St. Joseph Hospital Helicopter Demonstration: Councilman Hodes reported that another demonstration of the St. Joseph Hospital helicopter was scheduled for July 19, 1978, at 11:15 a.m. at the park.

Public Works - Resolution No. 465 - Relating to Septic Tanks: Mr. Sirchia stated there were no sewer districts to speak of in Leawood south of I-435, as a result every house built there had to go on a septic tank. In the future with a large
number of homes on septic tanks with the type of soil in Johnson County, there will be a problem. He said in recognition of that, the Special Sewer Committee had tackled the problem of developing a septic tank policy. The suggested resolution was presented prior to developing a policy addressing the problem of septic tank installation and suggesting some alternate methods of dealing with it. He said the resolution suggested the formation of sewer districts prior to the time subdivisions were platted and that areas may be served on a temporary basis by septic systems if they meet the criteria established by Johnson County. If all goes as planned, he said Johnson County was going to increase the minimum lot size for a septic tank to one acre. He said the resolution was an attempt to address the large picture to alleviate some of the health problems that will be faced in the future. Mr. Sirchia said formation of a sewer district was not necessarily quick or easy, and the City would probably get quite a bit of feedback from developers claiming undue hardship if the City forced them to join in a sewer district before their plans were approved. The matter was discussed. Mayor Alt asked if the City would be shutting off development with this resolution. Mr. Sirchia said the experience of Overland Park had been that if developers were confronted with the requirement to form a sewer district with the land they wanted to develop, they had apparently had very little trouble getting the necessary signatures to form a district. Mr. Sirchia said the last sentence was put in to give the City some latitude. Councilman Roberts said he looked at this much as the comprehensive street plan in that it forewarned developers of what the City was going to expect in the way of sewers. On motion by Councilman Roberts, seconded by Councilman Wise, Resolution No. 465 was adopted unanimously.

Public Works - Report on Sanitary Sewer Renovation Meeting:
Mr. Sirchia reported there were about fifty people in attendance; Councilman Crippin explained the purpose of the sewer renovation project; Mr. Kline explained the technical side of it; and the possibility of funding the entire project locally was discussed as opposed to getting Federal funding.

Recreation - Approval of Invoice for Repair of Tennis Courts:
Mayor Alt objected to the cost of the occupation license being a part of the invoice. Mr. Krebs said he was never sure part of what was being charged was not the cost of the occupation license. Councilman Rinehart moved that the bill for $1,615.00 be approved; seconded by Councilman Funk. Councilman Lyons said he could not understand how the City continued to spend tremendous amounts of money at the park for things that, at least in his opinion, were the fault of others. Mr. Krebs said he was getting tired of picking up after the contractors. He explained that the subsurface problem at the tennis courts was that it seemed to have been poured after a heavy rain. He said Ron Gillette said
work on the crack would be minor, we would have to keep refilling it, but it would not be an expensive piece of maintenance. He said he was really not sure the City could fix blame so it had not been pursued. Councilman Hodes reminded the Council that it had authorized additional money for soil work and supervision at the time the tennis courts were built to avoid this very thing. Councilman Wise said no one on the Recreation Commission could really feel very secure that the liability could be fixed anywhere. Mayor Alt said he had asked the Recreation Commission to look at the total business of claims and everything else and bring it before the Council as a package. Mr. Krebs said a problem had been encountered because light wires were two feet east of where they were supposed to be. Mayor Alt suggested that Mr. Krebs ask the architect for the "as built" records. Motion carried.

Recreation - Approval of Purchase Order to Straighten Fences at Tennis Courts: Mr. Krebs stated the figure of $2,411.00 was not a correct figure. He said the job specifications on straightening the fences at the tennis courts called for a post at every other fence panel and horizontal posts across the alleyway. Through misunderstanding on the part of the job foreman, secondary posts were put in every fence panel on the west, east and half of the south side, or 62 per cent of the job, before it was caught. Now, he said the City had a choice of telling the contractor to pull out what had been done so far or accept the contractor's offer to absorb the labor involved and let the City have the posts already set at cost for $425 additional. Mr. Krebs said his recommendation would be to accept the contractor's offer and pay the $425 extra. He said as the fences stood originally they would resist winds up to 38 miles per hour, with the work as specified they would have wind resistance of 48 miles per hour, with the additional posts wind resistance would be 66 miles per hour. He said with the additional posts even with wind-screens there should not be any more problem with fence straightening. Mr. Krebs said the damage had occurred over time. He said the architect claimed his firm had never built a tennis court in a wide open plain area as the park, the fence specifications were recommended standard specifications that had been used virtually everywhere in the area. Councilman Hodes said he was concerned that the work was being performed and now the Council was being asked to enter into a contract. Councilman Rinehart stated the work had been originally approved by the Recreation Commission at its May meeting and through oversight because of a change in chairmanship of the Commission, it had not been brought before the Council for approval. Councilman Rinehart moved that the Council authorize the work being done in the amount of $2,836.00, including the $425 for the additional posts; seconded by Councilman Hodes. Mr. Krebs said that Mr. Gillette said most of the wind damage was done by winds from the southwest, that the bending on the north side was due to having the wooden
July 17, 1978

backboards up which had been moved, and that the sides had
been strengthened which needed strengthening. Motion
carried.

Councilman Roberts asked to be excused at 10:40 p.m.

Parks - Report on Vest Pocket Parks: City Attorney Winn
said the City had been trying to resolve both legally and
from a policy standpoint which of the vest pocket parks
should be kept and maintained. He said Kroh Brothers had
now agreed that whatever the City wanted to do was fine.
He said the City needed to ascertain from the homes associ-
atations in those cases where it was contemplated that the
City abandon or not continue to maintain a vest pocket
park whether the homes association was willing to accept
title and maintenance. Mr. Winn said another alternative
would be to get the deed from Kroh Brothers, deem it to
be surplus park land, and proceed to sell it on the open
market.

MAYOR'S REPORT

Mayor Alt reported he had a request from a gentleman two
miles south of Stanley on Metcalf that Leawood annex Stanley
and his property.

Salary Study: Mayor Alt announced the salary study would
be on the agenda of the July 25th meeting for final approval.

Appropriation Ordinances: Nos. 384-A and 368-S in the
amounts of $104,859.76 and $52,281.82, 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 asked to see a copy
of the invoice of Johnson, Brickell, Mulcahy & Associates.
Councilman Hodes commented in connection with the rather
large bill of Browning-Ferris Industries that the City had
no place to put any debris to let it decompose. Mayor Alt
stated the municipal judge had interpreted coming down and
setting bond as a court session. He said in the new salary
schedules court sessions would be raised to $90 and the
bonding session set at $30.

Public Works - Gas Line Relocation - 119th Street Benefit
District: Mr. Sirchia stated the problem was the Gas
Service Company would not give the City a firm estimate on
how much the gas line relocation was going to cost. A
letter from Phil Kline recommending approval of an open
ended contract with the Gas Service Company was distributed.
Mr. Sirchia said it appeared the City had no choice and
Mr. Kline was of the opinion that the Gas Company would not
overcharge for it. The current estimate the Gas Company was
giving the City was $35,000. The staff recommended approval.
There was discussion that this had already delayed the
project, along with the Kansas City Power and Light Company
strike. Mr. Sirchia said the City would write the Gas Company a letter after it was approved stating it was an open ended situation. City Attorney Winn suggested that Mr. Sirchia tell the Gas Company that the City would expect a full presentation of their records and indicate that the City intended to carefully review their cost figures. Councilman Lyons moved that the City write the Gas Service Company a letter and tell them to go ahead but that the City wanted their cost figures documented and reserved the right to audit, etc.; seconded by Councilman Carper. Motion carried.

Public Works - Sidewalks - 119th Street Benefit District:
Mr. Sirchia displayed a plat of Oxford Hills and indicated a point to which there was a sidewalk, then a section which had no sidewalk, followed by the sidewalk included in the 119th Street benefit district. He reported that the Public Works Commission recommended that if the City was to go ahead and put this sidewalk in there was no sense in leaving out the other section, so that there would be a sidewalk all the way from Mission Road to State Line along 119th Street. The Public Works Commission recommended that the City fund the cost of the sidewalk. The cost of the sidewalk which had been included in the benefit district was $9,860.50 and Mr. Kline estimated cost of the remaining portion to be $4,000. Councilman Wise said she thought the City ought to at least try to insist that the developers pay for it. The matter was discussed.

Councilman Lyons left the meeting at 11:08 p.m.

Councilman Crippin said the impact of insisting that the developers pay for it would be on Mission Road where the City had the same property owners to negotiate with. He said the City had made a mistake by not requiring that developers put in a sidewalk to the west, had been unable to properly negotiate, as well as to draw the specifications. Mayor Alt asked if the City would have to get separate bids. City Attorney Winn said the portion which had been included in the benefit district would be reinserted, and the City would have to approve a contract for the $4,000 section. Councilman Rinehart said she would like to see the developers pay for the sidewalk. Councilman Crippin said this was a set of circumstances that the City had created itself. He stated the only way a city could accomplish good development was for the public and private sector to form a partnership. In this particular instance, the City had made a mistake. Councilman Crippin stated further it had always been planned that 119th Street would provide access to the park; he said this sidewalk would provide children in that area a place to walk other than the street. Councilman Hodes said he thought the sidewalk was needed, the question was who was going to pay for it. Councilman Crippin moved that the Council adopt the Public Works Commission
recommendation that the City pay for the sidewalk and put it in all the way back; seconded by Councilman Carper. City Attorney Winn observed that the petition which all the people on 119th Street signed did not say anything about a sidewalk. Mayor Alt said he would instruct the staff to get a dollar figure. Motion carried.

MAYOR'S REPORT

Appointment to Fill Vacancy on Plan Commission: Mayor Alt proposed the appointment of Burr McCorkle to fill a vacancy on the Plan Commission. On motion by Councilman Crippin, duly seconded, the appointment was approved.

At 11:20 p.m., on motion by Councilman Rinehart, seconded by Councilman Wise, the meeting adjourned to Monday, August 7, 1978, 7:30 p.m.

Eugene E. Alt
Mayor

Jame Lyle
Council Reporter

Attest:
E. Glenn Anderson
City Clerk
Minutes of Public Hearing on Proposed Use of 1979 Federal Revenue Sharing Funds of the City of Leawood, Kansas.

A public hearing on proposed use of 1979 Federal Revenue Sharing Funds of the City of Leawood, Kansas, was held at 7:30 p.m. on Tuesday, July 25, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Councilman Jean Wise presiding.

Also present were Mayor Eugene E. Alt, Councilmen Roberts, Funk, Crippin, Carper, Rinehart, Lyons and Hodes, City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Treasurer Golik, Frances Farrar, the City Clerk, and the Council Reporter, as well as Cathy Hamm, member of the press.

Councilman Wise read notice of the hearing as published in The Johnson County Sun on Friday, July 14, 1978. She stated use of 1979 Federal Revenue Sharing Funds was proposed as follows: $7,000 for a Fire Department vehicle, $45,000 for a street sweeper for the Public Works Department, and $5,000 for ordinance codification.

No one commented on the proposed use of Federal Revenue Sharing Funds.

At 7:38 p.m., the public hearing was terminated.

Chairman
Budget & Finance Comm.

Council Reporter

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

A special meeting of the City Council was held at 7:40 p.m. on Tuesday, July 25, 1978, immediately following the public hearing on proposed use of 1979 Federal Revenue Sharing Funds, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Request for special meeting for the purpose of handling the agenda attached was signed by each councilman. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Carper, Rinehart, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Treasurer Golik, Frances Farrar, the City Clerk, and the Council Reporter.

Visitors: Member of the Press, Cathy Hamm.

Mayor Alt stated ordinances involving the uniform pay plan for the City were in the Council folders. He said these should be enacted on an emergency basis so employees might be paid in July any increases due them on July 1st. The Salary Committee and the Administrative Committee had reviewed the matter.

Ordinance to Establish a Uniform Pay Plan with Minimum, Maximum Rates for All Job Classifications: Mayor Alt said the Administrative Committee recommended changing "City Administrator" in the fifth line of Section 1-1001.2 to "Administrative Committee." Since City Attorney Winn had not yet arrived with the wording to incorporate the uniform wage and salary schedule, the Council proceeded to other items on the agenda.

Submission and Acceptance of Proposed Budget for 1979: The public hearing on proposed use of Federal Revenue Sharing Funds having been held, Councilman Wise moved that the Council accept the proposed budget for the City of Leawood for 1979; seconded by Councilman Roberts. Councilman Lyons moved to amend the proposed budget by excluding the amounts of $76,785 and $15,000 set aside for public improvements, parks, etc.; seconded by Councilman Crippin. Councilman Lyons clarified that his intent was to eliminate the fund; he said he thought the money should be used to pay for the existing park rather than setting aside new monies for parks in the future. Councilman Crippin read Resolution No. 464 passed at the last Council meeting that a reserve fund be established for the purpose of acquisition of public land, renovation, replacement and addition to park and recreation facilities." Councilman Crippin said he felt the fund could be used for the acquisition and maintenance of public properties as well as park property. The matter was discussed. Councilman
Wise said there had seemed to be a general consensus to include acquisition of any type of public land. Councilman Hodes said he would not be in favor of the amendment because he looked at land acquisition as the best hedge against inflation and there was some feeling for acquisition of a dual purpose tract for public parks and possibly a public works facility out south. There was discussion that the intent of the resolution was to allow acquisition of such a tract. Amendment failed. Motion to accept the budget as presented carried, Councilman Lyons opposed.

Approval of Notice of Hearing - City Budget and Federal Revenue Sharing Program: Councilman Wise moved for approval of the notice; seconded by Councilman Roberts. Motion carried. City Attorney Winn entered the meeting at 7:58 p.m.

Ordinance No. 597 - Relating to Schedule of Salaries for Recreation Department Employees: Mayor Alt stated the ordinance made only one change, that being the salary of the director, changed from $4,800 to $5,200 because the City had been paying that amount since the first of the year. He said nothing new would be enacted for the Recreation Department for the year 1978. Councilman Wise moved that the ordinance be passed on an emergency basis; seconded by Councilman Carper. Councilman Lyons said he saw no emergency to adopt the ordinance at this meeting. It was explained that the emergency was to alleviate extra work for the bookkeeping department, and employees had been looking for the increase since the first of July. Motion carried, Councilman Lyons opposed. On motion by Councilman Wise, Ordinance No. 597 was adopted.

Ordinance No. 598 - To Establish a Uniform Pay Plan with Minimum, Maximum Rates For All Job Classifications: City Attorney Winn suggested the ordinance incorporate by reference a document which would be known as the City of Leawood Uniform Pay Plan and Personnel Rules and Regulations. He said the personnel rules and regulations were now under consideration. He added the pay plan could be passed on an annual basis by resolution. City Attorney Winn suggested that Section 1-1001 be changed to read, "Attached hereto and incorporated by reference herein is that document known as the City of Leawood Uniform Pay Plan and Personnel Rules and Regulations as the same is from time to time amended by resolution, fifty copies of which shall be printed and shall be available at the office of the City Clerk. Said document contains a schedule of minimum, maximum pay ranges with intermediate steps . . . " He said in Section 1-1001.1 "City of Leawood Uniform Pay Plan and Personnel Rules and Regulations" should be substituted for "salary-wage schedule (Appendix A)." Councilman Wise moved that the ordinance be passed on an emergency basis; seconded by Councilman Rinehart. Motion carried, Councilman Lyons opposed. On motion by Councilman Roberts, Ordinance No. 598 was adopted as revised, Councilman Lyons abstaining, saying he felt it was irresponsible to pass something this complex
on an emergency basis. Councilman Wise said the Administrative Committee had gone over it in great detail.

Resolution No. 466 - Assigning Pay Ranges to the Various Job Classifications: Mayor Alt stated the resolution was to adopt the document showing ranges and job titles, except recreation employees. On motion by Councilman Wise, seconded by Councilman Hodes, Resolution No. 466 was adopted, Councilman Lyons abstaining. A copy is attached.

Approval of Pay Effective July 1, 1978: Mayor Alt stated approval of this document would put into effect all pay increases as of July 1, 1978. On motion by Councilman Roberts, seconded by Councilman Hodes, the document detailing pay effective July 1, 1978, was approved.

Ordinance Relating to Levying City Retailer's Sales Tax (First Reading): Mayor Alt explained this ordinance was to keep in step with the budget and also legally collect the sales tax. Councilman Carper moved that the ordinance be placed on first reading.

Ordinance No. 599 - Relating to Schedule of Salaries and Fees for Certain Part Time Employees of the Administrative Department: Mayor Alt reported this ordinance changed the compensation of the municipal judge and the assistant city attorney. Councilman Roberts moved that the ordinance be passed on an emergency basis; seconded by Councilman Wise. Councilman Hodes suggested that the nomenclature be changed from "on an emergency basis" to "on first reading." Motion carried, Councilman Lyons opposed. On motion by Councilman Wise, Ordinance No. 599 was adopted. Councilman Lyons voted nay, saying the clerk would be making more than the municipal judge.

Date for Dedication of Fire Station No. 2: Councilman Hodes announced that Fire Station No. 2 would be dedicated on Sunday, September 17, at 2:00 p.m., with Congressman Winn as guest speaker.

Citizens Seminar: Mayor Alt said Governor Bennett had invited citizens to participate in a two-day seminar and asked for submission of names of interested persons.

Settlement on Damage to Fire Station: Mayor Alt announced the City's claim for damages to Fire Station No. 2 had been settled for $23,000.

At 8:35 p.m., the meeting was adjourned.

[Signatures]
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 7, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Roberts, Crippin, Carper, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Treasurer Golik, Bob Sirchla, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes - Meeting of July 17, 1978: On motion by Councilman Roberts, seconded by Councilman Carper, the minutes of the meeting of July 17, 1978, were approved as submitted.

Minutes - Public Hearing of July 25, 1978, on Proposed Use of 1979 Federal Revenue Sharing Funds: On motion by Councilman Lyons, duly seconded, the minutes of the public hearing of July 25, 1978, were approved as submitted.

Minutes - Special Meeting of July 25, 1978: On motion by Councilman Roberts, seconded by Councilman Lyons, the minutes of the special meeting of July 25, 1978, were approved as submitted.


Jack Giesch said he assumed the City's opposition to the incorporation of Stanley was the fact that Leawood some day hoped to acquire additional land. Mayor Alt stated the opposition to the incorporation of Stanley was not against their incorporation per se but that Leawood had no opportunity to discuss what land might be required to give Leawood a good southern boundary. Mr. Giesch asked what advantages annexation of land would have for a resident of Leawood where he lived, and what would be the disadvantages. Mayor Alt said the advantages would be to even off the boundary, it would have no disadvantages. Mr. Giesch asked why this was not done at the time of the last annexation. Mayor Alt stated at that time the City only took in property by petition of the landowners. Mr. Giesch then thanked Councilman Lyons on behalf of many people in Ward 3 for his opposition to the proposed acquisition of additional park land.

On motion by Councilman Roberts, seconded by Councilman Carper, the agenda was changed to discuss zoning at 123rd and State Line at this time.
COMMITTEE AND COMMISSION REPORTS

Plan Commission - Discussion Relating to Zoning at 123rd and State Line: Mayor Alt stated at its last meeting, the Plan Commission reaffirmed its original recommendation to the Council relating to the zoning of a tract of land known as Oxford Plaza where the old drive-in theater was located, a portion to be zoned as Planned Business District B-1 and the remainder to be zoned Planned Multi-Family R-3. Mayor Alt said he did not see a need for a prolonged discussion of the matter unless there was something new on the subject. He said there had been considerable speculation on whether the drive-in theater may be reopened. He added it would not be practical to reopen it at this time because of road construction, etc. He said the City had made inspection and had determined that the drive-in theater could be reopened providing that a number of items were taken care of to put it in first-class operating condition. Once these were taken care of, then the City would issue a permit to reopen the theater. He said this had no bearing on the case before the Council, but he made the statement to clear up speculation. Mr. Sirchia added that Resolution No. 8-77 of the Plan Commission had been distributed.

James Grier, attorney for the developer, said there were two elements that had not been brought to the attention of the public or the Council in a definitive way. He said they understood several months ago from the City Attorney that the City had determined that the drive-in theater could open, but this had never been clearly communicated to the neighborhood. He said he thought the fact that the property could be used for a commercial purpose should be a matter of concern to the Council because once it had been established that it could be used for a commercial purpose, they would hope the Council would determine what was the highest and best commercial use for that property. Mr. Grier said the second issue was that this Council saw fit to submit to the voters of Leawood the issue of whether or not the City should levy a retail sales tax and the voters did approve that sales tax. He said the literature distributed to the voters stated there would be commercial development in south Leawood, south Leawood being generally understood to be the area south of I-435. He said it was their understanding that the Plan Commission informed the Council that the only tract that could be developed today was the tract at issue because of the status of sewer development. Mr. Grier stated their interpretation was that the Council had in effect turned its back on its earlier recommendation to the voters of Leawood. He reminded the Council that the tract was basically master planned for a neighborhood shopping center by the Plan Commission, confirmed by the Council. He said there had been no objections expressed concerning the plan presented beyond the fact that the people in the immediate vicinity were opposed to it. Mr.
Grier asked that the Council take cognizance of those facts and either approve this matter on reconsideration or take it under further advisement.

Tom Nordstrom said the reason the sales tax was put before the voters was clear in City records. As far as use of the property as a drive-in, it was clear to him as a non-lawyer that it was not intended to be reopened as a drive-in by the very fact that it was projected to be a shopping center. As to the statement of the developer's lawyer concerning determining the best commercial use, that was not an issue, the contention of residents all along was that this was no place for a commercial development of any sort. He said it never was coded for a neighborhood shopping center, it was coded that way because it was in fact a commercial development at the time of acceptance of the master plan. Mr. Nordstrom stated as to other available sites, a shopping center at 135th and State Line would be of such magnitude that sewers would find their way very easily to that site.

Mayor Alt clarified that the reopening of the theater did not constitute an admission of zoning but merely a continuation of use that had existed, and the merits of the sales tax was not something that would enter into the determination.

There was discussion concerning exactly what was before the Council. Mayor Alt explained the recommendation of the Plan Commission came before the Council; the Council denied the request and sent it back to the Plan Commission for reconsideration; the Plan Commission reconsidered it and then sent it back to the Council; the Council may or may not take action. Councilman Lyons moved that the Council reconsider Council action taken with regard to Resolution No. 8-77 by the Plan Commission; seconded by Councilman Hodes. Mayor Alt explained this was a motion to put it on the table, if the motion failed the matter was closed; if the motion carried, the ordinances would be put on first reading at the next Council meeting.

Councilman Carper asked Mr. Nordstrom at what points during the last six months had the Verona Gardens Homes Association had any correspondence with the applicant regarding problems with the development. Mr. Nordstrom said it was not the layout or the art work, it was the location that was the problem, there was no compromise. He said he did not like the drive-in but had lived with it for five years.

Councilman Roberts said he thought the Council was going through a lot of needless and redundant motions here, the Council very clearly voted on the matter two different times. Councilman Hodes said he would like to see a re-vote because he felt there was less threat to the community with a properly planned business development than a drive-in theater being opened with the type of movies that were now being shown.
Gordon Myerson questioned whether a non-conforming use could be reopened particularly when they had operated a completely different business in the interim. The motion was defeated by vote of two aye, three nay.

Mr. Myerson requested that citizens be given a chance to give information they had as to whether or not the drive-in could be reopened. Mr. Grier pointed out that they understood that they would get a letter from the City confirming the fact that the permit was available; he said it would be unfair to all concerned for them to spend several thousand dollars in connection with the renovation and then have the matter be the subject of a public hearing. Mayor Alt said there would be a letter prepared. Mr. Grier said these matters had been the subject of a continuing discussion for several months and they had urged for some time that the discussions be made public. A lady asked how long the drive-in could lie fallow and then be reopened. Councilman Crippin said normally when a non-conforming use completely ceased operation for a period of time, it was not allowed to be reinstated; however, in this instance by inspection of the property it had been determined that for all practical purposes the drive-in could become operable again.

Mr. Grier stated that before the application was submitted there was a substantial legal question as to whether or not the City of Leawood had ratified the commercial zoning placed on the property by Oxford Township. He said it was agreed at that time that they could proceed with the zoning application without prejudicing their right to raise that question. Mr. Grier said if this matter was going to be subject to further consideration by the Council with public input, the time for that was now, not after many thousands of dollars had been spent in relying on what the City had told them. Mayor Alt assured Mr. Grier that after they had received confirmation there would be no reconsideration. Mayor Alt said he intended to issue such a letter to Mr. Williams assuming, of course, that the conditions were met to put the theater back in operation.

Ordinance No. 600 - Relating to Levying of a City Retailers' Sales Tax (Second Reading): Councilman Roberts moved that the ordinance be placed on second reading. Ordinance No. 600 was adopted unanimously.

Ordinance No. 601 - Relating to the Control of Mopeds (Motorized Bicycles) (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Chief Sellers stated the provisions were in accordance with State statute. Ordinance No. 601 was adopted unanimously.

Ordinance Relating to Acceptance of Right-of-Way Grant for Street Purposes - 123rd Street (First Reading): On motion by Councilman Crippin, the ordinance was placed on first reading.
Ordinance Defining Manner and Place of Construction of Southwestern Bell Telephone Lines and Providing for Annual Payment to City (First Reading): Councilman Crippin stated this ordinance was a result of discussions between Councilman Carper and the Telephone Company. He said it was fairly standard throughout Johnson County communities. Councilman Carper stated it would take three readings and would be published sixty days, so it might not go into effect until January 1, but he would like to have it considered subject to the amendments that would be made. He explained the City had received 7 cents per month per main station to offset telephone costs and administrative costs in dealing with the phone company. He said the contract had been renegotiated using two per cent of revenues for local telephone service. Councilman Hodes wondered about the arrangement if 911 service were instituted. Councilman Carper said that would be on a county base; he would assume cities could renegotiate. Councilman Hodes wondered if it would be appropriate to provide for this type of opening of the contract. Councilman Carper explained that the City asked to renegotiate and the Telephone Company agreed to renegotiate the rate, nothing else; it should have been renegotiated several years ago. Councilman Carper will investigate the matter.

Recommendation for Payment of Reno Construction Invoice - 119th Street and 123rd Street Improvements: Councilman Roberts reported he had recommendations for payment both on 119th Street and 123rd Street for work done to date. He moved for approval of payment to Reno Construction Company in the amount of $22,999.46 on 119th Street and $12,725.55 on 123rd Street; seconded by Councilman Carper. Motion carried.

Engineer's Preliminary Study - Street Improvement - Mission Road, 119th Street to 127th Street: A letter from Shafer, Kline & Warren dated July 17, 1978, outlining the proposal for preparation of a preliminary engineering plan, had been distributed. Mr. Johnson said this was beyond what was in the major street plan. Councilman Roberts was concerned about Item D, a soil engineer to give soil borings without knowing the cost. Mr. Johnson said the soil borings should show location of rock for the construction estimate, what they did before was a ball park estimate as to the excavation in the area. He said in their original estimate for the benefit district they provided for relocation of the entire water line and gas line, this study would give them a more definitive profile from which to work and possibly avoid a total relocation. Gene Kroh felt that unless the cost were something substantially less, it would be difficult to get consent of fifty-one per cent of the property owners. Councilman Roberts moved for approval of the proposal; seconded by Councilman Crippin. Mayor Alt said the City had to have better information than was presented to landowners originally. He said he would like to have a contract by March if at all possible. Motion carried.
Resolution No. 467 - Agreement to Construct Traffic Signal - 103rd and State Line: Mr. Johnson said plans for a new signal at 103rd and State Line were completed and approved by the State. He said upon approval by the City of the cost split, the State would advertise for a contract for construction to include installation of a new traffic signal at that location, installation of plastic markings, and removal of the existing signal; the cost to be shared 90 per cent by the State and 10 per cent by the City. Mr. Johnson said the maximum to the City would be $6,400 or $6,500. Councilman Roberts moved for approval of the resolution; seconded by Councilman Hodes. Mr. Johnson said construction probably would not be completed until late spring or early summer next year. Resolution No. 467 was adopted. A copy is attached hereto as part of the record.

MAYOR'S REPORT

Delegates to League's City Convention: Mayor Alt designated that the Mayor and President of the Council be authorized as No. 1 and No. 2 voting delegates to the League's City Convention, alternates to be Frank Lawler and Jinny Oberlander.

Budget Hearing: Mayor Alt reminded the Council that the budget hearing would be on August 14th at 7:30 p.m., and a quorum would be needed for final approval of the budget on August 21st.

At 9:05 p.m., on motion by Councilman Roberts, duly seconded, the meeting adjourned to Monday, August 21, 1978, 7:30 p.m.

Eugene E. Alt
Mayor

Attest:

Clerk

Council Reporter

City Clerk
Minutes of a budget hearing of the Governing Body of the City of Leawood, Kansas.

A hearing in connection with the proposed 1979 City budget was held at 7:30 p.m. on Monday, August 14, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Councilman Jean Wise presiding.

Mayor Alt and Councilmen Wise, Roberts, Funk, Crippin, Rinehart and Hodes were present. Also in attendance were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Treasurer Golik, Fred Krebs, Frances Farrar, the City Clerk, and the Council Reporter.

Visitors: George Raupp, Mr. and Mrs. Jack Giesch, Thomas Nordstrom.

Councilman Wise explained the handout listed the proposed budget of expenditures for 1979 in the various funds, a budget summary which was published showing expenditures for 1977, the current year, as well as the budget year 1979, along with the mill levy for each of those years. She pointed out that the mill levy of 16.50 for 1979 was down by almost a mill; it was lower than published due to the fact that the City was notified that there would be another distribution of sales tax funds. She said the reason the mill levy was down was basically because of the Council decision to absorb the cost of employee benefits out of carryover from previous years.

Also included in the handout was a summary of revenue sources and a brief summary of expenditures and revenues in the various funds. Councilman Wise pointed out that some funds were under the tax lid, including the General Fund, Special Fire Equipment Fund, the Park Fund, and the newly created Reserve Fund. Copies of the entire budget were available.

George Raupp suggested that in preparing its budget, the City see how much it would need instead of how much it would get. He observed that there was a 51 per cent increase in City taxes from 1974 to 1978, and that total expenditures had gone up from $2,130,000 in 1977 to $3,900,000. He said he thought before going any further with this budget the people should be notified. Councilman Wise stated notice of the hearing was published. Mr. Raupp said he thought each councilman should get a minimum of ten people to come and discuss the budget. He said it was disturbing to him to talk to 25 people and not one knew there was a budget hearing.

Councilman Hodes pointed out that the total expenditure figures quoted by Mr. Raupp included the $1,000,000 sewer
fund which was budgeted each year but not expended. He commented that a lot of the increases were mandated by the Federal government.

Jack Giesch said he had complained for three years that the notice of the hearing was in The Leawood Sun because very few people took The Sun. Mayor Alt said an announcement was made at the last Council meeting. Councilman Roberts said he had reminded people at Leawood South Country Club of the budget hearing. He explained work that had gone into budget preparation. Mr. Lawler pointed out there was also a hearing on the revenue sharing budget tonight; at the first hearing on that budget, only one person appeared even though the homes associations were notified.

Mr. Raupp said he did not see why the people should be paying ten years in advance on a capital improvement for a sewer, he said it should be financed by a bond issue when needed. He said he thought the fund to buy parks should be eliminated altogether, if the people wanted parks later on, they should get a bond issue. Councilman Wise pointed out when there was a bond issue the public ended up paying double because of the interest. Mr. Raupp said this was the only city he knew of that continually took the people's money in advance of when they were going to use it. He said all the rest of the cities around were cutting their taxes. Mayor Alt pointed out that Leawood provided complete fire protection in its budget with its own fire department, while fire protection in other cities was provided by an additional fire district levy.

Tom Nordstrom said there had been ten per cent inflation in the last year, the City ought to be commended in being able to keep costs down.

Chief Toman stated that nearly every city put money aside in advance. Mayor Alt said the total increase in assessed valuation this year was a little over $3,000,000, resulting in a $75,000 increase in revenue, not a tremendous increase. He pointed out that in 1974 the City paid $6 per ton for asphalt, this year it was in the vicinity of $16 per ton.

Jack Giesch noted that recreation expense was $170,825 for 1979 and revenues were projected at $86,150. Councilman Wise said in recreation there were two sources of revenue, a mill levy and user fees, from which to operate the park and also set money aside for long term maintenance and land acquisition. Mr. Giesch said land acquisition for parks was a sore spot with him, when the Chairman of the Plan Commission in March had stated there was no need for acquisition of land until 1982 or 1983. Mr. Giesch said with the projection of a population increase of 2,500 to 3,000 by 1990, he could not see that the City had to spend $76,000 for land acquisition. Councilman Wise said it was the feeling of many that money should be put aside and try to acquire some land at a time.
when it was cheaper than it will be in ten years. She said there was some feeling that if land were acquired it should be a tract which might be used for a variety of purposes.

Mr. Giesch pointed out that in 1979, $157,472 was budgeted for street repair. Councilman Wise said in addition to that, there was the special highway fund from gasoline taxes which was also used for street expenses. Mr. Giesch said he thought there was more inflation in cost of street repair than land, and he thought the $76,000 for land acquisition should be put into the expenditure for streets. Councilman Roberts said although he did not support the vote for the land acquisition fund, he still supported the fact that the City was going to need parks sometime down the road; he thought it was prudent of this Council to plan in advance; he did not think it was an "either or" situation between streets and parks; he stated there was not much street development or improvement that was suffering in Leawood because of lack of money.

Councilman Crippin stated there were some who felt that any property acquired would include a site for a new public works facility; the existing site was totally inadequate.

At 8:29 p.m., Councilman Wise declared the public hearing on the 1979 City budget closed.

Chairman

Council Reporter

City Clerk
Minutes of Public Hearing on the 1979 Federal Revenue Sharing Budget of the City of Leawood, Kansas.

A public hearing on the 1979 Federal Revenue Sharing Budget of the City of Leawood, Kansas, was held at 8:30 p.m. on Monday, August 14, 1978, immediately following the public hearing on the City budget, in the Police and Court Building, 9617 Lee Boulevard, with Councilman Jean Wise presiding.

Mayor Alt, Councilmen Wise, Roberts, Funk, Crippin, Carper, Rinehart and Hodes were present. Also in attendance were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Treasurer Golik, Fred Krebs, Frances Farrar, the City Clerk, and the Council Reporter.

Visitor: Thomas Nordstrom.

Councilman Wise stated the budget summary was published showing expenditures for 1977, the current year, and projected expenditures for 1979. She said the three expenditures proposed for 1979 were $7,000 for a Fire Department vehicle, $45,000 for a street sweeper, and $5,000 for codification of ordinances, making a total of $57,000.

There were no comments on the revenue sharing budget.

At 8:32 p.m., Councilman Wise declared the public hearing closed.

Chairman

Council Reporter

Attest:

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

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, August 21, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Rinehart, Lyons.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Treasurer Golik, Herbert Johnson, Phil Kline, Frances Ferrar, Bob Sirchia, the City Clerk, and the Council Reporter. Fred Krebs arrived at 9:05 p.m.

Minutes - Meeting of August 7, 1978: On motion by Councilman Roberts, seconded by Councilman Wise, the minutes of the meeting of August 7, 1978, were approved as submitted.

Minutes - Budget Hearing: On motion by Councilman Rinehart, seconded by Councilman Wise, the minutes of the budget hearing of August 14, 1978, were approved as submitted.

Minutes - Public Hearing on 1979 Federal Revenue Sharing Budget: On motion by Councilman Wise, seconded by Councilman Roberts, the minutes of the public hearing on the 1979 Federal Revenue Sharing Budget were approved as submitted.


Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Wise, seconded by Councilman Crippin.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance - Approval of 1979 Budget: Councilman Wise moved for final approval of the 1979 budget; seconded by Councilman Rinehart. Councilman Wise stated the budget was as presented at the public hearing. Councilman Lyons stated he would reiterate his stand with regard to the recreation budget. Motion carried, Councilman Lyons opposed. Councilman Wise reported that the Budget and Finance Committee hoped to bring forth a recommendation at the next Council meeting on a firm to handle data processing, automating the City's payroll initially, subsequently the general ledger. She said data processing firms would give presentations at a meeting of the Budget and Finance Committee on the 29th. Councilman Roberts stated he felt the Budget and Finance Committee was to be congratulated for coming up with a very responsible
budget for 1979. Mayor Alt agreed, and he and Councilman Wise expressed appreciation for the work of Frances Farrar.

On motion by Councilman Wise, seconded by Councilman Lyons, the agenda was changed to consider three resolutions relative to sewer districts as the next items of business.

Public Works:

Resolution No. 468 - Consenting to the Enlargement of State Line (123rd Street) Main Sewer District and Creation of Lateral Sewer District No. 2: Mr. Sirchia explained the first resolution concerned the Royse property on State Line at approximately 126th Street that would soon be platted. He displayed a map showing the area and said it would be joined to an existing sewer district serving part of Hunter's Ridge. Mr. Bert Benjamin stated it was part of a cooperative agreement with the Kansas City, Missouri, sewer district. He stated Leawood consented to the original formation of the sewer district by its Resolution No. 419; now they were asking to expand that and create a lateral district as well. Phil Kline stated Kansas City would charge the County the same fee they charged Leawood for the municipal system, he did not know how much additional the County would charge. Councilman Roberts moved for approval of the resolution; seconded by Councilman Wise. Resolution No. 468 was adopted unanimously. A copy is attached hereto as part of the record.

Resolution No. 469 - Relating to Consent to the Enlargement of Blue River Sewer Sub-District No. 9: Mr. Sirchia indicated the area on a map and explained that it was an enlargement of the Stanley sewer district. Councilman Crippin asked if approval of these two sewer districts would enhance the possibility of expediting getting the rest of the property into a district. City Attorney Winn thought it would. On motion by Councilman Wise, seconded by Councilman Lyons, Resolution No. 469 was approved. A copy is attached hereto as part of the record.

Resolution No. 470 - Relating to Consent to Creation of Blue River Sewer Sub-District No. 6: Councilman Roberts moved for approval of the resolution; seconded by Councilman Wise. Mr. Sirchia indicated the area on a map. He said Mr. Bopp had found it more expedient to pursue joining a sewer district than to install dry sanitary sewer lines and septic tanks, and another property owner was also interested in handling sewage by other than septic tanks. These factors combined to influence the creation of this district. Resolution No. 470 was adopted. A copy is attached hereto as part of the record.

Ordinance:

Ordinance No. 602 - Relating to Acceptance of Right-of-Way Grant for Street Purposes for 123rd Street (Second Reading)
Councilman Roberts moved that the ordinance be placed on second reading. Ordinance No. 602 was unanimously adopted.

Ordinance Defining Manner and Place of Construction of Lines of Southwestern Bell Telephone Company, and Providing For Annual Payment to the City (Second Reading): Councilman Wise moved that the ordinance be placed on second reading. Mayor Alt and City Attorney Winn said the Telephone Company had agreed that the effective date would be September 1. The ordinance passed second reading.

Plan Commission - Approval of Contract for Planning Services: Mr. Sirchia requested that the matter be deferred to the next Council meeting since the document was not ready.

Public Works:

Traffic Signal Policy: Mr. Johnson stated traffic signals were missed in the new regulations. He said a policy statement had been reviewed by the Public Works and Public Safety Commissions covering testing of the traffic system provided by the developer, guaranteeing that it would function for one year, and explaining energy for and maintenance of the signal installation. There was discussion as to whether or not such a policy should be in the subdivision regulations. Mayor Alt said he would like the Plan Commission to take formal action on it and send it back to the Council.

At the request of Mayor Alt, on motion by Councilman Lyons, seconded by Councilman Roberts, the agenda was changed to consider the Mayor's Report as the next item.

MAYOR'S REPORT

League of Municipalities Cities Convention: Mayor Alt called attention to the fact that the League of Municipalities was having its meeting in Overland Park on September 17-19 and suggested that councilmen get applications in for attendance.

Johnson County Council of Mayors Meeting: Mayor Alt announced the Johnson County Council of Mayors would meet in Leawood at 7:30 p.m. on September 6th; councilmen were invited.

Public Works:

Recommendation for Payment of Reno Construction Invoices - 119th and 123rd Streets: Phil Kline stated these were standard progress payment requests in accordance with the contract. Councilman Roberts moved for approval of payment on benefit district 78-2 on 119th Street to Reno Construction Company in the amount of $391.18; seconded by Councilman Wise. Motion carried. Councilman Wise moved for approval of payment to Reno Construction Company on benefit district 78-1
on 123rd Street in the amount of $46,110.41; seconded by Councilman Roberts. Mr. Kline reported good progress on the street. City Attorney Winn reported the funds were on hand through temporary notes. Motion carried.

Mayor Alt asked President of the Council Crippin to preside over the remainder of the meeting as he had to leave.

Recommendation Regarding Storm Drainage Proposal: Phil Kline stated his firm had submitted a proposal for doing a storm drainage study for the City, a portion of which was updating a 1967 study (the south boundary at that time was 135th Street). He said the present proposal would give the City a complete updated inventory of all existing facilities plus in the undeveloped areas some guidelines for the Council and Plan Commission in their review of proposed storm drainage facilities. The study would include an analysis of all the trouble spots in the City, the analysis to consider the options that could be used to correct the problem areas and make a recommendation on each, with a cost estimate for bringing each of the areas up to acceptable condition. He said the trouble areas would be determined by the Governing Body and his firm.

Mr. Kline said the City could take the initiative in the formation of benefit districts or could wait for petition action to initiate the project. He said from the study an annual program could be established for storm drainage improvements. In response to inquiry by Councilman Funk, Mr. Kline said only one City project had been accomplished as a result of the 1967 study. Mr. Lawler pointed out this would give the basis to go to the Federal Government for assistance. As to funding, Councilman Crippin stated $10,000 had been included in the 1979 budget for aerial photographs. Mrs. Farrar stated there was $10,000 in the contingency fund in the 1978 budget that had not been earmarked and not planned as carryover, also $7,500 had been allowed in 1978 for connecting the city hall and fire station to the emergency generator, and $3,000 to resurface the parking lot.

Mr. Sirchia displayed the maps from the 1967 study. Councilman Crippin thought if Congress approved public works money through the Economic Development Administration again, with the data Leawood could probably get at least a portion of the improvements funded. Councilman Crippin said he thought the 1967 maps had not been used as they should have been for the most part. He said with employment of a city engineer being imminent, the maps would be used daily. He said there was no doubt that the City needed the maps and the proposal should be approved. City Attorney Winn commented that a benefit district could not be created without the maps. Mr. Kline explained how the maps were made. Councilman Lyons said he did not see a point to redoing the old area. Councilman Crippin said in effect the City would be spending quite a bit of money at the present time to provide the City and its engineer with the tools so its engineer could do his
job later. He added that prints of the maps could be sold to builders, and some revenue could be produced through storm drainage inspection fees. The need for the study in the old area was discussed. Councilman Lyons said he really had a problem with updating the old areas unless the City got a comprehensive plan on what could actually be done. Councilman Crippin stated the Leawood problem was worse than that of Prairie Village. Councilman Lyons wanted to be sure the City did not end up with a study it could do nothing with. Councilman Roberts cited three projects in north Leawood (the Somerset intersection, 83rd Street, and 95th Street) where this study would be beneficial to the City. Mr. Kline said the emphasis of the study in 1967 was not to check specific problem areas and develop preliminary construction plans for them, the assignment was to make an existing inventory. Councilman Wise moved that the proposal presented by Shafer, Kline & Warren, including preparation of aerial photographs to be prepared by M. J. Harden Associates, Inc., be approved; seconded by Councilman Roberts. Motion carried. Mr. Kline will notify Harden Associates. There was discussion that the approval included the $350 option for a small map. Mr. Kline said they would start with the inventory immediately. Councilman Crippin requested that Mr. Kline give a progress report at the November 6th Council meeting.

Agreement with Kansas City Power and Light Company for Relocation of Overhead Facilities - 123rd Street: Councilman Roberts requested that the item be continued to the next meeting as there were several technical and legal questions to be researched further.

NEW BUSINESS

Applications for Retail Liquor Occupation Licenses - Martin's Liquor Store and Mertz Liquor Store: City Attorney Winn explained that the licenses were for the same liquor store, ownership was being transferred; both were taking out licenses, then Mr. Martin would be given a rebate for the portion paid by Mr. Mertz. On motion by Councilman Wise, seconded by Councilman Lyons, the liquor occupation licenses were approved.

Approval of Contribution to Litigation Fund: City Attorney Winn stated before the first of the year the City felt it should get involved at least as a named plaintiff to register its complaint both legally and morally against the Water District's attempt to raise rates considerably. He said it appeared that litigation would now be a class action so that attorneys' fees were contingent; however, there were costs to take the litigation forward (depositions, expert testimony, etc.). He suggested that the City of Leawood make at least a token contribution to a litigation cost pool. Councilman Roberts moved that the City of Leawood contribute $500 to the litigation fund; seconded by Councilman Lyons. Motion carried. City Attorney Winn added that anyone contributing would be furnished an accounting.
Approval of Contract for Parking Area and Drive at Fire Station No. 2: Chief Toman reported in order to complete the fire station project and get it in shape for the dedication on September 17th, the Public Safety Commission felt the first priority was completion of the drive in front and the parking lot area in the rear of the fire station. Reno Construction Company had submitted a bid of $17,418. Chief Toman said funding could come by moving $18,920 paid for the rescue car out of the bond issue into the special fire equipment fund. He said Reno Construction Company would complete the project by September 17th if the Council authorized the work. Mr. Sirchia stated the City's engineers felt Reno Construction Company was doing the City a favor by submitting the bid as it was unlikely anyone else would because it was a relatively small job and it was late in the season. Mr. Sirchia said because of the time element involved and the difference in technology, City crews could not do the work. There was discussion concerning using settlement money for damage to the fire station, and that the ambulance probably should not have been purchased out of the capital fund and should be adjusted back to the fire equipment fund; together those items should be sufficient to cover the driveway. Councilman Roberts said he felt this job needed to be completed now. Councilman Roberts moved that the Council authorize the letting of a contract to Reno Construction Company in the amount of $17,418 to pave the remaining area at the fire station; seconded by Councilman Wise. Motion carried.

Appropriation Ordinances: Nos. 385-A and 369-S in the amounts of $161,086.44 (including $300,000.00 in investments) and $908,387.82 (including $900,000.00 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. The fitness trail was discussed. Mr. Krebs said it was exercise equipment at stations alongside the jogging trail. Councilman Crippin observed that what may be happening, rather than consolidating requests and doing the purchases at one time they seemed to be strung out so that several items were purchased for the same project rather than doing it all at once in order to keep under the $1,500 limit not requiring Council approval. He also observed that there were two different warrants for Sergeant Sharp's trip to Louisville both of which could be approved by the Mayor without Council approval. Chief Sellers stated they had to have separate warrants for Sergeant Sharp, all would be reimbursed under Federal grant.

Councilman Crippin said committee goals and objectives would be presented for study at the next administrative committee meeting which would include getting the procedures to the point where they could be followed and everyone knew what
was going on, rather than the various committees and commissions going their own way. Councilman Rinehart stated the Recreation Commission had not divided purchases into smaller warrants, rather the opposite had happened. Councilman Crippin noted that some warrant descriptions in the appropriation ordinance did not show a true picture. Councilman Wise said there was no attempt on the part of recreation to deceive anybody. She recalled that at one point she presented the Council with a huge list of projected expenditures and the reaction was why did the Council have to approve all that trivia. She said their meetings were open. Councilman Roberts said he would hope in considering data processing that a system could be devised so periodically there could be a print out by department as to expenditures and related to the budget. City Attorney Winn explained the billing for work on the recreational vehicle lawsuit went back to November, 1977.

At 9:40 p.m., on motion by Councilman Lyons, duly seconded, the meeting adjourned to Tuesday, September 5, 1978, 7:30 p.m.

Eugene E. Allen
Mayor

Jane Hill
Council Reporter

Attest:

J. C. United
City Clerk
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Tuesday, September 5, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Carper, Rinehart, Hodes.

Others present were Fire Chief Toman, Police Captain Becker, City Attorney Winn, City Treasurer Golik, Herbert Johnson, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Hodes, seconded by Councilman Rinehart, the minutes of the meeting of August 21, 1978, were approved as submitted.


COMMITTEE AND COMMISSION REPORTS

Johnson County Human Relations Commission: A report had been distributed. Mayor Alt stated the ordinance supporting the Johnson County Human Relations Commission would expire in October. Donna Thalblum gave brief background information on the Commission, stating it was established in 1970 by an ordinance which must be renewed every four years. It was originally intended to study and resolve human relations issues. Following a study, the Commission had concluded that it needed to provide governmental agencies and businesses with technical assistance in the area of equal employment, and needed an office system housed in the County government and jointly sponsored by the cities. The Commission recommended that the cities not re-adopt the present human relations ordinance. Mrs. Thalblum said the Council of Mayors had voted not to re-adopt the present ordinance. The matter had been presented to the County Commissioners. She said the present commission was advisory only. She said they felt the funds should come from the County. Mrs. Thalblum stated the Commission felt it needed investigative powers and subpoena powers. She said the Kansas Commission on Civil Rights had enforcement powers. She said they felt if a local office were available more people would seek assistance, guessing 60 to 100 per year. She said the proposed budget was for a full time executive director with a support staff person. Mrs. Thalblum urged councilmen to indicate to the County Commissioners that this was necessary for Johnson County. Mayor Alt said he had written the County Commissioners asking for their support.
Administrative Committee - Minutes of August 28th Administrative Committee Meeting: Minutes of the Administrative Committee meeting of August 28th had been distributed.

Budget and Finance: Councilman Carper reported that the Budget and Finance Committee and its subcommittee had determined that the firm of ADP (Automated Data Processing) would automate the City's payroll commencing October 1, 1978. Messrs. Harris and Turbeville of ADP were present to answer questions. Councilman Carper stated it was anticipated that accounts payable and the rest of the general ledger would be automated within the next six to twelve months. Councilman Roberts asked how much clerical time computerization would save. Mr. Turbeville said at the point each pay period when the hours come in (where the job usually starts), with computerization the job would end there. He said quarterly reports and W-2 forms would be automatic by-products of computerization. Treasurer Golik estimated that it would save a week to a week and a half of clerical time per month. Councilman Carper said it had been determined that it would be more efficient to have one payroll rather than two. Based on the recommendations of the Budget and Finance Committee, Councilman Carper moved for approval of the retention of ADP for automation of the City's payroll, approximate cost to be $225 for initial programming with an approximate processing fee of $100 per month, plus an additional cost of $140 for 3,000 checks; seconded by Councilman Wise. Councilman Carper said one of the major reasons why ADP was chosen was due to the fact that they were flexible in terms of the reports they could generate at a minimal cost. Motion carried.

On motion by Councilman Wise, seconded by Councilman Roberts, the agenda was changed to consider the resolution regarding replat of Brittany Court as the next item.

Plan Commission:

Resolution No. 471 - Regarding Replat of Brittany Court: Bob Sirchia stated the plan of Brittany Court displayed had been approved by the Council in May. He said it was a townhouse plan involving two units grouped together on one lot. He said the new zoning code allowed one such unit on a lot. The replat involved putting in new lot lines separating each unit, doubling the number of lots but not affecting the density. He reported it was the recommendation of the Plan Commission and staff that it be approved. Saul Ellis explained the change proposed did not do anything but give him the right to deed over a piece of property much easier, instead of deeding a lot less a complete legal description of the other townhouse unit, one lot could be deeded. On motion by Councilman Roberts, seconded by Councilman Carper, Resolution No. 471 was unanimously adopted. A copy is attached hereto as part of the record.
Ordinance Establishing Zoning Classification of Planned Cluster Residential and Preliminary Plat Approval - Leawood South Townhouses, Tract B: A proposed ordinance was distributed. Bob Sirchia displayed a map of the area. He said it was the recommendation of the Plan Commission that zoning and preliminary development plans be approved contingent upon the dedication of 60 feet of right-of-way along State Line Road. Mr. Sirchia reviewed that in 1967 Kroh-Moffitt dedicated 50 feet of right-of-way along State Line Road. It was the recommendation of the City's traffic engineer that an additional ten feet be acquired which would more easily accommodate the widening of State Line Road. Mr. Sirchia said a similar recommendation came to the Council on Tracts G, H and I but the Council approved them with 50 feet. Mr. Bono displayed another recommendation came to the City Plan Commission that 60 feet be acquired, bringing the total to 120 feet. Mr. Sirchia said the developer did not agree with that. He indicated that south to Highway 150 a plan was approved with right-of-way of 50 feet, north of the area there was a plat dedicating 60 feet, the Williams proposal indicated 60 feet, the Ellis project at 123rd Street had not yet been approved.

Councilman Roberts asked if there had been consideration of additional parking. Mr. Sirchia said there was a recommendation by the planning staff that additional parking be provided somewhere in the plan; however, that was not part of the Plan Commission resolution. Mr. Sirchia said the density of the proposed development was slightly more than on Tract G because the new zoning code allowed higher density. Mr. Sirchia stated the area was platted in 1967 for office buildings. He explained that there was nothing in the code which enabled the City to specifically ask for additional parking. Councilman Hodes said there had been some concern about the parking situation in the adjoining townhouse development, including concern for public safety. Mr. Bono said the ordinance required two parking spaces for each dwelling unit, one of which was covered. He said they had provided two in the driveway and two in the garage. He added they had never in seven or eight years had a single complaint regarding parking out there and the president of the townhouse association had never had a complaint regarding parking. Chief Toman said the 28 foot streets were extremely well planned as far as fire equipment was concerned. Gene Kroh confirmed that he had heard no complaint about the parking situation in any of their townhouse areas.

Mr. Johnson stated he had drawn a sketch showing the need for the 60 feet of right-of-way in that area, primarily it was to develop a southbound right turn lane into Leawood South to prevent rear end accidents because of future traffic volume, as well as to provide for utilities and sidewalk.
He said he had been requested to provide 120 feet of right-of-way for a similar type street in Kansas City, Missouri. He said Overland Park on every half mile and mile street south of I-435 in future development would require 120 feet of right-of-way. He said every time a City varied from that standard it was taking something away from safety. Mr. Johnson said it was a reasonable request for right-of-way based on modern design practices; it could be done with less but it would be cheating the public in the future.

Mr. Bono stated they were hard pressed to figure out where the people would be walking to or from, so they would question the five feet for a sidewalk. He said their contention was that 100 feet was adequate.

Alfred Horn, engineer, stated he found that Kansas City on a primary arterial in a typical situation would request 100 feet of right-of-way. Mr. Bono presented a letter from Kansas City, Missouri. Mr. Horn said if present traffic counts were increased at a rate of 3 per cent per year in this area, by the year 2000 the amount of traffic would be 12,000 cars per day. He said the roadway proposed was capable of handling 20,000 cars per day; so, based on traffic volume alone, they did not feel that 120 feet of right-of-way was necessary. He said a well designed four-lane roadway would adequately serve traffic that was anticipated at that point. He said at present with only two lanes, a right turn lane would be important.

Gene Kroh said State Line Road to Red Bridge Road had been a joint project between Kansas City, Missouri, and Johnson County and any future improvement would have to be done by them also. A letter from Virgil Holdredge, County Engineer, was presented. Mr. Kroh said it read that Johnson County was happy with a 100 foot right-of-way.

Councilman Rinehart asked if there had been any provision for bikeways along State Line for Children to get to school. Mr. Kroh said Mr. Holdredge did not think sidewalks were a practicality along State Line Road. Mr. Kroh said he did not see who would use them. Councilman Roberts said with all the people walking and jogging on the streets, it had become a dangerous situation, and he could envision that when the shopping center was completed people would be walking and jogging to get to it.

Councilman Wise stated that when the last tract by Kroh-Moffitt was presented the point was brought up that the original plan had been prepared before the requirement was in the zoning ordinance for 60 feet of right-of-way. She asked why the plan was drawn this way if they knew this was a requirement. Mr. Kroh said it was not an ordinance, just a request from the planning staff. Councilman Wise said the planning staff made their views fairly plain when the last plan was brought in, consistent with what they were
saying now. Councilman Roberts said there was some thought at the time of the revision of Tract G that the City should require 60 feet of right-of-way. He said he did not object at that time; however, he wondered where it would end.

John Granstedt said he was doing the shopping center across from State Line Airport, and the right-of-way in that area was 50 feet. Mayor Alt said at the stop sign, Missouri had an additional 12 feet of right-of-way, making a total of 62 feet. Mr. Johnson said there were inconsistencies all the way down State Line; the reason he asked for additional right-of-way on the southbound lanes was that there was going to be a large development south of I-435 in Leawood with two opportunities to move the traffic--State Line Road and Roe Boulevard--an extremely high growth of traffic in both of those corridors could be anticipated. He added that Kroh-Moffitt was dedicating 55 feet on Mission Road.

City Attorney Winn said the legal question was whether or not the City, as a condition precedent to this replat, could require dedication of an additional 10 feet of right-of-way. It was his feeling that unless there was something about this particular development that was causing a traffic problem that would require an additional ten feet of right-of-way, the City was probably not on solid grounds in making it a condition precedent to replat approval. He added that the land was previously conceived as a commercial office district which would be considerably more dense than townhouses. He said the City could condemn it later if it were needed. He said it appeared substantial condemnation would have to be done by the County and Kansas City in any event.

Councilman Hodes stated he thought the Council should revise its procedure--it should get a staff report, a recommendation from the Plan Commission with commentary, and then a legal opinion.

Mayor Alt declared the ordinance to be on first reading.

Ordinance:

Ordinance No. 603 - Defining Manner and Place of Construction of Lines of Southwestern Bell Telephone Company, and Providing for Annual Payment to the City (Third Reading): Councilman Carper explained the ordinance provided that the City would receive two per cent of the class service which should yield approximately $15,000, as opposed to $4,000 at present; the fees to be used to cover phone expenses and administration services rendered by the telephone company. He said there were no significant changes with the exception of the rate increase. On motion by Councilman Roberts, Ordinance No. 603 was unanimously adopted.

Ordinance Relating to Speed Limit for Permitted Vehicles Within City Parks (First Reading): Councilman Hodes explained that a speed limit of 15 miles per hour was posted in the
park but there had been some enforcement problems. No problems were expected with a 20 miles per hour limit. He moved that the ordinance be placed on first reading. Councilman Hodes further explained that unless a traffic study was initiated and showed that 15 miles per hour was a reasonable speed limit, the Courts had indicated that they would not abide by the 15 miles per hour speed limit, feeling it was unreasonable. Captain Becker said they were currently writing violations under the basic speed rule which was operating in excess of a reasonable and prudent speed for the existing conditions, which at times could be less than 20 miles per hour. The traffic study was discussed. City Attorney Winn said it would not have to be an expensive study. He suggested that the Council consider 20 miles per hour now and then look into the possibility of a traffic study. Mr. Johnson did not think there was justification for having a lower speed limit in a park than a school zone. There was agreement that the Council go ahead with the 20 miles per hour ordinance and then refer the matter to the Public Safety Commission for further consideration.

**Ordinance Relating to Maximum Speed Limits in the City (First Reading):** Councilman Hodes explained the only change was in the speed limit on Mission Road from 94th to 95th Street because it went from 35 miles per hour down to 20 miles per hour and state statute said the reduction could not be in more than 10 miles per hour increments. City Attorney Winn requested that the matter be deferred because he and Mr. Johnson wanted to make some substantial modifications of the overall speed limit policies and the state legislature amended a number of the items pertaining to speed, one of which was deletion of the decrease in more than ten miles per hour increments. Mayor Alt suggested that the new ordinance procedure outlined in Administrative Order 78-1 be followed, that it go through the Public Safety Commission before it came back to the Council.

**Contract for Planning Services:** Bob Sirchia stated a proposed new contract with Richard Kellenberg, planning consultant, had been distributed. He said the contract was being re-negotiated in the hope of decreasing consulting costs. It called for a $32.50 per hour rate for principal planner and $20.00 per hour for planner. The City Architect had estimated that it would cost approximately $150 to $175 per month as opposed to the current $475. Mr. Sirchia explained Mr. Kellenberg's services consisted of a plan review session, attendance at Plan Commission meetings as a consultant, and telephone consultation. The matter was discussed. Mr. Johnson said he thought the big push on consultants really was over with the adoption of the new zoning and subdivision regulations, with the new City Engineer, and the City Architect, the City would rely less and less on consultants except on very special problem situations. City Attorney Winn said as a land planner,
Mr. Kellenberg was able to work with developers and make esthetic suggestions that the City would not otherwise end up with, particularly on large magnitude projects. Mr. Sirchia reported Mr. Kellenberg had advised that there would be months, with the hourly rate, when the City could be charged in excess of $475. Councilman Carper did not think it would be necessary for Mr. Kellenberg to attend every Plan Commission meeting. Mr. Winn suggested tailoring the agenda to cut down the time he would spend there.

Councilman Roberts thought the City needed Mr. Kellenberg's expertise at certain times. Since there was an escape clause, he suggested approval of the new contract to see how the costs worked out. On motion by Councilman Rinehart, seconded by Councilman Carper, the agreement for planning consultant services was approved.

Public Works:

Resolution No. 472 - Relating to Enlargement of Indian Creek Sewer Sub-District No. 5 and Indian Creek Main Sewer District No. 1: Bob Sirchia indicated the area involved. He said when the sewer districts were originally set up, two lots were left out of Sub-District No. 5; subsequently it had been determined that they could be included in that district. The resolution was merely to put the two lots back into Sewer Sub-District No. 5. On motion by Councilman Roberts, seconded by Councilman Wise, Resolution No. 472 was approved. A copy is attached hereto as part of the record.

Approval of Contractor's Estimate - 1978 Street Improvement Program: Mr. Sirchia stated the work was performed in accordance with the standards previously approved; it had been inspected; and a letter received from Shafer, Kline & Warren recommending payment in the amount indicated. He said the City had to buy about $1,000 additional asphalt to pave all the streets planned. On motion by Councilman Roberts, seconded by Councilman Hodes, payment to Reno Construction Company in the amount of $77,034.05 for the 1978 street overlay program was approved.

Approval of Contractor's Estimate - Paving of Parking Lot and Drive at Fire Station No. 2: Councilman Hodes moved for approval of payment to Reno Construction Company in the amount of $18,224.38 for work completed at Fire Station No. 2; seconded by Councilman Wise. Chief Toman stated the parking lot was total blacktop, the driveway already had a gravel base. He added that the driveway looked rough, they used a different mix and did not cap it with a smooth mix. Mr. Sirchia reported Shafer, Kline & Warren had approved the job. Councilman Hodes recalled that the reason the Council accepted an outside bid on this was because of concern about the technology available in the Public Works Department to do the job. He recommended that payment be held until it could be investigated more thoroughly. Councilman Roberts and Chief Toman will investigate.
MAYOR'S REPORT

#562

Mayor Alt reported City Administrator Lawler was in the hospital as anticipated for a final checkup. He said the Council of Mayors meeting would be in Leawood on September 6th at 7:30 p.m. He requested that a representative of the Fire Department and Police Department be present to conduct tours of facilities. He reminded councilmen of the League of Kansas Municipalities meeting September 16-18. Mayor Alt requested that the City Clerk see that councilmen received an agenda showing meeting times. Mayor Alt reported Councilman Lyons was absent from the meeting because his father had a heart attack.

#571

Fire Station Dedication: Councilman Hodes reported arrangements were made for the dedication to be held at 2:00 p.m. on September 17th.

#576

Councilman Rinehart requested that persons making presentations to the Council present exhibits before they start. Mayor Alt said he would pursue some kind of formal method to be followed.

At 9:31 p.m., on motion by Councilman Wise, seconded by Councilman Carper, the meeting adjourned to Monday, September 18, 1978, 7:30 p.m.

#580

Eugene E. Alt
Mayor

Jane Lile
Council Reporter

Attest:

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

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, September 18, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Crippin, Carper, Rinehart, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Treasurer Golik, Fred Krebs, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Rinehart, the minutes of the meeting of September 5, 1978, were approved as submitted.


Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Hodes, seconded by Councilman Wise.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance: In connection with action taken at the last Council meeting on the street overlay program, Mr. Lawler stated he thought it was desirable to transfer the difference between the amount budgeted and the amount of the final estimate out of the contingency fund into that particular fund. On motion by Councilman Wise, seconded by Councilman Roberts, the transfer of funds from the Contingency Account to the Street Contracts Account was approved. Councilman Lyons commented that the City continued to spend money and then ask for approval later. Councilman Wise pointed out that the engineer had indicated that the estimates were based on unit cost. Councilman Carper said the Budget and Finance Committee was in the process of attempting to redo the system such that authorization would take place prior to actual commitment. Mr. Lawler suggested that any appropriation of funds have a statement as to where the money was coming from in the action taken by the Council, and that there were funds to cover it. Motion carried.

Insurance - Recommendation Regarding Renewal of Police Liability Insurance: Councilman Lyons reported George Lucas had secured three bids on the City's police liability insurance. The bid of Drake Insurance Company in the amount of $4,556.00 for the same kind of coverage which the City presently had was approximately $1,000 less than last year. He said Drake Insurance Company was registered in the State of Kansas. Other companies submitting bids were Western
World (which provided last year's coverage) and National Sheriff's Association. Councilman Lyons moved that the Council go with the Drake Insurance Company for $4,556.00. He said next year he would attempt to change the anniversary date of this insurance to January 1 to correspond with other insurance of the City. Information on the bids had not been distributed. City Treasurer Golik stated he would have much more confidence in a company registered in the State of New York than one just registered in the State of Kansas. Councilman Roberts agreed and added he would be totally opposed to doing business with any company not registered in the State of Kansas. The motion was seconded by Councilman Hodes. The matter was discussed. Councilman Carper asked if the two insurance people on the committee had been involved in this at all. Councilman Lyons said they probably had not, he got the letter on Thursday of last week. City Attorney Winn said he met on an unrelated matter with John Snyder and Lloyd Lynd (members of the Insurance Committee) and discussed this insurance. It was their suggestion that the City place this coverage wherever it could be obtained economically, write it for fifteen months, and review it next January with the total insurance package. Councilman Carper suggested that the people with expertise on the committee be used. Motion carried, Councilman Roberts abstained. Mayor Alt requested that in the future the Insurance Committee have bids, etc. in the Council folders for study.

Newsletter: Councilman Lyons requested that copy for the next issue of the newsletter be submitted by Wednesday, September 20.

Ordinance No. 604 - Relating to Speed Limit for Permitted Vehicles within City Parks (Second Reading): On motion by Councilman Roberts, Ordinance No. 604 was unanimously adopted.

Ordinance No. 605 - Establishing Zoning Classification of Planned Cluster Residential - Leawood South (Second Reading): City Attorney Winn reported Mr. Johnson had suggested a possible compromise on the width of right-of-way. Rather than demand donation of fee simple title to a ten foot strip along State Line which would require the developer to move his entire project and possibly lose a number of units, Mr. Johnson suggested obtaining from the developer a ten foot general public easement. This would give the City the area needed to build the street to the magnitude which Mr. Johnson indicated might conceivably be built and the developer would be able to save the existing plan. Mr. Winn recommended that as a logical and reasonable settlement of the impasse. Mr. Johnson said the utilities and the sidewalk could be placed in the easement. Councilman Wise was concerned that this would set a precedent which would make it difficult to obtain right-of-way on State Line in the future. Mr. Winn said he did not think anyone could argue precedent because there was no similar situation in the City, the difference was the fact that the preliminary plat had been previously approved with fifty feet of right-of-way. Councilman Roberts stated under
the circumstances he thought this was a workable solution. Councilman Carper suggested that the ordinance should require 60 feet of right-of-way and in special cases 50 feet be allowed, rather than the present requirement of 50 or 60 feet. Mr. Johnson said so far on new developments the developers had agreed to provide 60 feet. On motion by Councilman Roberts, Ordinance No. 605 was unanimously adopted. Mr. Lawler suggested that the City of Leawood make a protest to the City of Kansas City, Missouri, concerning the proposed 40 feet of right-of-way on a development at the corner of 95th and State Line, the Mayor and Council agreed.

Public Safety:

Lions Club Request for Permission to Solicit Funds for Kansas University Medical Center: On recommendation by the Public Safety Commission, Councilman Hodes moved that the request be approved; seconded by Councilman Lyons. Motion carried.

Renewal of Contract with Animal Haven: Councilman Hodes reported the City had a very satisfactory relationship with Animal Haven. The only change in the contract would be an increase in boarding rates from $2.50 to $3.00 per day. On recommendation by the Public Safety Commission, Councilman Hodes moved for approval of the contract with Animal Haven; seconded by Councilman Crippin. Motion carried.

Ratification of Johnson-Wyandotte Mutual Aid Pact: Councilman Hodes reported although Leawood was closer to Kansas City, Missouri, than Wyandotte County, a mutual aid pact would be far down the road between cities in two adjoining states. Copies of the police mutual aid pact had been distributed; it had been reviewed by the City Attorney, and approved by the Public Safety Commission. Councilman Hodes moved for approval of the Johnson-Wyandotte Mutual Aid Pact; seconded by Councilman Wise. Motion carried.

Report on Fire Station Dedication: Councilman Hodes reported that the fire station was officially dedicated with an excellent turnout. He read a letter of appreciation to Jinny Oberlander for her efforts in preparation for the dedication.

Public Works:

Approval of Invoice - Fire Station No. 2: Councilman Roberts reported Phil Kline, Bob Sirchia and he had inspected the paving at Fire Station No. 2 and were now satisfied with the quality of construction. Councilman Roberts moved for approval of payment of $18,224.38 to Reno Construction Company, Inc.; seconded by Councilman Crippin. Mayor Alt commented that the front approach seemed very coarse. Tom Bieszczat said there were two reasons for that, economics and safety. He said the mix was no coarser than streets anywhere in town other than overlaid streets, and the coarse
surface would give more chance of traction. There was discussion that the funds for this paving would come from the bond money. Motion carried.

Approval of Purchase Order 0720 - Asphalt: Mayor Alt stated this item did not need to come before the Council.

Change Order No. 2 - Benefit District 78-2: Tom Bieszczat reviewed that the 119th Street plan was done originally for a private developer and later became a benefit district with very little, if any, plan change. He said there was a fence along the northerly side which was deteriorated in spots, the fence was removed, then fifteen horses appeared, and the contractor had to work until ten o'clock one night to put up a fence to retain the horses. The owner indicated that the trees and brush removed had been retaining the horses. Therefore, the contractor was forced to put up a temporary fence which will have to be taken down after construction and relocated. The cost was $1,770.12, mostly labor. It was a two-strand barbed wire fence. The matter was discussed. On motion by Councilman Roberts, seconded by Councilman Carper, the change order was approved.

Payment of Contractor's Estimate - Benefit District 78-1: Councilman Roberts moved for approval of payment of contractor's estimate on the 123rd Street benefit district project in the amount of $15,394.19; seconded by Councilman Rinehart. Motion carried. City Attorney Winn suggested that a letter be written to Kansas City Power & Light praising them for getting power poles down, the work being done by management personnel.

Payment of Contractor's Estimate - Benefit District 78-2: Councilman Roberts moved for approval of payment of Contractor's Estimate on the 119th Street benefit district project in the amount of $34,994.34; seconded by Councilman Wise. Motion carried. Councilman Lyons clarified that the change order for the fence was not included in this payment.

Johnson County Sanitary Code: This item was removed from the agenda since it was not ready.

Recreation Commission: Councilman Rinehart stated the Mayor had asked for figures on repair costs at the recreation complex. Councilman Wise stated a summary sheet was distributed showing expenses for repairs on the pool and the tennis courts after the project was completed. She said $11,700 had been withheld from final payment to Midwestern Construction Co. and $270 more than that amount had been spent on repairs at the pool. The expenditures for repair of tennis court surface cracks and for repair of the fence totalled $5,155 for which nothing had been withheld from the contractor. Councilman Crippin urged that the core samples be kept for future reference. Councilman Wise stated the claim was that two winters of severe freezing created the conditions causing the cracks. City Attorney
Winn stated no indication of negligence in preparation of the specifications had been found. He explained that the problem with the tennis courts was in the asphalt mix, not the subsurface; excessive shale combined with excessive winter caused popping of the shale. Councilman Wise said there was a second problem, a crack across several courts which had to be filled in before every winter, but that was not a major problem. There was discussion that the City had not yet received a bill from Mr. Beasley for inspections. Mayor Alt said he had gone over the winterizing process at the park with Mr. Krebs.

Parks - Bids for Pickup Truck: Councilman Hodes said he did not believe the Council ever authorized advertisement for bids. Councilman Rinehart said obviously there had been a gap in communication concerning how bids were to be done. There was some confusion as to whether the pickup was for Parks or Public Works. Councilman Rinehart said there was a problem of transporting the summer crew so another vehicle was needed. The matter was discussed. Councilman Hodes recommended that coordination between Public Works and Recreation and Parks be established. Since there had been questions raised, Mayor Alt recommended that the Public Works Commission and Parks Commission get together and go forward with whatever action was necessary. City Attorney Winn suggested that Mr. Sirchia call the bidders and ask them to extend the time for opening bids. The matter was deferred.

MAYOR'S REPORT

Appointment of Assistant Civil Defense Director: Mayor Alt proposed the appointment of Theresa A. Weaver as Assistant Civil Defense Director. On motion by Councilman Wise, seconded by Councilman Carper, the appointment was approved.

Thanks to Committee on Dedication of Fire Station No. 2: Mayor Alt expressed appreciation to the committee for a fine job on the dedication of Fire Station No. 2, under the chairmanship of Councilman Hodes.

Building Code Committee Meeting: Mayor Alt announced a meeting of the Building Code Committee at 7:30 p.m. on September 20.

Legislative Committee Meeting: Mayor Alt stated there would be a meeting of the Legislative Committee on Saturday, September 23, at 9:00 a.m.

Report on Kansas Savings and Loan Meeting: Treasurer Golik reported he had attended a meeting at Kansas Savings and Loan Association. They announced plans to open under a new name, Century Finance, around the first of October. He said they had secured Federal guarantees for seventy per cent of account balances.

Appropriation Ordinances: Nos. 386-A and 370-3 in the amounts of $95,882.61 and $54,227.38, providing for payment of certain
claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Roberts. Councilman Hodes suggested that a decal be considered for City trucks instead of hand lettering.

On motion by Councilman Lyons, seconded by Councilman Carper, the Council went into executive session at 9:05 p.m. to discuss pending litigation.

The Council returned to regular session at 9:25 p.m.

On motion by Councilman Lyons, duly seconded, the meeting adjourned to Monday, October 2, 1978, 7:30 p.m.

#839

Eugene E. AHN
Mayor

Juan Lile
Council Reporter

Attest:

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

A regular meeting of the City Council was held at 7:30 p.m. on Monday, October 2, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Crippin, Rinehart, Lyons.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Treasurer Golik, Herbert Johnson, Tom Bieszczat, Fred Krebs, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Rinehart, the minutes of the meeting of September 18, 1978, were approved as submitted.


COMMITTEE AND COMMISSION REPORTS

Budget and Finance: Councilman Wise reported the City had been advised that the total assessed valuation was lower than projected because the County changed the method of figuring personal property; if the mill levy remained as published, revenues would be short by $8,500; however, the projected intangibles tax revenue turned out to be $26,000 too low, so the net result was that revenues exceeded projections by about $16,000. The County informed Leawood that it had no choice but to reduce the mill levy, so the mill levy for Leawood will be .4 mill less than published. Councilman Wise said figures would be received from the County shortly for Council approval. She reported there was a move in the State Legislature to change the timing of events so that cities and other governmental units would be notified of their assessed valuation before the budget was submitted. Mayor Alt stated he had directed the Legislative Committee to look into the matter.

Newsletter: Councilman Lyons stated copy for the newsletter was before councilmen. Councilman Wise suggested since there would soon be substantial information on the budget and how it related to the total tax levy in the County, that the newsletter be postponed approximately a month. The Council agreed to delay publication of the newsletter.

Ordinance Relating to Maximum Speed Limits in the City (Second Reading): Councilman Crippin moved that the
ordinance be placed on second reading. Mr. Johnson stated
the ordinance had been rewritten. He said, however, there
was still one basic problem in that the State speed limit
requirement was 30 miles per hour in any residential district,
Leawood's ordinance was 25 miles per hour which was basically
in violation of the State statute. He suggested that a
statement be written for Council approval that the residential
streets were in such condition and of such design that the
speed limit should be lowered to 25 miles per hour. Mr.
Johnson will write a letter concerning the matter for Council
approval. The second reading was continued until the next
meeting.

Ordinance Relating to Acceptance of Right-of-Way Grant for
Street Purposes - 119th Street Benefit District (First
Reading): Mr. Sirchia explained this ordinance was to
correct an error in the original grant. Councilman Crippin
moved that the ordinance be placed on first reading.

Ordinance Relating to the Prohibition of Dogs in Leawood City
Park (First Reading): Councilman Crippin moved that the
ordinance be placed on first reading. He said citizens had
questioned whether the Council in considering such an
ordinance was reacting to a few or was this really a major
problem in the park. Councilman Rinehart reported the
Recreation Commission felt it was hazardous to have dogs
near the soccer and playing fields, the children's play-
ground, and the jogging trail, and there was also a problem
with defecation near the playground area. Councilman Wise
observed that there were not many areas in the park conducive
to dogs. Chief Sellers said if dogs were to be restricted,
a total ban would be the easiest to enforce. Councilman
Lyons wondered about the penalty section. The City Clerk
said this ordinance was an addition to the present animal
control ordinance. Councilman Lyons asked that the penalty
section be examined. Councilman Wise stated he had one
reservation, that horses were allowed in the park as stipu-
lated by a deed restriction. Councilman Roberts stated it
was a rather unfortunate situation because there were people
who had fine hunting dogs which they liked to take to the
park in the off season to train. There was discussion that
seeing eye dogs should be exempt. The ordinance passed
first reading.

Parks - Authorization to Request Bids for Pickup Truck:
Councilman Rinehart stated representatives of the Parks and
Public Works Commissions had reached a consensus that a
new pickup truck was needed for the Park Department. There-
fore, she moved that the Parks Department be authorized to
solicit bids for a pickup truck; seconded by Councilman Wise.
Councilman Rinehart reported the pickup presently being used
was a 1971 rebuilt one. Mr. Sirchia said the pickup would
primarily be used by the Park foreman for hauling equipment
and clippings, and would also be used by Mr. Krebs in the
Recreation Department for hauling various items. He said
they proposed to keep the present pickup for use with a
small sand spreader proposed to be purchased. Councilman Roberts stated the old truck would have practically no trade-in value. Councilman Roberts moved that the motion be amended that the Council not only accept the request for bids but also consider the bids at this meeting; seconded by Councilman Rinehart. Amendment carried. Motion as amended carried.

Mr. Sirchia presented bids of Andy Klein Pontiac GMC and of Bill Holtom Ford. He said General Motors Corporation could not supply a truck as specified with a 6-cylinder engine with the requested equipment. He said the Ford bid was lower at $5,002.62 and fit the specifications exactly. He said the General Motors bid was $5,232.00 for a V-8. Councilman Rinehart moved that the Council accept the bid from Bill Holtom Ford for $5,002.62; seconded by Councilman Roberts. Motion carried.

Plan Commission:

Resolution No. 473 - Approving ROYSE Subdivision at 126th and State Line: Mr. Sirchia pointed to the area on a map. He said the plat included an area of 80 acres with 192 lots, all single family residential; there was no public opposition at the Plan Commission hearing; the City Engineer had approved street profiles and width; the City's storm drainage consultant had likewise found no problem with the storm drainage impact; the plat would be developed in phases, the first being before the Council at this meeting. There was discussion that the plat included a private park to be maintained by the homes association. Mr. Sirchia stated the streets conformed to the major street plan, sidewalks, street lights and sewers were included. Councilman Lyons moved for adoption of the resolution; seconded by Councilman Roberts. The resolution was corrected by deleting "and does make the following recommendation" from the first paragraph, and by changing "3 lots" to "33 lots" in the third paragraph. Resolution No. 473 was adopted unanimously. A copy is attached hereto as part of the record.

Plat Approval - Leawood Meadows, Second Plat, 138th and Roe Avenue: Mr. Sirchia indicated the area on a map. He said it was a subdivision of single family lots, all of which were one-half acre or more. He said the lots would have to accommodate septic tanks; however, before the Plan Commission approved the plat they required the developer to join in a sewer district and to provide sanitary sewer lines. Only the first phase of the development was being platted. Mr. Johnson had approved the preliminary street profiles and widths; Mr. Owsley had approved the storm drainage concepts; the Plan Commission held public hearings at which there was no opposition, and recommended approval.

Councilman Roberts wondered if the berms along Mission Road in Leawood Meadows met the specifications of the original plat. Mr. Sirchia said the City Architect was making an inspection.
There was discussion that the Johnson County Sanitary Sewer Code, on the agenda for approval at this meeting, required lots with septic tanks to be one acre. Mr. Sirchia said, however, all plats pending for approval on or before October 1st would be grandfathered in. Chief Toman cautioned that there was only one street giving access to this and the previous Leawood Meadows plat for police and fire equipment off Mission Road.

Thomas Dunn expressed concern about septic tanks on half-acre lots and when a sewer would go in. He said septic tanks in the Leawood Meadows subdivision in some cases were not handling the sewage properly. He said there was an odor and there was sewage on the road. Mr. Johnson asked if there was more than one septic tank failure in Leawood Meadows. Mr. Dunn said he thought there was. Mr. Dunn said he thought there were enough obvious problems that the situation should be investigated further before continuing development to the west. He stated percolation was very poor in that area. He said residents were concerned from a health and odor standpoint about the method of handling the sewage.

Tom Bieszczat stated the sewer district had indicated to him that they expected the sewer plant to be in operation in about two years. Mr. Sirchia said there was the possibility of the entire area being included on a temporary treatment facility of some type. He added that the City did not have the expertise to determine the cause of the septic tank failure, and with the current situation with the County it was impossible to get any help from them. He said if the Johnson County Sanitary Code were approved this evening the City would be able to get assistance from the County in determining what the particular problem was. Mr. Dunn said it made sense that the lot size should be one acre with the percolation problem that existed in that area. Councilman Crippin advocated that the Council approve the County code, and if the plat before the Council were approved he would advise that the staff contact Johnson County concerning the 138th Street problem. The matter was discussed and referred back to staff for further investigation of the sewage situation and report.

Ordinances Relating to Zoning and Preliminary Plan Approval (RP-2 and CP-1), Leawood Country Manor, College Boulevard and Nall (First Reading): Mr. Sirchia indicated on the preliminary plan the zoning being requested. He explained that zoning had been granted for the tract two years ago for strictly office development. However, the new code allowed a combination of office/commercial and likewise a new duplex zoning. The new plan indicated eight duplex lots. An artist's rendering of the office structure was displayed. The Plan Commission had recommended approval, the Assistant City Engineer had checked the storm drainage, and Mr. Johnson had checked the street plans. It conformed to all requirements of the zoning code.
Mr. Corset indicated that the drawing presented was the office and commercial center. He explained that the change was being requested based on new plans approved by Overland Park on the other three corners including a two and three story neighborhood shopping facility, two, three and four story office buildings, and a six-story office building. He said they were beginning to get sales resistance to single family lots abutting the office development across the street. He said they would like to change the corner area to one and two story commercial uses and buffer that with a duplex development. The duplexes would be for sale, rather than for rent. Right-of-way shown on Nall was 55 feet. Mr. Johnson said there was a proposal by Overland Park to improve Nall as a County project from 111th to 119th Street. He said there would be requirement for medial cuts on 11th Street and Nall based on a traffic survey provided by the developer. Mr. Corset stated the developer was committed to building half of a 44 foot street to City standards on Nall. Councilman Crippin said he would like to see the plans for the other three corners of the intersection before he voted on this. Mr. Sirchia read the list of uses permitted in CP-1. Councilman Lyons moved to put the two ordinances on first reading. Mayor Alt requested that plans for the other three corners of the intersection be confirmed and that the method of road improvement be investigated. Mr. Johnson cautioned that there would have to be some restriction on density of development in that area because of the streets. Mr. Corset pointed out that this was planned zoning so if they decided to do anything different they would have to come back before the Council.

Councilman Funk entered the meeting at 9:10 p.m.

Ordinance Relating to Zoning and Preliminary Plan Approval, Leawood Office Park, 89th and State Line (First Reading): Mr. Sirchia stated the plan was being resubmitted in order to allow the developer to come under the terms of the 1978 zoning code. He pointed out that when it was originally approved there was a drive-in savings and loan which had been replaced with a 4,000 sq. ft. office building; it included a restaurant, a two-story 30,000 sq. ft. office building, and a three-story office building of approximately 85,000 sq. ft. The restaurant would be in the first phase. He said the developer was aware that there were not enough sanitary sewer connections presently available for all the buildings. Mr. Sirchia reviewed the provisions for handling traffic flow which had been agreed to by the developer. In answer to inquiry by Councilman Lyons, Mr. Sirchia stated the parking requirements were less strict under the new code. Mr. Sirchia said the city felt it would be wiser not to bridge Dyke's Creek and connect 89th Street. On motion by Councilman Lyons, seconded by Councilman Crippin, the ordinance was placed on first reading.

Ordinance Relating to Zoning and Preliminary Plan Approval, Jamaica Villas (RP-4), College Boulevard and Delmar (First
Reading): Mr. Sirchia indicated the location of the 2.2 acres, to include 12 cluster single family units located ten feet apart. The plan had two access points onto College Boulevard. An existing house would be refurbished and included as part of the development. Mr. Sirchia said there would be a berm along College Boulevard as the units would face the interior street. Councilman Crippin was concerned about the appearance of the units from the rear. George Murphy, architect, showed a front elevation of the units and indicated that the rear would be as attractive as the front. He said the size of the units would range from 1,300 to 2,000 sq. ft. Councilman Crippin was concerned that the City have plans and specifications for the berm area in the back. There was discussion that the natural grade of this area was higher than 111th Street. Mr. Murphy stated the ground would be homes association owned and maintained. The street would be a private street built to City specifications. Councilman Crippin requested that the developer submit to the City staff planting plans, specifications, etc. and a section cut of the rear elevation for presentation at the next Council meeting. Councilman Wise requested that a rear view of the units be presented.

Charles Kraft, developer, stated their purpose was to build something that would be attractive to people in Leawood who had big homes and were tired of keeping up the yards, a smaller place with quality. Councilman Lyons moved that the ordinance be put on first reading subject to submission of a landscape plan for the rear area and a rear elevation by the next meeting.

Public Safety - Request for Permission to Sell Tickets for Annual Pancake Days - Leawood Lions Club: Chief Sellers stated the request was for solicitation from October 3 through October 28. He said the primary contacts were with businessmen, not necessarily door to door. He added that the City of Leawood had benefited from their collections in the past. He recommended approval. On motion by Councilman Roberts, seconded by Councilman Lyons, the request was approved.

Public Works:

Ordinance Relating to Approval of Johnson County Sanitary Code (First Reading): Mr. Sirchia handed a proposed ordinance to councilmen and read a letter from County Commissioner Bacon stating that if the City wished to utilize the services of the County Health Department under all or portions of the sanitary code (concerning food inspection and sewage disposition), the City must formally request to be served by the County Health Department and the Code. A letter from Shafer, Kline & Warren concerning the code had been distributed. Mr. Sirchia stated it was the mutual opinion of the City Attorney and himself that plats already in the planning stage before the code was adopted would be grandfathered in. Councilman Crippin moved that the ordinance be placed on first reading.
Councilman Lyons moved that Section 2 be amended by striking the word "shall" and inserting the word "may" to read that "Minimum lot size requirement of one acre as stipulated in the new septic tank code may not apply." Mayor Alt wondered about the County's position concerning lot size. Mr. Sirchia said in his discussions with the County they were not firm at all about the lot sizes—that if the City had plats that were pending or that had been approved in preliminary form, the County would inspect the installation of the septic tank and would issue a septic tank permit even though it was only a half-acre lot if it passed all the other tests. Mayor Alt suggested that the City get a letter to this effect from the County by the next meeting. Councilman Wise seconded Councilman Lyons' amendment to the motion. Councilman Wise wondered if the City could turn down a developer who had a plat in before October on a requirement that did not exist at the time it came in.

There was a short recess to change the recording tape.

The matter was discussed further. Mr. Sirchia said he thought the burden of this was on the county and hinged on the percolation test. Motion to amend the ordinance carried unanimously.

Approval of Design Contract - 95th and Mission Road Improvement: Councilman Crippin moved for approval of the design contract; seconded by Councilman Wise. Mr. Johnson explained the basis of the design fee. He said the project was scheduled tentatively for 1981 but it could be advanced. Mayor Alt stated he had been advised there was likelihood that the project could be included in the 1979 program. Mr. Sirchia stated the funds were included in the Public Works budget for next year. Motion carried. Mayor Alt requested that copies of the contract be sent to the cities of Overland Park and Prairie Village.

Awarding of Low Bid - Traffic Signal - 103rd and State Line: Mr. Sirchia stated the State was prepared to let this contract to the low bidder and needed the City's concurrence. The bid totaled $63,460.45 of which Leawood must pay $6,346.05 as previously agreed. He said funds were available out of the Revenue Sharing budget for expenditure this fall. Mr. Johnson stated that Capital Electric, the low bidder, was a reliable contractor, and the bid was under the engineer's estimate. Councilman Roberts moved for approval; seconded by Councilman Rinehart. Motion carried.

Consideration of Designating Engineers to Prepare Recommendations and Estimate for Handling Drainage Problem - Leawood South Country Club: Mr. Lawler stated the City had received complaints from residents of Leawood South Fourth Plat concerning a storm sewer which stopped at the back of their lots and caused flow on the surface from there to the fairway of the golf course. He said there was a similar situation to
the east also. He recommended that the City get recommendations from an engineer concerning what to do with the drainage and what it would cost, then go to the various parties to be benefited for a share in it, including the golf club, the developer, the property owners and the City. Councilman Roberts confirmed that there was standing water there which created a bad health problem. Mr. Lawler said he did not think this would set a precedent for problems in Saddlewood or other areas because this was a surface drainage problem. Councilman Crippin added that storm water from a public street was being collected in a storm inlet placed there at the specification of the City, the City then required that a storm sewer be built from that inlet to take the water to a particular location and discharge it onto yards.

Councilman Crippin asked that someone check the fences in Saddlewood to see how many had boards going down into the ground preventing water from draining.

The possible cost of the engineer's work was discussed. Mr. Johnson suggested that the engineer first be asked for a proposal to do the scope of the work. The Council agreed.

On motion by Councilman Lyons, seconded by Councilman Crippin, consideration of bids for sand and salt spreaders was added to the agenda.

Consideration of Bids for Sand and Salt Spreaders: Mr. Sirchia presented a tabulation sheet indicating three bids received. He said the Public Works Commission would like to purchase two large units that would fit on the back of the dump trucks and a smaller unit to fit on the park truck which was small enough to get around the cul de sacs. He recommended that the Council accept the low bid from G. W. Van Keppel Company for two large steel spreaders and one small spreader. Mr. Sirchia said funds from carryover to the 1979 budget were specifically earmarked for this purchase. Councilman Lyons moved that the Council accept the bid from G. W. Van Keppel Company to purchase two large steel spreaders for $2,967.87 each, and one small spreader from the same company for $1,550.00; seconded by Councilman Wise. Mr. Sirchia said the old units would be traded in, the bid amounts would be less any amount received on trade-ins. Motion carried.

MAYOR'S REPORT

Mayor Alt reported that former Councilman Haas was stricken with a heart attack.

Councilman Wise noted from a sheet of changes of addresses that a member of the Board of Zoning Appeals no longer resided in the City.
NEW BUSINESS

Application for Retail Liquor Occupation License - Ranch Mart Liquor Store: City Clerk Jinny Oberlander stated the application had been checked by the Police Department, and the City Attorney had approved it for compliance with State statute and City ordinance. On motion by Councilman Roberts, seconded by Councilman Wise, the application was approved.

On motion by Councilman Rinehart, seconded by Councilman Wise, the Council went into executive session at 10:35 p.m. to discuss personnel matters and the City's position on schools.

The Council returned to regular session at 10:55 p.m.

On motion by Councilman Crippin, seconded by Councilman Roberts, the meeting adjourned to Monday, October 16, 1978, 7:30 p.m.

Mayor

Council Reporter

Attest:

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

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, October 16, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Carper, Rinehart, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Architect Sanders, Herbert Johnson, Dick Kellenberg, Tom Bieszczat, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Carper, the minutes of the meeting of October 2, 1978, were approved as submitted.


On motion by Councilman Wise, seconded by Councilman Roberts, the order of the agenda was changed to consider the ordinance relative to dogs in Leawood City Park as the next item of business.

Ordinance No. 606 - Relating to Animal Control in Leawood City Park (Second Reading): Councilman Rinehart announced there had been some changes in the ordinance since the first reading. She read the proposed ordinance. She stated there had been conferences with the Parks and Recreation Commissions and with citizens and Chief Sellers. She explained that under the new ordinance dogs must not be outside the confines of the designated dog exercise area which would be the west soccer field of the park. Councilman Rinehart moved to put the ordinance on second reading. Councilman Lyons suggested that "owner or keeper" be substituted for "owner" in the first section.

Dr. Richard Webber stated he was most happy to see a compromise ordinance and thought it should work very well, he was opposed to total prohibition of dogs in the park. Pat Wood said she was alarmed to think that the City would single out
dogs to discriminate against and still allow horses. She said she would have liked the City to take the position that there should be responsible pet ownership. If something were to be changed, she suggested prohibiting owners from letting their dogs leave excrement in the park. Councilman Rinehart stated the Police Chief thought such an ordinance would be impossible to enforce with the present police force. Mrs. Wood said she belonged to the Coalition of Animal Owners whose purpose was to educate the public as to pet responsibility. She offered the group's help to the City. Councilman Rinehart stated safety of the children on the playing fields was another facet of the problem. Janice Whitacre, president of the Coalition of Animal Owners of Mid-America, emphasized that the problem was the owner's responsibility to his pet. She said the first thing to do was to enforce the leash law, the second was to educate pet owners.

Councilman Lyons moved to amend the ordinance to insert the words "or keeper" after the word "owner" in the first line; seconded by Councilman Hodes. Following discussion, amendment carried. A man asked if the City had any data on how much of a problem dogs in the park were. Councilman Wise said the City did not have any hard data, but the excrement was a quantitative problem, and the park was basically a collection of playing fields for organized play. Councilman Hodes said another factor was young children's fear of dogs. Ordinance No. 606 was adopted unanimously, as amended.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Wise.

Budget and Finance: Councilman Wise stated the distribution was the information received from the County Clerk which was reported at the last meeting. She reviewed that the County indicated it had no choice but to cut the City's mill levy because of unanticipated revenue from intangibles tax. Councilman Wise moved for approval of the revised mill levy; seconded by Councilman Rinehart. Motion carried.

Ordinance No. 607 - Relating to Maximum Speed Limits in the City (Second Reading Continued): Councilman Roberts moved for approval of the ordinance. Attached to the ordinance was the traffic engineer's statement supporting the 25 mph speed limit in residential districts. Ordinance No. 607 was adopted unanimously.

Ordinance No. 608 - Relating to Acceptance of Right-of-Way Grant for Street Purposes - 119th Street (Second Reading): Councilman Roberts moved for approval of the ordinance. Councilman Hodes wondered why ordinances did not indicate common street designations rather than ranges and township descriptions. City Attorney Winn stated that could be accomplished. Ordinance No. 608 was adopted unanimously.
Ordinance No. 609 - Relating to Zoning - Leawood Office Park (CP-2) - 89th and State Line (Second Reading): Councilman Wise moved for approval of the ordinance. Ordinance No. 609 was adopted unanimously.

Ordinance No. 610 - Relating to Zoning - Leawood Country Manor, Second Plat (RP-2) - College Boulevard and Nall (Second Reading): Mr. Sirchia reviewed that at the last Council meeting two questions were raised in connection with this project, one concerned land uses on the other three corners in Overland Park. Mr. Sirchia displayed a diagram indicating two-story office structures and a shopping center corresponding roughly to Ranch Mart. The second question was what were the developer's intentions with reference to the improvement of Nall Avenue. Mr. Sirchia stated the zoning code required that the developer improve it up to one-half of a 41-foot street, the developer's current position was that if the City wished to make it any wider it would have to do it on its own. Mr. Sirchia said Overland Park was currently in the preliminary planning stage to make Nall a four-lane facility with median, with capability of being improved to six lanes. Mr. Corser pointed out that some of the office buildings proposed in Overland Park were three, four and six stories. He said it was the mass of development that they were concerned about. In answer to inquiry by Councilman Hodes, Mr. Johnson said Nall would probably be a secondary arterial in Leawood's master plan but Overland Park had adopted a principle that every half mile street north and south, south of I-435, would now be constructed as a divided facility. Mr. Johnson's original intent was to put in a 52 foot street back to back with some widening at the intersection area. He said he would go along with the divided facility. He stated the developer was still responsible for the payment of one-half of the construction cost of a 41 foot street. Mr. Johnson stated when a traffic study comes in which indicates that a predominant amount of the traffic was generated by the development area, the developer had been asked to fully participate in it. Councilman Wise wondered if now was the time to make the request for that participation. Mr. Johnson said that would occur at the final plan stage.

Mayor Alt stated the subject of this ordinance was the RP-2 zoning, planned two-family residential. Councilman Roberts moved to put the ordinance on second reading. Ordinance No. 610 was adopted unanimously.

Ordinance No. 611 - Relating to Zoning - Leawood Country Manor (CP-1) - College Boulevard and Nall (Second Reading): The level of participation by the developer in the improvement of Nall was discussed. Councilman Roberts said in this particular case he could not see committing the residents of Leawood to a general benefit district when they would have minimal use of the street. Mr. Johnson said his intent was to see how far the developer would go, he was not actually in a position of asking the City to participate. City Attorney
Winn said the City could continue to pursue the matter after adoption of this ordinance. City Administrator Lawler suggested further negotiation with the City of Overland Park.

Mr. Sirchia said this plan contained the necessary right-of-way. Councilman Roberts moved for approval of the ordinance zoning the CP-1 area. Ordinance No. 611 was adopted unanimously.

Ordinance No. 612 - Relating to Zoning - Jamaica Villas (RP-4) - College Boulevard and Delmar (Second Reading): Mr. Sirchia displayed a rendering of the rear view from College Boulevard and a schematic drawing of the berm as it would appear in four or five years. He said the City later would get an actual planting plan. Councilman Roberts moved for approval of the ordinance zoning this area RP-4. Councilman Wise said she thought the name connoted a much lower quality development and that the trellises were usually found in a much lower quality development. Mr. Murphy stated the name had been changed to Leawood Village. Ordinance No. 612 was unanimously adopted.

Ordinance No. 613 - Relating to Adoption of the "Johnson County Sanitary Code" (Second Reading): Mr. Sirchia stated one of the major changes between the old policy and the new one was that the minimum lot size for a home with a septic tank would be an acre. Raja Ranade of the Johnson County Health Department was present to answer questions. Mayor Alt pointed out that Leawood had a plat submitted prior to this ordinance in which the lots were less than an acre. Mr. Ranade said in that case the grandfather clause would apply. A professional engineer in the audience said he thought it would be wise to plot subdivisions on a reasonable basis, not necessarily based on size of the lot but on capability of the soil to absorb and handle the sewage generated thereon. City Attorney Winn stated the date of the ordinance went back to October 1st to make sure there were not a lot of plats trying to get in with less than an acre. He said there was one plat (Leawood Meadows) pending at that time with half acre lots, which plat, if ultimately approved, the City had grandfathered in for purposes of its ordinance, but the County would require variances on each of the half acre lots. Mr. Ranade agreed. Councilman Wise moved that the ordinance be put on second reading. Ordinance No. 613 was unanimously adopted.

Plan Commission:

Resolution No. 47h - Approving Second Plat - Leawood Meadows:
Mr. Sirchia presented a map of the area. As to the septic tank failure in Leawood Meadows, Phase 1, he said he understood that the homeowner had connected two basement sump pumps to the septic system and the tremendous amount of water gorged the system. The sump pumps had subsequently been disconnected, and the problem did not exist any longer. Mr. Sirchia said since the City had adopted the County sanitary code, if this plat be approved, the burden for septic tank
approval for each lot would be with the Johnson County Health Department on these half acre lots. In answer to inquiry by Councilman Carper, Tom Dunn said he had heard that there were other people who had complained about septic tank problems out there. He added that the soil in the general area did not accept septic tanks very well. He said he thought the City should adopt the County's one acre concept for this particular development.

Mayor Alt said the fourth paragraph of the resolution should be modified to read "Whereas septic tanks may be used as interim sanitary sewage treatment as approved by the County until such time as a treatment facility is constructed."

City Attorney Winn pointed out that dry sewer lines were being built in this development, septic tanks would only be an interim measure. Mr. Bopp confirmed that the deed restrictions would contain provision that homeowners must connect to the sanitary sewer system when it becomes available. Mr. Bopp said they expected the sewer line to be in in two years. Mr. Bopp said the size of the lot had nothing to do with it, it was whether a system was put in correctly or not. Councilman Roberts stated he was opposed to septic tanks per se but he realized that there were only two alternatives, build sewers instantly or stop development in the south part of Leawood, and he didn't believe either one of those was practical at this time; he did feel this was a practical solution since the County did have professional people to make the proper studies and determination. He moved for approval of the resolution as amended; seconded by Councilman Carper. Mayor Alt stated he felt the City was adequately protected by the County. Councilman Hodes asked the cost to hook onto the sewer when it became available. Tom Bieszczat said the cost would be minimal, perhaps $400 for approximately 40 feet of 6-inch lateral. Councilman Hodes thought it could take years for all the homeowners to get around to hooking up to the sewer, he suggested that the builder be required to escrow a portion of the price of the lot to hook onto the sanitary sewer. Councilman Roberts agreed with Councilman Hodes that there should be some way to make certain that homeowners hook on as soon as the sewer system is available to them. Councilman Wise asked if there was a cumulative effect which would cause trouble, after several plats were in would there be problems that no one specifically could generate. Mr. Ranade said the developer had to hire a professional engineer and submit plans to the County on each and every lot. The engineer in the audience said the lateral movement of the waste water in a septic system was limited so that the accumulation occurred within its own tile field, rather than the neighbor's.

Barbara Wallis said the hookup charge would be minor, the major charge would be the sewer district assessment which may be an enormous burden on the homeowners already out there. A gentleman from Merry Lea Farms said he felt there would be no problem in getting people to hook up to a sewer system. He asked if Merry Lea Farms would be allowed to
hook into the sewer district, and he said he was concerned about the condition of Mission Road and its ability to handle the increased traffic from the new development. Tom Bieszczat said Merry Lea Farms was not in the sewer district but any adjoining land within the drainage area could petition to be brought into the sewer district. Mayor Alt said he would have Public Works do what it could to make Mission Road as good as possible, no major improvement on it was planned this year.

Tim O'Brien said there had been cases of the cumulative effect of septic systems in other areas of the Country. City Attorney Winn said he was concerned about the strength of the sewer connection agreement and urged Mr. Bopp to have a strong sewer consent agreement filed for each of the lots. Resolution No. 474 was adopted, Councilman Hodes voting nay. A copy is attached hereto as part of the record.

Discussion of Septic Tank Policy: Mr. Sirchia stated the policy presented was drawn up by Mr. Kellenberg, consultant for the Plan Commission. Mr. Kellenberg explained the policy. He said in order to treat everybody alike on subdivisions in South Leawood it was suggested that a specific policy be adopted to give guidelines to the Plan Commission on how they should treat subdivision plats relative to their capability for sewers. Mr. Kellenberg said the Plan Commission recommended its approval. He said in spite of costs and disadvantages of septic systems, the standard collection and treatment of waste water by public sewer facilities in subdivided urban residential areas was really the only acceptable long term solution. He said the policy statement was a fairly strong statement that put a burden on a developer of finding land that would lend itself to sewage treatment upon occupancy of the houses. The policy stated that a subdivision would only be given favorable consideration in Leawood if it were in a position where a sewer district had been created and the city was assured that a sewer and treatment facility would be available for the homes to hook up to when they were first occupied. Mayor Alt said the Council passed a resolution a few months ago addressing the matter of septic tanks. He proposed that the septic tank policy, along with the resolution that was passed earlier, be directed to the Public Works Commission for further study and recommendation.

Public Safety:

Request for Permission to Solicit - New Haven Seventh Day Adventist Church: Councilman Hodes reported the Public Safety Commission recommended approval of the request for permission to solicit within the hours designated by ordinance. He moved for approval of the request; seconded by Councilman Roberts. Motion carried.

Request for Approval of Solicitation of Bids for Police Vehicles, 1979: Councilman Hodes stated the Public Safety
Commission was requesting permission to solicit bids on four replacement police vehicles. He moved for approval of the request to solicit bids; seconded by Councilman Carper. Following discussion, Mayor Alt ordered that bids be solicited. The funds would come from next year's budget.

Consideration of Denial of Request to Deliver Magazines:
Councilman Hodes stated a year ago the Public Safety Commission denied a request from a delivery service to deliver Better Homes and Gardens magazine by throwing on driveways and porches. The denial was not adhered to. He said the Public Safety Commission was reinstating its position and asking the Council to deny the request that the delivery service be allowed to deliver Better Homes and Gardens magazine in that manner. Mayor Alt suggested that action be deferred until the next Council meeting so that it could be examined from a legal standpoint.

MAYOR'S REPORT

Mayor Alt reported he had signed an inter-city agreement with Kansas City, Missouri, for mutual fire protection.

Public Works - Cost Estimate on Leawood South Drainage Problems: Councilman Roberts presented a cost estimate of $500 by Larkin & Associates for study, recommendations and cost estimate for correcting a drainage problem in Leawood South which had been discussed at the last Council meeting. Councilman Roberts moved that the Council contract for the services of Larkin & Associates at a maximum cost of $500; seconded by Councilman Rinehart. Motion carried.

CITY ADMINISTRATOR'S REPORT

Recommendation for Acceptance of Bid for Painting, and Replacing Guttering: Mr. Lawler presented two bids, one from Ammon Bros. Painting Co., Inc. in the amount of $4,580.00 and one from Frank L. VanDyke Painting & Decorating in the amount of $4,572.00. He recommended acceptance of the bid of Ammon Bros. Painting Co., Inc., a Kansas corporation, even though it was $8.00 higher. Councilman Hodes said he had serious reservations about contracting for any paint work this time of year. Councilman Carper agreed. Councilman Wise suggested that consideration be given to improving the appearance of the front steps at City Hall. Following discussion, Councilman Lyons moved to approve the bid of Ammon Bros. Painting Co., Inc. The motion died for lack of a second.

OLD BUSINESS

Report on Building Renovations: City Architect Sanders presented an update regarding renovations in the Police and Court Building. He presented preliminary and working drawings for the changes which had been discussed, basically consisting of a 6-inch raised dais in the rear portion of
the room and installing built-in desks for ten people, four rear and three each side, in the shape of a horseshoe which would enable microphones to be installed in a somewhat permanent position. By enlarging the opening to approximately nine feet with a folding door, the City Clerk and the Council Reporter would sit in the room which is now the Judge's chamber. The staff would sit at tables in front of the Council. A microphone for the audience portion of the room would be hung from the ceiling. In the space now used for Plan Commission meetings, Mr. Sanders proposed that it be divided into offices, secretarial, and conference space by using six foot high partitions so that they could at some future date be removed and the space reconverted. In addition, provision was included for a dutch door for the court clerk's space, storage of police uniforms, record storage, a sliding glass partition in the communications room for better ventilation and access, and an armory. Mr. Sanders estimated the total cost of the improvements at $13,000. He requested authorization to go out for bids as soon as he was finished with the working drawings. The plans were discussed. Councilman Hodes suggested a change in the light fixtures in the Council room and that four seats be allowed on each side of the platform. There was discussion that funds were designated from carryover for this project. On motion by Councilman Wise, seconded by Councilman Carper, the Council authorized solicitation of bids for the renovation. Councilman Roberts suggested that lighting be made a part of the consideration.

NEW BUSINESS

Applications for Cereal Malt Beverage Licenses - Ranch Mart Barbeque and Pumpernik's: City Attorney Winn recommended renewal of the licenses. On motion by Councilman Hodes, seconded by Councilman Carper, applications for renewal of cereal malt beverage licenses for Ranch Mart Barbeque and Pumpernik's were approved.

Appropriation Ordinances: Nos. 387-A and 371-S in the amounts of $130,546.01 and $4,970.40, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Hodes. Mr. Lawler was asked to check Warrant No. 14998 to Department of Human Resources for $923.00. Councilman Hodes said he hoped the Administrative Department would set some guidelines on costs of copies. He pointed out that the fee to Dick Kellenberg was more than the previous monthly retainer. Councilman Carper was also concerned that Mr. Kellenberg's time be monitored and that he be placed early in the agenda of meetings. Mr. Sanders said the Plan Commission had asked Mr. Kellenberg to do several things, including the septic tank policy and other minor studies.

On motion by Councilman Wise, seconded by Councilman Carper, approval of contractor's estimates for Benefit Districts 78-1 and 78-2 were added to the agenda.
Approval of Contractor's Estimate - Benefit District 78-1:
On motion by Councilman Lyons, seconded by Councilman Hodes, contractor's estimate on Benefit District 78-1 (123rd Street) was approved. Mr. Bieszczat stated it was close to 85 per cent completed.

Approval of Contractor's Estimate - Benefit District 78-2:
On motion by Councilman Hodes, seconded by Councilman Wise, contractor's estimate on Benefit District 78-2 (119th Street) was approved. Mr. Bieszczat said because of problems encountered with utility companies it appeared very unlikely that construction would be completed this winter.

At 11:12 p.m., on motion by Councilman Lyons, seconded by Councilman Wise, the meeting adjourned to Monday, November 6, 1978, 7:30 p.m.
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 6, 1978, in the Police and Court
Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt
presiding. Roll call was answered by Councilmen Wise,
Funk, Crippin, Carper, Rinehart, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief
Toman, Police Chief Sellers, City Attorney Winn, Treasurer
Golik, Herbert Johnson, the City Clerk, and the Council
Reporter.

Minutes: On motion by Councilman Wise, seconded by
Councilman Lyons, the minutes of the meeting of October 16,
1978, were approved as submitted.

Visitors: John V. Donner, Fred Farmer, Steve Iliff, Rod
Richardson, Peter Spanos, Marion C. Krueger, Brenda Breeden.
Members of the Press: Liz Reardon, Cathy Hamm.

Request for Resolution Opposing Proposed Closing of Marsha
Bagby School: John Donner stated he was a member of a com-
nittee of concerned parents of students at Marsha Bagby
School (a large number being Leawood residents) who had
organized for the purpose of attempting to keep Marsha Bagby
open. He reviewed that the school board had adopted a
tentative resolution to close Marsha Bagby as of the end of
this school year. He said they felt it was not within the
Board's statutory power, within the Board's guidelines, or
within the best interest of the residents of Leawood whose
children attended either Marsha Bagby, Brockwood or Corinth.
He asked for the Council's support in the nature of a
resolution and a letter to the school board indicating
opposition to the closing of Marsha Bagby. He said they
felt it would be very detrimental to the community in their
area if the school were closed. Mr. Donner said the school
board proposed to sell the property for commercial purposes
in the event they could close the school, but the people
who lived near there did not want any more commercial
properties. He said parents felt that their children
received a good education at Marsha Bagby, the other
alternatives involved walking them down Mission Road or
95th Street which was not safe for young children. Mr.
Donner said it may not be long before Corinth School was
also closed, and the loss of these schools would be very
detrimental to the neighborhoods in general. The matter
was discussed.

Councilman Wise said the school board had agreed to provide
bussing to Trailwood for all Marsha Bagby students. Mr.
Donner stated the administration had proposed that bussing
be provided. Mr. Donner said it would appear that the program
was to close the smallest schools in the district. He said the parents' group now had a census three-fourths complete of the Marsha Bagby district. Mayor Alt stated copies of a letter from the Superintendent of Schools had been distributed to the Council. Councilman Crippin requested that the matter come back before the Council. Mr. Donner will furnish information to the City on the number of students at Marsha Bagby who live in Leawood.

On motion by Councilman Carper, seconded by Councilman Rinehart, the agenda was changed to consider the ordinance accepting deed for street purposes from Merry Lea Farms Homes Association as the next item of business.

Ordinance Accepting Deed for Street Purposes from Merry Lea Farms Homes Association (First Reading): Councilman Crippin moved to place the ordinance on first reading. There was discussion that the streets were built according to city standards at that time. The Public Works Commission had recommended acceptance of the streets.

On motion by Councilmen Funk, seconded by Councilman Crippin, the agenda was changed to consider a recommendation relative to Services for Seniors as the next item.

Recommendation Relative to Services for Seniors: Councilman Funk presented an agreement between the City of Leawood and Services for Seniors under which the City would set aside $1,000, ten per cent to offset administrative costs of Services for Seniors, the balance to be paid on a job basis for materials and labor for repair of homes of qualifying persons 60 years of age or older. Councilman Wise questioned whether the City should be getting involved in this type of social service agency. The matter was discussed. Councilman Funk said there were not too many senior citizens in Leawood who would qualify but there were some and for those it might make a difference whether they could stay in their homes. She said it was not for major repairs.

Steve Iliff of Services for Seniors said every major city in Northeast Johnson County had a grant with them varying from $15,000 to $500. Councilman Funk stated the amount was estimated to last one year to sixteen months. Mr. Iliff said the types of jobs they did were fixing a clogged sink, putting a lock on a door, repairing a loose board, etc. Councilman Funk noted there was a $100 maximum per year per family. Councilman Crippin said he was amazed at how well the Services for Seniors transportation program was run. Mayor Alt said he had found that the agency checked out eligibility very closely. Councilman Lyons moved for approval of the agreement; seconded by Councilman Crippin. Motion carried, Councilmen Hodes and Wise opposed.

COMMITTEE AND COMMISSION REPORTS

Recommendation for Audit: Councilman Carper moved for approval of the recommendation for audit by Mayor Hoffman
McCann as specified in the letter distributed; seconded by Councilman Hodes. Motion carried.

Report Relative to Position of City Engineer: Mr. Lawler stated the applicant had accepted another position.

Intergovernmental Cooperation and Community Affairs - Resolution No. 475 - Establishing Interlocal Cooperation: Councilman Funk moved for approval of the resolution; seconded by Councilman Wise. Mayor Alt stated the resolution was similar to ones approved by the County Commissioners and other cities which indicated willingness to cooperate interlocally. Councilman Lyons wanted to make it clear that the Council was not in favor of combining police, fire and other services. Resolution No. 475 was adopted. A copy is attached hereto as part of the record.

Ordinance Accepting Drainage Easement from the Hall Family (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. Mr. Lawler said the area was only about 70 feet long and 70 feet wide, on the north side of 119th Street. City Attorney Winn stated other parts of the drainage mechanism were in the street.

Charter Ordinance Repealing Sections of Charter Ordinance No. 6; Ordinance Relating to Municipal Judge, Qualifications, Selection, Vacancy; Ordinance Relating to City Officers Appointed, Date of Appointment; Ordinance Relating to City Officers Elected, Term, Qualifications (First Readings): Mayor Alt reviewed that in April the voters had approved selection of the municipal judge by appointment. The ordinances presented were to carry this out. City Attorney Winn explained that the changes were to bring the municipal judge back into the administrative ordinances now that he is appointed. Councilman Lyons moved that the ordinances collectively be placed on first reading. The process of appointment of a citizens committee for selection of candidates for judge was discussed. City Attorney Winn said he did not think it was contemplated that a screening committee be appointed each year, that would apply only in case of a vacancy or in case the mayor did not choose to reappoint the current judge. He said if that were unclear, it should be modified.

Ordinance Establishing Position, Duties, Responsibilities and Authority of City Administrator (First Reading): Councilman Crippin said the ordinance had been discussed at some length in the Administrative Committee. He said the ordinance had been written originally to include every detail but the Administrative Committee felt it was too lengthy and repetitious, consequently it had been reduced in size. Mr. Lawler said there had been concern as to whether or not it was an effort to establish a city manager form of government. Under recognition of forms of government by ICMA as to whether it was a city manager form or general administration, the ordinance gave reference to
general administration. Mayor Alt stated the ordinance did not put the city administrator in operational charge of the police and fire departments. Councilman Carper moved that the ordinance be placed on first reading. Chief Toman requested that department heads receive copies of ordinances and resolutions that affected the operation of the City.

Public Works:

Progress Report Relating to Master Storm Drainage Plan: A letter from Phil Kline on progress of the master storm drainage project had been distributed. Mayor Alt read the letter. He suggested that councilmen return maps to Phil Kline with flood-prone areas marked. Mr. Kline’s letter indicated he would have a more comprehensive report the first meeting in December. There was discussion that Mr. Kline wanted councilmen to put simple marks on areas from which complaints had been received or known drainage problems existed.

Approval of Engineer’s Estimate No. 1 - Benefit Districts 78-1 and 78-2: Mr. Lawler said the estimates were in the amounts of $32,613.90 on 78-1 (123rd Street) and $18,113.59 on 78-2 (119th Street). On motion by Councilman Wise, seconded by Councilman Rinehart, payment of the estimates was approved.

Approval of Sidewalk Construction - 119th Street: Mr. Lawler stated there was a recommendation from the Public Works Commission that a four foot sidewalk be approved at an estimated cost of $14,455. It was recommended that $14,300 of the funds come from the Federal Revenue Sharing account, the balance from capital improvements. There was discussion that this was a quote from Reno Construction Company to do the job. City Attorney Winn said it would be an "add" to the contract for the benefit district but the City would pay for the sidewalk. He explained it was a unit price bid. On motion by Councilman Crippin, seconded by Councilman Wise, the bid for a four-foot sidewalk at $5.90 per foot was accepted.

Recreation:

Authorization to Solicit Bids for Safety Improvements: Councilman Rinehart stated The Hartford Insurance Company had issued a memorandum in June recommending that safety problems at the park be taken care of. The architect recommended steel railings. She said they did not feel they could chamfer the corners as it would be prohibitively expensive and difficult to do. Councilman Lyons reviewed that The Hartford felt there were things inherently dangerous and would not insure the park, so the City went to Western World for that insurance. He said the City could save a tremendous amount on insurance premiums if some of these things could be taken care of. Councilman Rinehart stated George Lucas said he did not think the chamfering
was necessary. Councilman Rinehart moved that the Council authorize solicitation of bids for railings and the other work that Mr. Lucas, Mr. Krebs and she had determined upon; seconded by Councilman Lyons. The matter was discussed. Councilman Rinehart said access for wheelchairs in the park would probably be included in the bid. The funds would come from recreation capital improvement funds. Motion carried.

MAYOR'S REPORT

#1074 Appointment of Councilman Funk to Public Safety Commission: On motion by Councilman Hodes, seconded by Councilman Wise, the appointment of Councilman Funk to the Public Safety Commission was approved.

#1075 Appointment of Homer Evans to Water District No. 1 Ad Hoc Advisory Committee, Councilman Carper, Alternate: Mayor Alt proposed the appointment of Homer Evans, with Councilman Carper as alternate, to an ad hoc committee of Water District No. 1 to provide input to the Board's deliberations concerning a study of alternative water rate forms. Councilman Hodes said in view of the fact that the water district had sole authority to determine and fix rates, in view of the fact that there were interested groups appointed two years ago when the district doubled many rates, and in view of the fact that the City was a party to a class action suit against the Water District, he would urge that the City not appoint anyone to an ad hoc committee. Mayor Alt said he felt having someone there to keep the lines of communication open was the better way to go. On motion by Councilman Lyons, seconded by Councilman Wise, the appointments were approved, Councilman Hodes opposed.

#1080 Presentation of Pedestrian Safety Plaque: Councilman Hodes presented to Mayor Alt a pedestrian safety plaque presented to Leawood for the fourth consecutive year. Councilman Hodes added that Leawood's police and fire departments offered a lot of helps to people, and they were attempting to set up a program in Leawood schools to teach small children some resistance techniques.

#1086 On motion by Councilman Carper, seconded by Councilman Wise, the Council went into executive session at 9:05 p.m. to discuss legal aspects of the recreational vehicle ordinance, to return to regular session at 9:25 p.m.

The Council returned to regular session at 9:25 p.m. Mayor Alt announced that the Council did not finish its deliberations. On motion by Councilman Rinehart, seconded by Councilman Lyons, the Council again went into executive session until 10:00 p.m.

The Council returned to regular session at 10:00 p.m. At the request of Mayor Alt, on motion by Councilman Carper, seconded by Councilman Lyons, the Council went into executive session to discuss the Leawood Drive-in Theater until 11:00 p.m.
The Council returned to regular session at 10:42 p.m.

Issuance of Permit to Leawood Drive-In Theater: After having discussed Leawood Drive-In Theater, Councilman Hodes made a motion to issue a permit to operate the drive-in assuming plans (including screening) of the City Architect are met, the permit to be granted assuming it is operable by June 1, 1979, license to be issued to Colonial Investment Company; duly seconded. Motion carried.

On motion duly made and seconded, the meeting adjourned to Monday, November 20, 1978, 7:30 p.m.

Eugene E. All
Mayor

June Hile
Council Reporter

Attest:

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

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, November 20, 1978, in the Police and Court Building, 9617 Lee Boulevard. In the absence of the Mayor and the President of the Council, Councilman Phillip Hodes was elected Acting President of the Council on motion by Councilman Wise, seconded by Councilman Carper. Roll call was answered by Councilmen Wise, Roberts, Funk, Carper, Rinehart, Hodes. Others present were Fire Chief Toman, Police Chief Sellers, Herbert Johnson, Phil Kline, Tom Bieszczat, Fred Krebs, Bob Sirchia, Frances Farrar, Martha Heizer, and the Council Reporter.

Minutes: On motion by Councilman Rinehart, seconded by Councilman Wise, the minutes of the meeting of November 6, 1978, were approved as submitted.


Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Wise, seconded by Councilman Carper.

COMMITTEE AND COMMISSION REPORTS

Newsletter - Approval of Copy for Next Edition: Copy for the newsletter was presented. Councilman Wise stated information had been received from the county on the budget. Councilman Roberts noted that Councilman Funk had also served on the Space Study Committee, as well as the Fire Station Dedication Committee. Councilman Roberts suggested that the last paragraph of the article on 119th and 123rd benefit districts be omitted or revised, and questioned whether the third paragraph under "A Close Look at Real Estate Property Taxes" applied only to the Shawnee Mission School District. Councilman Hodes suggested that a request be added on page 5 of the copy that leaf bags not be placed at the curb until the day of trash collection or the night before.

Ordinance:

Ordinance No. 614 - Accepting Drainage Easement from the Hall Family (Second Reading): Mr. Sirchia indicated the location of the easement. On motion by Councilman Roberts, Ordinance No. 614 was unanimously adopted.
Ordinance No. 615 - Accepting Deed for Street Purposes from Merry Lea Farms Homes Association (Second Reading): Ordinance No. 615 was adopted unanimously.

Charter Ordinance Repealing Sections of Charter Ordinance No. 6 and Ordinance Relating to Municipal Judge; Qualifications; Selection; Vacancy (Second Readings): Councilman Wise moved that the charter ordinance be placed on second reading. Councilman Rinehart commented that the portion of the ordinance providing for appointment of a citizens committee for selection of candidates for municipal judge had not been changed. Second reading of the ordinance relating to municipal judge was deferred until changes in the section on appointment of the selection committee could be resolved.

Ordinance Relating to City Officers Appointed; Date of Appointment (Second Reading): Chief Sellers explained that the ordinance added the appointment of the municipal judge. Second reading of the ordinance was deferred until changes in the ordinance relating to municipal judge were resolved.

Ordnance Relating to City Officers Elected; Term; Qualifications (Second Reading): Action on this ordinance was deferred until changes are resolved.

School Closing: John V. Donner referred to his letter distributed to the Council regarding the proposed closing of Marsha Bagby School. He said the school district proposed that the children go to Trailwood but he said most would either elect Corinth or Brookwood. He said he thought Brookwood may well be next to be closed and the effect on the City of Leawood would be devastating if it had no neighborhood schools. Councilman Hodes read from a letter from the superintendent of schools that they planned to continue school at Trailwood and Brookwood at least through 1985-86. Mr. Donner said the school district had no comprehensive plan for closing schools. Councilman Wise said she was sympathetic but did not feel she had enough facts at her disposal. The matter was discussed. Mr. Johnson pointed out that Marsha Bagby School was in Overland Park but it did serve Leawood residents. Councilman Hodes said it was a question of what was the role of this governing body and apparently the feeling around the Council table was not to go on record formally. He asked, however, that a member of the City staff attend the meeting on November 30 and collect data presented so the Council could consider it before December 15th. Councilman Roberts commented that he was sympathetic and agreed with the concept of neighborhood schools; however, he did not feel he was well enough informed to take action. Councilman Hodes invited Mr. Donner back to the Council meeting of December 4.
deferred as it also was related to the ordinance relating to municipal judge.

Ordinance Establishing Position, Duties, Responsibilities and Authority of City Administrator (Second Reading):
Councilman Carper moved that the ordinance be placed on second reading. Councilman Hodes stated the Public Safety Commission had some questions on some items in the ordinance (mainly relating to Section 1-128) and felt it should be referred back to the Administrative Committee for further study. Councilman Roberts agreed that it should be restudied by the Administrative Committee and be considered by the Council when the Mayor, President of the Council, and the City Administrator were present. The motion was withdrawn.

Parks:

Specifications for Lawn Mowing: Councilman Rinehart stated a list had been compiled of the areas which Parks had been required to mow; she pointed out that many of the places which are mowed were not specifically City property. She also pointed out that the next item on the agenda showed that new equipment was needed to do the mowing. She reported Mr. Krebs made a comparison between doing the lawn mowing and having it contracted out, and the decision was to recommend that Parks do its own lawn mowing.

Request for Permission to Solicit Bids for Equipment:
Councilman Rinehart stated the Parks Commission had the money in the budget and did not realize that Public Works Commission might not be interested in Parks acquiring this equipment. Councilman Hodes said he did not feel a Council meeting was the place to discuss the equipment inventory. He asked Mr. Sirchia to schedule a meeting between Public Works and Parks; at that meeting have a list of equipment available for Parks and Public Works lawn mowing. Then, if needed, go out for bids. Councilman Roberts agreed.

Proposal for Fred Krebs' Salary: Councilman Hodes said he felt the matter should go before the Administrative Committee. Councilman Wise moved that this item be placed on the agenda of the next Administrative Committee meeting.

There was discussion that City procedures needed to be spelled out. Councilman Hodes thought an orientation program for new Council members was important also.

Public Safety:

Resolution No. 476 - Relating to Additional Stop Signs:
Chief Sellers explained that this was a resolution to make permanent stop signs that were installed under the emergency clause along 97th Place and 98th Street. Their placement had been reviewed by the Police Department and a consulting engineer. Councilman Roberts moved for adoption of the
resolution; seconded by Councilman Carper. Resolution No. 476 was adopted unanimously. A copy is attached hereto as part of the record.

Acceptance of Bid - 1979 Police Vehicles: A tabulation of bids was distributed. Chief Sellers stated four bids for four vehicles with trade-ins were received: Olathe Ford, $17,206.48; Andy Klein Pontiac, $18,372.08 (plus $240.00 for black and white paint); Faddis Motors, $19,259.92; and Dennis Chevrolet, $21,412.40. He said he had reviewed the bids plus the maintenance records on present cars, the exceptions, the closeness to the dealer, compatibility with present equipment, and recommended acceptance of the second low bid of Andy Klein Pontiac in the amount of $18,612.08 which would include $240.00 to change the color scheme from solid black to black and white. The matter was discussed. Councilman Carper moved that the Council accept the bid of Andy Klein Pontiac in the amount of $18,372.08 plus $240.00 for the black and white paint; seconded by Councilman Wise. Motion carried.

Ordinance Relating to No Parking Signs (First Reading): Chief Sellers stated the ordinance prohibited parking along the north side of 96th Street between Lee Boulevard and State Line and prohibited parking on 97th Street between Lee Boulevard and High Drive on both sides. He said these were primary fire lanes for the Fire Department to get to State Line. The no parking had been in force under emergency provisions. Councilman Wise moved that the ordinance be placed on first reading.

Recreation:

Financial Report: An informal recreation financial report had been distributed for information of the Council. Councilman Hodes noted that there was a small profit in concessions. Councilman Wise commented that membership from south Leawood was up from 7 per cent to 15 per cent of the total membership.

Recommendation for Tennis and Swimming Fees for 1979: Councilman Rinehart reported that the Recreation Commission was recommending that family swimming pool memberships for 1979 be $40.00 plus $1.50 per patch; individual membership $18.00 plus $1.50 per patch, and senior citizens $9.00 plus $1.50 per patch. No change was recommended in tennis memberships. Justification for the increases for the swimming pool was increased utility costs. She said it was the aim of the Recreation Commission to make the swimming pool ninety per cent self-supporting this next year. A comparison of fees with other cities was presented. Councilman Rinehart moved that the Council adopt the fee schedule for 1979 as presented; seconded by Councilman Wise. Motion carried.
AAU Proposal: Councilman Rinehart reported that it had been proposed that there be an AAU district swim meet at the Leawood pool on August 10, 11 and 12. There would still be public pool time from 1:00 to 5:00 p.m. on those days. She said the feeling of the Recreation Commission was that police protection would have to be provided by the City of Leawood. The Recreation Commission had voted in favor of the proposal, although not unanimously. She said members felt since Leawood swim team members participated in meets at other pools, Leawood should have an AAU meet as a public responsibility. The matter was discussed. Councilman Wise felt that aside from good will, there were no inherent benefits to Leawood. She pointed out that access to the swimming pool and parking were limited. Councilman Hodes reported the Police Chief felt a minimum of two police officers would be required to direct traffic, the Public Safety Commission concurred that the officers would have to be Leawood officers and were concerned about the numbers of cars with the limited access into the park. He said the Public Safety Commission recommended to the Council that the request be denied. Councilman Rinehart moved that time be allowed at the Leawood pool for a district AAU swim meet on August 10, 11 and 12; seconded by Councilman Wise. Motion failed with two aye votes, three nay.

MAYOR'S REPORT

Council of Mayors Meetings: Councilman Hodes reported that the Mayor had invited councilmen to the Council of Mayors meeting to be held December 2nd at the Breech Training Academy.

Councilman Carper announced there would be a Council of Mayors meeting on November 21 at 7:30 p.m. at Indian Hills Junior High School concerning the Water District. Interested councilmen were requested to attend.

Driver's Training Program: Councilman Hodes reported that the Police Department and many Administrative and Public Works personnel attended a driver's training program. Chief Sellers explained it entailed two 4-hour sessions in defensive driving techniques. He said it was recommended that this be done a minimum of every two years. Chief Toman said the Fire Department would arrange to have its own instructors trained for such a course.

Appropriation Ordinances: Nos. 388-A and 372-S in the amounts of $593,624.79 (including $500,000 in investments) and $7,888.34, providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted, discussed, and approved on motion by Councilman Rinehart. Councilman Carper stated there were an inordinate number of purchases from various hardware stores. Mr. Sirchla will check a warrant for $669.00 in architectural services and a warrant for an additional $125.00 to Mr. Granstedt. Councilman Hodes noted that the Police Department and the Fire Department bought oil.
from different sources, he suggested combining purchases. Councilman Hodes was startled at the purchase price of a chain saw. Upon inquiry by Councilman Rinehart, Mr. Sirchia explained the City received a number of complaints concerning rats which appeared to be isolated in certain areas, the City was putting out bait for them in sewers, creeks, and storm sewers, and the Public Works Commission was soliciting a contract from Allied Exterminators to professionally exterminate the rats.

Public Works:

Discussion Regarding Benefit District 79-1 (123rd Street and Mission Road): Phil Kline reviewed that his firm had been employed to prepare some preliminary plans and cost estimates for a number of streets in the southern part of Leawood, including Mission Road from 119th Street south to 135th Street and the balance of 123rd Street. He said on those two streets major utility relocation costs had been encountered. He said there were gas lines and water lines existing just outside the utility easement, most of which would have had to be relocated at project expense, estimated to be in excess of $250,000. Mr. Kline explained that subsequently his firm had been asked to study alternatives on Mission Road and 123rd Street to see if there was some way whereby the project could be effected without incurring the relocation expense. He said on Mission Road they had found that by shifting the pavement within the proposed 100 feet of right-of-way so that the east curb line would be on the center line of the right-of-way, leaving nine feet of parkway from the west curb line to the west right-of-way line. By making this shift and by not grading the right-of-way full width they could save approximately $200,000 in utility relocation expense, making the project considerably more feasible. Drawings of the projects showing the shift were displayed. Mr. Kline said adjoining property owners seemed much more pleased with this plan than with the earlier plan, and he felt some of them were now more than willing to support the project.

Mr. Kline distributed two separate cost sheets, one for the completion of 78-1, the other for the completion of 123rd Street over to Mission Road and also Mission Road. He said in completing the two projects, two separate benefit districts needed to be considered: One benefit district, 78-1, Section 2, to construct 123rd Street from the end of the new improvement to Cherokee, then a new benefit district, 79-1, to construct 123rd Street from Cherokee to Mission Road and at the same time Mission Road from 127th north to 119th Street, all in one benefit district.

Tom Bieszczat and Herbert Johnson were present to assist with the presentation. Mr. Kline pointed out that with the shift there would have to be a variance granted from the City maximums. Mr. Kline proposed that the contracts for
completion of 78-1 and for 79-1 go out at the same time and that bid opening on both projects be held the same day, encouraging one contractor to do both projects. Mr. Johnson stated in the meeting with property owners there was a request to waive certain sidewalk requirements in the area and some questioning of the need for street lighting and the 41-foot street. The City Attorney had explained that City standards would have to be met. Mr. Johnson said he had studied the area and recommended changes to reduce the total cost of the project. He had provided sidewalks the full length of the north side of 123rd Street but reduced the width to four feet, and eliminated the sidewalk on the south side of 123rd Street between Mission Road and Overbrook.

Councilman Roberts said the matter was being brought to the Council at this meeting for approval to go ahead with the engineering work in order to proceed with public meetings and be ready to go into construction next spring. Councilman Carper moved that the Council approve a contract with Shafer, Kline & Warren subject to the approval of the City Attorney, for final engineering plans for Benefit District 78-1, Section 2, and proposed Benefit District 79-1; seconded by Councilman Roberts. Motion carried.

Mr. Johnson stated that they may come back to the Council at a later date with a request that the City participate in some utility relocation or a major drainage structure at the intersection of 123rd Street and Mission Road. Mr. Kline added that the Council would be presented a resolution creating Benefit District 79-1 and at that time may be asked to participate in some of the costs.

Payment of Contractor's Estimate - Benefit District 78-1: Tom Bieszczat presented the contractor's estimate for payment in the amount of $7,585.15. He said the project should be completed in a short time. On motion by Councilman Roberts, seconded by Councilman Wise, payment of the contractor's estimate was approved.

A motion by Councilman Wise to go into executive session to discuss pending litigation with Water District No. 1 was overruled by Councilman Hodes because of a recent legal opinion issued by the Attorney General of Kansas that unless a council were discussing the attorney-client relationship between the city and the city attorney, the council could not go into executive session without the city attorney being present.

At 9:45 p.m., on motion by Councilman Carper, duly seconded, the meeting adjourned to Monday, December 4, 1978, 7:30 p.m.

[Signatures]

Acting President of the Council

[Attest]

City Clerk

2584
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 4, 1978, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Rinehart, Lyons, Hodes.

Others present were City Administrator Lawler, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, Treasurer Golik, Bob Sirchia, the City Clerk, and the Council Reporter.

Minutes: Councilman Roberts moved that the minutes of the meeting of November 20, 1978, be approved; seconded by Councilman Wise. Councilman Wise moved that the minutes be amended on page 2584, fifth paragraph, to show that the motion to go into executive session was made by Councilman Carper; seconded by Councilman Crippin. Motion carried. Councilman Rinehart moved to amend the minutes on page 2580, third paragraph, fourth line, to state "City park property"; seconded by Councilman Crippin. Motion carried. The minutes of the meeting of November 20, 1978, were approved as amended.


On motion by Councilman Wise, seconded by Councilman Roberts, the agenda was changed to consider renewal of special use permit as the next item of business.

Renewal of Special Use Permit - Ron Felkner, 8002 Lee Boulevard: Mayor Alt explained that the zoning line ran through this property, north of the line was zoned for business, and a prior council had approved a special use permit for the portion zoned residential. Mayor Alt noted the permit before the Council had an incorrect address. He suggested that the permit be changed to read, "The above named applicant is hereby authorized by the Governing Body of the City of Leawood, Kansas to conduct and use the above described real property for a period not to exceed 1 year from the date of approval, for the following described purpose: Administrative offices." He stated it would have to come under the 1978 Zoning Code. Councilman Wise asked if it could be made for a longer period of time. Ron Felkner stated originally this was set up on a three-year permit; he requested that it be changed back to three years. He added that the siding on the building would be replaced with attractive material. He said the front had been refinished and the inside redone for the new tenant. Mr. Felkner said the tenant was a property management
business. Councilman Crippin said he thought the house was being used in connection with the decorator's shop rather than a separate use. Mr. Felkner said it had been in the beginning. Mayor Alt stated last year's permit was issued for administrative offices. The matter was discussed. In view of questions raised, Mayor Alt recommended that the permit be granted for one year. On motion by Councilman Wise, seconded by Councilman Lyons, a special use permit for administrative office use was granted for a period of one year.

On motion by Councilman Lyons, seconded by Councilman Wise, the agenda was changed to consider school closing as the next item of business.

OLD BUSINESS

School Closing: Kenneth L. Burris, a member of the Marsha Bagby ad hoc committee, stated there was a large turnout at the hearing on the school closing on November 30 and included several people without children presently at the school. He read six principal points made in the Report of the Ad Hoc Committee of Marsha Bagby Patrons (a copy of which was given to the City): (1) the district does not have a merchantable title to the Marsha Bagby site; (2) it is inherently unsafe for Marsha Bagby students to walk to Trailwood, Corinth or Brookwood; (3) Marsha Bagby is an average cost school to operate on a per pupil basis and is the second least expensive elementary school in terms of total operating costs; (4) the quality of education of Marsha Bagby students will decline if they are bused to Trailwood since they will not be able to participate in pre- and post-school activities due to the bus schedule; (5) lack of a neighborhood school in the present Marsha Bagby district will have an adverse effect on the district since it will be a less attractive area for young families; and (6) the district has not undertaken the comprehensive planning necessary to deal with the problem or opportunity posed by declining enrollments and should not take any action as fundamental as school closings until the situation has been competently evaluated. He stated many, many residents of the City of Leawood would support their position. Mr. Burris referred to a document presented to the City entitled "Administration's Answers Concerning Marsha Bagby School Closing". He said there were many credibility gaps on the part of the school district in the answers and their proposal to close the school. Mr. Burris requested that the Council pass a resolution asking that the school be kept open. The matter was discussed.

Mr. Burris said the committee believed if the school were closed the property would revert to its original owner, the school district would get nothing for the school, and the residents of the old Linwood School District would have to continue to pay on $400,000 to $450,000 worth of bonds. The school district had said, however, if they were able to close the school and sell it, they would use those
funds to the extent necessary to retire the bonded indebtedness.

Councilman Lyons emphasized that the purpose of a school was to educate the children, not for economics. In response to inquiry by Councilman Wise, Mr. Burris said the school board did not have a firm, written opinion of their counsel that the property could be sold, but had requested it. Mr. Jacob said he understood that the statute under which the ground was originally condemned provided that it could only be used for an educational facility. Mr. Burris stated the school board intended to vote on the school closing on December 11th and he would like to have the Council's resolution prior to that time. Councilman Lyons moved that the Council pass a resolution similar to the one it passed for Corinth School.

City Administrator Lawler attended the hearing on November 30 and said the people there were overwhelmingly in sympathy with the ad hoc committee. He agreed that there seemed to be a credibility gap between the information of the school board and that of the ad hoc committee. He said he was impressed by the fact that the school served as a community center, and added he would be very much in favor of anything that could be done to keep the school open. Councilman Wise seconded Councilman Lyons' motion. Councilman Wise said before a vote were taken, she would like to see the motion amended to make it more specific. She said she would like to see some long range planning done by the school board before any schools were closed. Councilman Hodes asked that a resolution be drawn up for Council approval. The motion and second were withdrawn and Messrs. Burris and Jacob left the meeting to get a form of resolution.

Crossing Guard at Marsha Bagby School: Mr. Burris stated they were still looking for a crossing guard at Marsha Bagby School. Mayor Alt referred the matter to the Public Safety Commission. Chief Sellers said he had been advertising for a crossing guard but there were no applicants.

Request for "No U Turn" Sign: Marie Sokol requested that the City consider installing a "No U Turn" sign at the end of the island at 8416 State Line.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

Ordinance No. 616 - Relating to Parking (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 616 was adopted unanimously.

Ordinance Relating to Acceptance of Two Easements for Sewer Purposes from Kroh Brothers Development Company (First Reading): Councilman Crippin moved that the ordinance be
December 4, 1978

placed on first reading. Mr. Sirchia reviewed that zoning and preliminary development plans had been approved for an office development at 89th and State Line. He said the easements were needed so Kroh Brothers could install a sanitary sewer line to serve the development.

Charter Ordinance No. 13 - Repealing Sections of Charter Ordinance No. 6 (Second Reading Continued): Councilman Crippin moved that the ordinance be placed on second reading. Mayor Alt explained the sections were being repealed to take care of the appointment of the municipal judge. Charter Ordinance No. 13 was adopted unanimously.

Ordinance No. 617 - Relating to Municipal Judge; Qualifications; Selection; Vacancy (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. City Attorney Winn explained that Section 9-102.2 was basically the selection procedure for the judge under the resolution for appointment. He said he had submitted a change in Section 1-401 as originally presented that the selection committee be required only if the incumbent judge appointed under Ordinance 9-102.1 was not to be reappointed or if there was a vacancy in the office of municipal judge. He further stated that once the City appointed a municipal judge under the new procedure next May, the selection committee would not be reconvened every year. Ordinance No. 617 was adopted as revised.

Ordinance No. 618 - Relating to City Officers Appointed; Date of Appointment (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 618 was adopted unanimously.

Ordinance No. 619 - Relating to City Officers Elected; Term; Qualifications (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Councilman Hodes suggested that references to councilmen in ordinances be changed to neuter gender and that the change begin with this ordinance. Mayor Alt stated a recodification of ordinances was in the budget for 1979 and that might be an appropriate time to make a major portion of such changes. Ordinance No. 619 was adopted unanimously.

Charter Ordinance Exempting the City from Primary Elections (First Reading): Mayor Alt stated the ordinance was not in proper form to present to the Council at this meeting. City Attorney Winn stated the ordinance might not be necessary. Councilman Wise pointed out that such an ordinance would not be effective before the next filing deadline.

Public Works - Approval of Rat Control Contract for 1979: Mr. Sirchia stated recently there had been very high incidence of rat infestation in the City and both the staff and the Public Works Commission felt it would be best to solicit a contract from the exterminator who used to perform the service for the City. He read a letter from Allied
Exterminators stating that they would bait creeks, draw areas and storm sewer openings in all the populated areas in Leawood and in Leawood Park for $1,292.00. Inspections and/or baatings on a complaint basis on request of City Hall would be based on $24.00 per man-hour. Mr. Sirchia emphasized that they would not respond to homeowner complaints and bait on private property because of the liability question. He said this was the only contract solicited because of the City's experience with Allied. City Attorney Winn stated they should be made aware of the City's permission form to go into creek areas behind homes where the City did not have easements. Councilman Wise thought it would be advisable to get additional quotes. Following discussion, Councilman Crippin moved for approval of the contract with Allied Exterminators; seconded by Councilman Lyons. Councilman Roberts stated it was the recommendation of the Public Works Commission that Allied be contacted because they had done the work before and the City was satisfied with the work they did. Chief Sellers asked if Allied would be responsible for removal of the dead animals. Mayor Alt said he thought the City would have to take the responsibility for removal. Motion carried, Councilmen Hodes and Wise opposed.

MAYOR'S REPORT

Tort Liability Insurance Practices: Mayor Alt stated the League of Kansas Municipalities was soliciting support for a study and report as to the tort liability insurance practices of the City of Ottawa which would involve an analysis of the tort liability risks faced by the city under the terms of the proposed tort liability act to be considered by the 1979 legislature. Mayor Alt said Leawood had been asked for $200 to support this endeavor of the League. City Attorney Winn questioned whether they needed $200 from a city the size of Leawood to fund the study. Councilman Hodes moved that the City send the League $50 to support this study; seconded by Councilman Roberts. Motion carried.

OLD BUSINESS

School Closing (continued): Mr. Burris had returned to the meeting with a draft of resolution concerning the closing of Marsha Bagby School. Councilman Lyons said it really was not the form he would like to present. The matter was discussed. Councilman Lyons renewed his earlier motion to have the resolution be along the lines of the Corinth School resolution; seconded by Councilman Rinehart. Councilman Crippin stated he was going to request an executive session and suggested that in the meantime the staff look for the Corinth resolution; it could be considered when the Council came back into regular session. Bob Sirchia went to the City Clerk's office to get the resolution. The motion and second were withdrawn.
Clarification on Benefit District 79-1: City Attorney Winn said the City expected to have submitted to it petitions for creation of Benefit District 79-1. He said he wanted to make it clear that those petitions would generally request a city contribution of seven per cent. Mayor Alt said he wanted to make sure the Council was completely aware of what the City was entering into. Councilmen Hodes and Roberts said that had been discussed.

Date for Last Meeting in December to Approve Appropriation Ordinances: Mayor Alt suggested Friday, December 29th, at 5:30 p.m. for such a meeting. Several councilmen were not sure they would be in town. Councilman Wise wondered if the last appropriation ordinance could be approved in 1979. City Attorney Winn will research the matter. The final 1978 meeting was tentatively set for December 29 at 5:30 p.m.

Resolution No. 477 - Relating to School Closing: Councilman Lyons read a proposed resolution along the lines of the Corinth School resolution and moved for its adoption. Motion was seconded by Councilman Rinehart. Councilman Lyons said he thought the key phrase of the resolution was "can be shown to not have a detrimental effect on the citizens of Leawood." He said by phrasing it that way the Council would not be getting into a contest as to the educational part with the School Board, and would not be mixing governmental functions. Resolution No. 477 was adopted unanimously. A copy is attached hereto as part of the record.

Councilman Crippin moved that the Council go into executive session to discuss personnel matters, to return to regular session not later than 10:15 p.m.; seconded by Councilman Roberts. Motion carried.

The Council went into executive session at 9:30 p.m. and returned to regular session at 10:11 p.m.

On motion by Councilman Lyons, seconded by Councilman Roberts, the meeting adjourned to Monday, December 18, 1978, 7:30 p.m.
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 18, 1978, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council Kent E. Crippin presiding in the absence of the Mayor. Roll call was answered by Councilmen Wise, Funk, Crippin, Carper, Rinehart, Lyons, Hodes.

Others present were Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Architect Sanders, Herbert Johnson, Tom Bieszczat, 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 December 4, 1978, were approved as submitted.

Visitors: Robert Lacy, Cheryl Cowan. Member of the Press: Cathy Hamm.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Hodes, seconded by Councilman Wise. Councilman Carper wondered whether or not the City incurred any liability due to the fact that fire department personnel performed such acts as cleaning a filter and replacing the same. The matter was discussed.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance: Councilman Wise presented a list of items to be encumbered in the 1978 budget. She said approval of the items would preclude the need for a meeting on December 29. She explained that purchase orders for the items would have to be written before the end of the year. City Attorney Winn suggested that funds be earmarked for City Hall remodeling to qualify as a 1978 encumbrance. Councilman Wise stated all the items were budgeted in 1978, and moved for approval of the encumbrances; seconded by Councilman Rinehart. Motion carried.

Councilman Wise referred to a letter from Johnson County Data Services Administration and said the Administrative Committee had recommended that City accounts payable be put on computer with Data Services Administration. She said Data Services Administration would send an additional letter stating that any programs developed for the City and any records which they had would belong to the City. Councilman Wise moved for authorization of Data Services Administration to commence work on an accounts payable system contingent on the City receiving a letter from them.
saying that the programs do, in fact, belong to the City; seconded by Councilman Carper. Councilman Wise said it was hoped the system could be implemented by the February appropriation ordinance. Copies of reports mentioned in the letter were available. Councilman Crippin related that the Mayor had hoped that Data Services hopefully would take into consideration the currently assigned account numbers. Motion carried unanimously.

Insurance - Recommendation for 1979 Coverage: Councilman Lyons reviewed an insurance proposal for coverage basically by The Hartford for 1979 which had been distributed. He said Workmen’s Compensation insurance would be up a little bit because there were more employees. Blanket coverage was recommended for all buildings with an agreed-upon replacement cost limit of $1,834,850. The bid for this insurance was $3,714; last year it was $5,625. Councilman Lyons stated the Insurance Committee recommended on the basis of past experience that on large vehicles such as ambulances, fire trucks and larger trucks there be a $250 deductible on collision insurance, and for all other vehicles $1,000 deductible which would result in substantial saving in the premium cost. Councilman Carper stated the Committee placed significant reliance upon the testimony of insurance men Lloyd Lynd, John Snyder and George Lucas. A deductible of $100 was recommended on comprehensive coverage. Councilman Carper pointed out that for the current year with no deductible on the comprehensive and $100 deductible on collision, the cost was $3,498; for the same coverage the coming year, it would be $6,857; with $100 deductible comprehensive plus the $1,000 deductible collision, it would be a total of $3,169. It was pointed out that the current year’s premium was based on 26 vehicles, the coming year was based on 32. Councilman Hodes questioned the advisability of the smaller deductible on the larger vehicles. Councilman Lyons pointed out that general liability premium cost had gone down. The Insurance Committee recommended acceptance of a bid on inland marine coverage from United States Fire Insurance Co. for a saving of approximately $900 rather than the Hartford bid. Earthquake coverage was discussed. Councilman Lyons stated Mr. Lynd recommended earthquake coverage for $163. Valuable papers coverage was recommended with a $100,000 limit. As to umbrella coverage, Councilman Lyons said even though safety improvements were planned at the park, The Hartford was still not willing to insure the park until the improvements were completed. He suggested if bids were accepted for the improvements, that action could be shown to The Hartford as proof that the work was actually going to be done. If they would agree to the park coverage, Councilman Lyons said the Committee would recommend that the City use The Hartford and that coverage be $3,000,000. If The Hartford will not insure the park, umbrella insurance would be rebid to include the park. Councilman Lyons reviewed that last year the City did not have valuable papers, earthquake or umbrella coverage.
Councilman Lyons moved that the Council approve insurance for 1979 on Workmen's Compensation as set out in Section I of the proposal, that property insurance be as set out, that auto physical damage insurance coverage be approved with $100 deductible on comprehensive; seconded by Councilman Wise. Motion carried. Councilman Hodes moved that the Council accept $500 deductible collision coverage on all vehicles; seconded by Councilman Funk. Motion carried. On motion by Councilman Lyons, seconded by Councilman Carper, the Council approved (C) Auto Liability, (D) General Liability, and (E) Crime Coverages as proposed. On recommendation of the Committee, Councilman Hodes moved that the Council approve coverage by United States Fire Insurance Co. for inland marine insurance at $2,860; seconded by Councilman Carper. Motion carried. Councilman Lyons moved that the Council purchase earthquake insurance at a cost of $163; seconded by Councilman Wise. Motion carried, Councilman Hodes opposed. Councilman Lyons moved that the Council approve valuable papers coverage with $100,000 limit; seconded by Councilman Carper. Motion carried. On recommendation of the Insurance Committee, Councilman Lyons moved that if the Council did approve a bid to repair the park items to be presented later in the meeting and if The Hartford Insurance Company would then allow the park to be covered by its insurance, that the City secure $3,000,000 of additional insurance commonly known as umbrella coverage; if the Hartford would not do that, then the Council authorize Mr. Lucas to seek another bid which would also include the park to be presented to the Council at a later time; seconded by Councilman Carper. Motion carried. Councilman Lyons moved that if The Hartford would not go with the park, that the Council approve coverage by Western World at $800 to cover the park until The Hartford would insure it. Motion carried after being seconded by Councilman Carper.

Ordinance:

Ordinance Relating to Acceptance of a Roadway Easement for Street Purposes from Capitol Funds, Inc. (First Reading): Councilman Crippin stated the ordinance had to do with right-of-way along 123rd Street. Councilman Carper moved that the ordinance be placed on first reading. Councilman Hodes said he thought ordinances should state a commonly known description so the Council would know what it was. Mr. Sirchia said that had been overlooked on this ordinance. Councilman Crippin recommended to staff that a map or something to give a visual image of the location be presented at the second reading of the ordinance.

Ordinance Relating to Acceptance of a Roadway Easement for Street Purposes from Hunter's Ridge, Inc. (First Reading): Councilman Carper moved that the ordinance be placed on first reading.

Ordinance Establishing the Position, Duties, Responsibilities and Authority of the City Administrator (Second Reading):
Councilman Crippin stated the Administrative Committee had reviewed and rewritten the ordinance and recommended that it be approved. Since the Council had the task before it of obtaining a City Administrator, Councilman Hodes said he did not see the urgency in passing this in ordinance form. He requested that it be deferred until the next meeting. However, it was agreed that the ordinance should be adopted before applicants were interviewed. The ordinance was continued until the first meeting in January.

Ordinance No. 620 - Relating to Acceptance of Two Easements for Sewer Purposes from Kroh Brothers Development Company (Second Reading): Councilman Crippin stated the easements were in the vicinity of the development at approximately 89th and State Line. On motion by Councilman Lyons, Ordinance No. 620 was adopted.

Parks - Request for Permission to Solicit Bids for Equipment: Councilman Rinehart stated the Public Works and Parks Commissions met and recommended that bids be solicited for a lawn tractor, another tractor, and auxiliary items. The maximum cost would be $14,000. The matter was discussed. Councilman Hodes thought the City had more equipment than was shown on the inventory presented. Councilman Rinehart moved that the City solicit bids for a lawn tractor, tractor, and auxiliary items; seconded by Councilman Wise. Motion carried.

Public Safety:

Resolution No. 478 - Relating to Additional Stop Signs: Councilman Hodes stated the Public Safety Commission recommended that these additional signs be placed in Verona Gardens. He moved that the Council approve the resolution establishing stop signs as shown in the distribution; seconded by Councilman Carper. Resolution No. 478 was adopted. A copy is attached hereto as part of the record.

Approval of Lease for Firing Range - Area of 127th and Nall: Councilman Hodes explained the lease called for no payment for use of approximately seven acres of undeveloped land at 127th and Nall. City Attorney Winn said the lease had been changed slightly to incorporate some suggestions made by the insurance people. Chief Sellers explained precautions that would be taken. Councilman Hodes moved that the lease be approved; seconded by Councilman Wise. Motion carried.

Public Works:

Approval of Engineer's Invoices for Benefit District 79-1: Tom Bieszczat stated the invoices were for preliminary work. On motion by Councilman Wise, seconded by Councilman Lyons, the engineer's invoices were approved. Mr. Bieszczat and Mr. Johnson pointed out that the payment was not out of the
benefit district; it was a separate contract with the City for the preliminary engineering work. Mr. Johnson added that when Benefit District 79-1 was established, the costs would be assessable against it. Mr. Bieszczat pointed out that the City would receive sixty per cent of the $4,800 back.

Recreation:

#1044  
Ordinance No. 621 - Repealing Recreation Salary Ordinance (First Reading): Councilman Rinehart explained that this ordinance repealed the old recreation salary ordinance so that recreation employees would come under the new pay schedule. Councilman Wise moved that the ordinance be passed on an emergency basis so that the new pay schedule could go into effect on the first of the year; seconded by Councilman Rinehart. Motion carried. On motion by Councilman Rinehart, Ordinance No. 621 was adopted unanimously.

#1054  
Recommendation re Bids for Safety Equipment for Leawood Park: Councilman Rinehart stated the following bids were received: Bob's Ornamental Iron Studio, Inc., $2,014.00; Austin's Wrought Iron Shop, $3,300.00; Roberts Metal Fabrication, $2,150.00. She stated it was the recommendation of the Recreation Commission that the bid of Roberts Metal Fabrication be accepted. Councilman Carper and Hodes wondered why the low bid was not being accepted. Councilman Rinehart said the recommendation was based on the experience of Fred Krebs with Roberts Metal Fabrication. Councilman Carper said he had had experience with Bob's Ornamental Iron Studio and had no problems whatsoever. Councilman Rinehart moved that the Council accept the bid of Roberts Metal Fabrication; seconded by Councilman Lyons. Motion carried, Councilman Carper opposed.

MAYOR'S REPORT

#1066  
Approval of January 1, 1979 Salaries: Councilman Wise moved for approval of the salary items as a unit as presented; seconded by Councilman Carper. Councilman Crippin stated it included the Administrative, Fire, Police, and Public Works Departments. He added that the Administrative Committee recommended that the salaries be approved. Motion carried.

#1069  
Building Inspector: Councilman Crippin stated City Architect Sanders had presented a proposal with regard to the position of building inspector as well as a replacement for Mr. Sirchia's position. The document before the Council dated December 11th had been presented to and discussed by the Administrative Committee which recommended that the proposal be approved. Councilman Carper objected to the way the comparison was set up showing the full assistant city administrator's salary when only half the salary was being considered. Councilman Crippin said there would be a
re-evaluation of who and how many the City was going to hire. Motion carried.

Recreational Vehicle Ordinance: Councilman Crippin stated a committee had not been appointed as yet and asked that councilmen submit to the Mayor any suggestions regarding the committee.

NEW BUSINESS

#1083 Applications for Cereal Malt Beverage Licenses - King Louie Ranch Mart Lanes, Martin's Finer Foods, Gates & Sons Bar-B-Q, and State Line Racquet Club: Chief Sellers said all applicants had been checked and nothing found to preclude issuance of the licenses. City Attorney Winn said he had reviewed the applications. On motion by Councilman Rinehart, duly seconded, the applications for cereal malt beverage licenses were approved.

#1085 Discussion Relative to Meeting on December 29: Councilman Wise said as far as the Budget and Finance Committee was concerned, there was no need for an additional meeting for budget purposes.

#1086 Appropriation Ordinances: Nos. 389-A and 373-S in the amounts of $304,631.48 (including $200,000.00 in investments) and $407,707.49 (including $400,000.00 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 Rinehart. Councilman Hodes noted a number of suppliers were supplying paper products; he wondered if purchases might be consolidated. Councilman Carper said it was his understanding that a preferred vendor list would be compiled. He said there were a number of items from various hardware stores and for auto parts.

#1112 Thanks and Good Wishes to Bob Sirchia: Since this was Bob Sirchia's last Council meeting, the Council joined Councilman Crippin in thanking him for his good service and wishing him well in his new endeavors.

At 9:36 p.m., on motion by Councilman Lyons, duly seconded, the meeting adjourned to Tuesday, January 2, 1979, 7:30 p.m.

[Signature]
President of the Council

[Signature]
Council Reporter

Attest:

[Signature]
City Clerk
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Tuesday, January 2, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Carper, Rinehart, Hodes.

Others present were Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Architect Sanders, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Crippin, seconded by Councilman Wise, the minutes of the meeting of December 18, 1978, were approved as submitted.


COMMITTEE AND COMMISSION REPORTS

Ordinance:

Ordinance No. 622 - Establishing the Position, Duties, Responsibilities and Authority of the City Administrator (Second Reading): Following discussion of revisions of the proposed ordinance submitted by Councilman Hodes, Councilman Crippin moved that the ordinance be adopted. Councilman Hodes moved to amend Section 1-428, item 6, of the proposed ordinance dealing with the duties of the City Administrator by striking the words "and, shall have authority to obtain documentation from department heads"; seconded by Councilman Roberts. Amendment carried. Councilman Hodes moved that in that same Section 1-428, item 7, the word "Convene" be changed to "Meet with"; seconded by Councilman Rinehart. Amendment carried. Ordinance No. 622 was unanimously adopted as amended.

Ordinance No. 623 - Relating to Acceptance of a Roadway Easement for Street Purposes from Capitol Funds, Inc. (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 623 was adopted unanimously.

Ordinance No. 624 - Relating to Acceptance of a Roadway Easement for Street Purposes from Hunter's Ridge, Inc. (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 624 was adopted unanimously.

Ordinance Relating to Restricted Driver's License (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. Chief Sellers stated it had been
drafted by the State Motor Vehicle Division from the state statute. Mayor Alt added that the ordinance was to revise an existing ordinance to make sure it was in compliance with the new state statute.

Plan Commission:

Resolution No. 479 - Approving the Fourth Plat of Oxford Hills: Mr. Sanders indicated the area involved and said it basically finished the Oxford Hills subdivision. He also presented a detailed plat of Oxford Hills. He said the preliminary plat was approved in August, 1977. The consulting engineers had approved the engineering plans; the Plan Commission recommended approval of the final plat. The streets would be constructed to city standards. Councilman Roberts moved for approval of the resolution; seconded by Councilman Wise. Mr. Johnson stated the plat was under the old standards so there would be no street lights and no sidewalks in the subdivision, but the streets would be built to present construction standards. Resolution No. 479 was adopted unanimously. A copy is attached hereto as part of the record.

Public Works:

Approval of Engineer's Invoice for 1978 Street Improvement Program: Mayor Alt stated the invoice was for engineering work on the 1978 street improvement program. On motion by Councilman Roberts, seconded by Councilman Wise, the invoice in the amount $3,023.70 was approved.

MAYOR'S REPORT

Mayor Alt thanked the Public Works Department for the job that they did in keeping the City's streets cleaned and open. Chief Sellers endorsed those comments.

Mayor Alt reported the Administrative Committee had met and initiated a review of the present salary scale; the objective was to have the review completed by the first meeting in February; any adjustments in pay would be retroactive to January 1, 1979. The Public Safety Commission had been requested to again review the retirement plan for police and fire employees.

At 8:16 p.m., on motion by Councilman Wise, duly seconded, the meeting adjourned to Monday, January 15, 1979, 7:30 p.m.
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 15, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Rinehart, Hodes. Councilmen Lyons and Carper arrived during presentation of the Budget and Finance Committee report.

Others present were Fire Chief Toman, Police Chief Sellers, City Attorney Winn, Treasurer Golik, City Architect Sanders, Herbert Johnson, Tom Bieszczat, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Rinehart, the minutes of the meeting of January 2, 1979 were approved as submitted.

Visitors: Mr. and Mrs. Mike Light, Major James Barker, Rudy Voda, Cheryl Cowan, William Haney. Member of the Press: Sally Huggins.

Presentation of Check from Mayor's Christmas Tree Bowling Tournament: Mike Light presented to Mayor Alt a check in the amount of $312.00 representing proceeds of the Mayor's Christmas Tree Bowling Tournament held at King Louie Ranch Mart.

Presentation of Check to Salvation Army: Mayor Alt thanked Mr. Light and then presented the check to Major Barker of the Salvation Army, expressing appreciation for the work they did during the flood.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Wise.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance - Approval of Sewer Benefit District Assessment: Councilman Wise stated the City had an assessment for sewers on the lots on which Fire Station No. 2 was situated. She reported it was the recommendation of the Budget and Finance Committee that the amount be paid from 1978 funds since it was billed in 1978. Councilman Wise moved that the sewer assessment on the lots for fire station No. 2 in the amounts of $9,002.97 and $5,740.60 be paid out of the 1978 capital improvement fund; seconded by Councilman Crippin. Motion carried.

Ordinance No. 625 - Relating to Restricted Driver's License (Second Reading): Councilman Crippin moved that the
ordinance be placed on second reading. Ordinance No. 625 was adopted unanimously.

Public Safety:

Request for Permission to Solicit Funds - American Heart Association: On recommendation of the Public Safety Commission, Councilman Hodes moved that the request of the Kaw Valley Division of the American Heart Association to solicit funds be approved; seconded by Councilman Lyons. Motion carried.

Request for Permission to Keep Six Dogs: Councilman Hodes explained that this was an annual request from Mrs. Teri Lynn Ostrovskiak at 123rd and Mission Road. There had been no complaints and the Public Safety Commission recommended approval for at least one more year. Councilman Hodes moved for approval of the request; seconded by Councilman Lyons. Motion carried.

Discussion of Snow Removal: Rudy Voda, 9808 Ensley Lane, stated that until today there had been no snow removal facilities in the cul de sac on which he lived. He said he understood the problem related to the type of equipment in Leawood. He said it did not make sense that they should have to wait that long for snow removal. He suggested that consideration be given to obtaining equipment that would satisfy the requirements of taxpayers living on cul de sacs and/or hire a contractor to do the work when necessary. Mr. Voda asked if the City had a written plan for plowing streets. Councilman Crippin stated snow removal in Leawood was done extremely well; however, some new people were manning the equipment and some of the cul de sacs were not cleaned properly. Training was planned for the new people on utilization of the equipment. Councilman Hodes added that purchase of a four-wheel-drive small vehicle with blade was planned for use on cul de sacs. Councilman Roberts stated the second storm arrived before crews got to the cul de sacs. He said he hoped the City's new regulations for cul de sacs were such that they could be cleaned of snow. Councilman Wise wondered if an ordinance prohibiting parking on cul de sacs was needed. The need for an emergency snow ordinance was discussed and referred to the Public Safety Commission for consideration. Councilman Hodes said the Public Safety Commission had authorized a twenty-four hour telephone number for the City to be handled by an answering service on nights and weekends. Chief Sellers stated he had a quote of $38.00 per month for an answering service. Mayor Alt stated the policy on snow removal had been to plow the main streets, the fire lanes, then others, and to take care of emergencies. Chief Sellers stated in view of the wind and drifting problem, main arteries had to be redone several times so the equipment could not go to other streets for some time. Mayor Alt commended the Public Works Department for the fine job they did. He estimated cost of snow removal would be about $15,000 for
January 15, 1979

the two snows. Mr. Johnson stated the subdivision regulations for future cul de sacs provided a convenient turning radius for a private automobile but a truck could not go around in one continuous sweep, so even future cul de sacs would not be highly desirable for snow removal.

Request for Permission to Solicit Bids for New Station Wagon for Fire Department: Councilman Hodes reported the Public Safety Commission was requesting permission to advertise for bids for replacement of a 1973 station wagon, the replacement was budgeted. He, therefore, moved for approval to solicit bids for a new station wagon. The motion was seconded and carried.

Public Works:

Approval of Change Order No. 3 - Benefit District 78-2: Mr. Bieszczat explained the change order was necessitated because the contractor could not finish the job because utility companies were in there longer than anticipated. Due to public safety and possible liability against the City, it was felt the complete closing of 119th Street would be the appropriate thing to do. The contractor incurred certain costs for signing and building of earthen berms for which he should be reimbursed, hence the change order. On motion by Councilman Roberts, seconded by Councilman Carper, Change Order No. 3 was approved. Motion carried.

Summary of Costs on Benefit Districts 78-1 and 78-2: Mr. Bieszczat stated at the Mayor's request, he had prepared a summary of costs on the two benefit districts to date. He reviewed the summary explaining that 78-1 was in two sections. Section 1 was almost complete, Section 2 was yet to be constructed (from the school west to Cherokee). He estimated expenditures to be about $345,000 on Section 1 which was approximately $20,000 under the original estimate of $365,000. He said on Section 2 roughly costs should be somewhere in the range of $50,000 under the estimate. The total benefit district costs should be somewhere in the range of $70,000 under the probable costs; therefore, the city at large would theoretically not be out any funds. He said on 119th Street he would estimate that it would be $15,000 less (including Change Order No. 3 just approved). He reviewed that Change Order No. 1 was a credit of $9,862.00 because the sidewalk was deleted, the City had agreed to put the sidewalk in with the cost coming from the city at large.

Approval of Contractor's Payment Estimates for Benefit Districts 78-1 and 78-2: Contractor's Estimate No. 7 showed an amount due the contractor of $14,546.77 on Benefit District 78-1 (123rd Street). Councilman Roberts moved that Contractor's Estimate No. 7 be approved; seconded by Councilman Wise. Councilman Lyons objected to changing the retainage from ten per cent to five per cent. Mr. Bieszczat stated it was normal practice to lower the retainage on a project of this nature when there was a time delay and the project was
nearly complete. He added that the ten per cent retainage was not mentioned in any of the contracts. He said the contractor was bonded to complete the project. Mr. Johnson said he had certified completion on the project with the exception of two minor items which could not be completed until spring due to weather conditions. Councilman Roberts stated the contractor was held up because of the Kansas City Power and Light strike. Motion carried, Councilmen Lyons and Hodes opposed.

Contractor's Estimate No. 6 on Benefit District 78-2 (119th Street) showed an amount due the contractor of $1,418.90. On motion by Councilman Hodes, seconded by Councilman Wise, the contractor's estimate was approved.

Approval for Subsurface Investigation for Benefit District 78-1, Section 2, by Consulting Engineer: Mr. Bieszczat stated it was not within Shafer, Kline & Warren's contract to provide subsurface investigation. He presented a proposal from Layne-Western Company for the subsurface investigation for a price not to exceed $700.00 on Benefit District 78-1, Section 2, to determine the depth to rock, the formation of rock, slope of the rock, and quantity of rock for excavation necessary for the earth work computations and subgrade computations. The $700.00 had not been included in the cost summary presented earlier. The matter was discussed. Mr. Bieszczat said there were two proposals, the remainder was on Mission Road (119th to 127th) and the balance of 123rd Street. On motion by Councilman Wise, seconded by Councilman Carper, subsurface investigation for Benefit District 78-1, Section 2, by the consulting engineer was approved.

MAYOR'S REPORT

Appointment of Committee to Select City Administrator: Mayor Alt proposed the appointment of a committee to select a city administrator composed of Councilman Roberts, chairman, with Councilmen Crippin and Wise and Mayor Alt as members. Councilman Lyons moved that the committee appointments be approved; seconded by Councilman Rinehart. Councilman Lyons said he thought the Council should determine whether a city administrator was what it wanted. Mayor Alt said a city administrator was badly needed. Councilman Roberts stated it was unrealistic to try to run a city with the size and complexities of Leawood without a city administrator. Councilman Hodes suggested that the committee be charged with the function of determining what was needed and coming back with a recommendation on who they felt could fill the position. Councilman Rinehart suggested that perhaps one of the three new councilmen should be consulted also. Councilman Crippin said in light of the situation of three of the proposed committee members running for mayor, each with a management style calling for a different type of individual to be city administrator, he was not going to vote to employ a city
January 15, 1979

administrator until after April 3. Mayor Alt objected to hiring a city administrator to match the management style of the mayor. Councilman Crippin said as a practical matter under the new ordinance, the city administrator would work primarily for the mayor. There was discussion that perhaps the three candidates for mayor should not be on the committee. Councilman Lyons moved to amend the motion to include that the committee be charged with determining whether (1) to continue having a formal city administrator, or (2) to go to an alternative type with sub-administrators, report back to the Council, then go ahead with trying to hire the individual or individuals to fill the determined need.

Councilman Hodes noted that the Council had just passed an ordinance defining the duties of the city administrator; he felt a committee should be formed and thought it should have some input other than those running for the position of mayor; however, he did not feel someone should be hired until after the election because the city administrator becomes a servant of the mayor. Councilman Crippin suggested that the procedure for advertising the position be initiated. Councilman Wise said she thought certain groundwork should be done before a city administrator was hired, some organizational matters, including job descriptions, should be ironed out in the administrator's department. Councilman Roberts thought the administrator hired should have the opportunity to recommend his type of organization and that job descriptions were the city administrator's job; however, the Council should approve the organization. Mayor Alt agreed. Councilman Wise felt procedures should be set up so a complete reorganization could not be done at the whim of a new mayor--the Council needed more input to insure continuity. Councilman Crippin suggested that the organization plan be prepared and brought to the Council for approval which sometimes had not been done in the past.

Councilman Rinehart seconded the amendment. Mayor Alt recommended against the committee studying the need for a city administrator. The amendment passed by a vote of five to three. Councilman Carper commented that it seemed to him the three mayoral candidates should not serve on the committee at all. Councilman Rinehart agreed. Councilman Crippin suggested if three or four others were involved in the committee, it would give better objectivity. Motion to approve the committee failed.

OLD BUSINESS

Report on Status of Renovations to Police/Court Building: City Architect Sanders reported contractors had not been interested in the renovation project until the first of the year. Three bids had been received Friday afternoon, the low bid was by Dean Blay Construction Company in the amount of $17,721 for the basic work. Mr. Sanders stated
January 15, 1979

an alternate had been included for recessed incandescent lighting for the council area with dimmers for the existing fixtures. The low bid for that alternate was by the same contractor in the amount of $582. Mr. Sanders had a fairly firm estimate for carpeting of $1,764 ($12 per square yard installed) and a fairly firm working estimate for communications wiring to be built into the dais and entered into the closet. The low bid plus the alternate, carpeting, and communications equipment would total $20,367. Mr. Sanders said his estimate in April was $13,000 but things had been added; at the end of December $20,000 of 1978 funds had been allocated for this project. He said he had asked that the project be complete by March 15. There was discussion that repair of carpet in the hallway was not included. Councilman Hodes suggested that the present lighting fixtures be removed above the council area. City Attorney Winn recommended that a performance bond be required and that the engineer's estimate of cost be updated. Councilman Lyons moved for approval of $20,367 plus bond; seconded by Councilman Carper. Motion carried.

Selection of Building Inspector: City Architect Sanders recommended that Richard Frye be hired as Leawood's building inspector at a salary of $12,611 per year plus $200 car allowance per month. Mr. Sanders reviewed Mr. Frye's background. Chief Sellers said nothing in his file or in the computer was adverse or would preclude hiring Mr. Frye for that position. Mr. Sanders said he felt assured that Mr. Frye could do the job; he said his intent was to go over the procedures in detail with him, then go with him through the field and give on-the-job training.

Mayor Alt stated it was the recommendation of the Administrative Committee, approved by the Council, that Mr. Sanders take over the functions Bob Sirchia was formerly handling in connection with the Plan Commission and that he be relieved of the building inspection work. Councilman Carper moved that Richard Frye be hired for the position of building inspector at the salary and car allowance quoted; seconded by Councilman Wise. Councilman Hodes wondered if the City might hire a professional on a part-time basis to do this work at a lower rate than adding another employee. The matter was discussed. Councilman Hodes said he had real reservations about the position and some reservations about the man's lack of experience in this area. Mr. Sanders said he would take the responsibility for training him; his thought was that it would be much better to get someone who did not have a built-up bias in terms of construction, who was flexible so he could show the individual how inspections ought to be done in Leawood. Motion carried.

Resolution No. 481 - Extending Temporary Note 78-1: City Attorney Winn explained the resolution dealt with renewal of Temporary Note 78-1 on 123rd Street for $250,000 for six months by Johnson County National Bank and Trust Company at
five and one-half per cent per annum. Resolution No. 481 was adopted on motion by Councilman Wise, seconded by Councilman Crippin. A copy is attached hereto as part of the record.

Resolution No. 482 - Extending Temporary Note 78-2: City Attorney Winn stated the resolution dealt with renewal of temporary Note 78-2 in the amount of $200,000 on 119th Street held by Southgate State Bank, at five and one-half per cent per annum for a period of nine months. Resolution No. 482 was adopted on motion by Councilman Crippin, seconded by Councilman Wise. A copy is attached hereto as part of the record.

Resolution No. 480 - Supporting Legislation Which Would Enable Banks Within the County to Open Facilities in the City of Leawood: Councilman Carper explained the resolution was in support of legislation sponsored by Representative Eddy before the State Legislature (in the Commercial and Financial Institution Committee) which would come to a vote on January 16. He said the bill would enable any bank within Johnson County to operate a facility in the City of Leawood. There was discussion that the advantage of having a banking facility in the City, aside from the assessed valuation, would be that it would be keeping money in the State. On motion by Councilman Wise, seconded by Councilman Lyons, Resolution No. 480 was adopted. A copy is attached hereto as part of the record. Mayor Alt urged councilmen to call Representative Harold Dick, chairman of the subcommittee considering the bill. Councilman Carper stated neither he nor any of the people he had talked to had any knowledge of any individual bank at this time planning to come into the City of Leawood.

Public Works:

Authorization for Repair of Oil Spreading Unit: Councilman Roberts reported Public Works had an oil spreading unit used for sealing cracks in pavement on which the engine had burned out. The Public Works Commission proposed that the Council approve the expenditure of $2,124.90 to replace the engine, clutch and reduction unit in this piece of equipment. Councilman Roberts moved that the Council authorize repair of the oil spreading machine in the amount of $2,124.90; seconded by Councilman Crippin. Motion carried.

Authorization to Solicit Bids for Snow Removal Equipment: Councilman Roberts commented that by next year there would be considerably more streets to maintain with the new developments in process of completion. He said the Public Works Commission proposed to set up specifications and go out for bids on a four-wheel-drive vehicle which could be used for snow removal, anticipated to cost between $6,000 and $8,000. On motion by Councilman Hodes, seconded by Councilman Wise, the Council authorized solicitation of
bids for a snow removal vehicle. Councilman Roberts stated this was not in the Public Works budget but he had been advised by the Budget and Finance Chairman that there were contingency funds that could be used for this purpose.

Appropriation Ordinances: Nos. 390-A and 374-S in the amounts of $524,023.75 (including $400,000.00 in investments) and $606,741.31 (including $600,000.00 in investments), providing for payment of certain claims against the City and the Leawood Sewer System respectively, were submitted and approved on motion by Councilman Hodes with the request that the following warrants be held up for clarification: No. 15409 for business cards; No. 15456 for lids, Nos. 2499 and 15387 for outdoor flags, and No. 2501 for legal size file cabinet. Mayor Alt asked the City Clerk to give a report to him personally on those items. Councilman Hodes asked that explanation of payments to Shafer, Kline & Warren be more specific than "for engineering services." Councilman Carper reported a memorandum had been sent to department heads requesting a list of significant vendors they had purchased from, then a list of vendors who would give the best discounts would be compiled by the Budget and Finance Committee.

Administrative Committee Meeting: Councilman Crippin announced that the Administrative Committee would meet on Monday, January 22, at 7:30 p.m. He asked that agenda items be given to Mrs. Farrar.

At 10:06 p.m., on motion by Councilman Carper, seconded by Councilman Lyons, the meeting adjourned to Monday, February 5, 1979, 7:30 p.m.
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, February 5, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Funk, Crippin, Carper, Rinehart, Lyons. Councilman Hodes entered the meeting at 7:40 p.m. during presentation of the Insurance Committee report.

Others present were Fire Chief Toman, Police Chief Sellers, City Attorney Winn, City Architect Sanders, Will Gray, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Rinehart, the minutes of the meeting of January 15, 1979, were approved as submitted.

Visitors: Jean Gray, Robert Lacy, Shirley Porter, Paul Porter, Cheryl Cowan, Charles Kraft.

COMMITTEE AND COMMISSION REPORTS

Insurance Committee: Councilman Lyons reported bids had been received for public officials liability insurance from International Surplus Lines and Forum Insurance Company; the insurance needed to go into effect on January 29 so Mr. Lucas went ahead and ordered insurance with International Surplus Lines with $1,000,000 limits, premium $3,310.00, which was $550.00 more than last year for the same coverage. Councilman Lyons moved that public officials liability insurance with International Surplus Lines, premium $3,310.00, be approved; seconded by Councilman Wise. Motion carried.

Park Insurance: Councilman Lyons reported that The Hartford required that safety improvements at the park be completed before that company would extend coverage; therefore, the Committee recommended that until the improvements were completed, the Council approve park insurance with limits of $500,000 with Western World Insurance Company, premium $831.30. He said hopefully the City would get most of the premium back once the improvements were completed. Councilman Lyons moved that the Council approve the bid of Western World Insurance Company for coverage in the amount of $500,000 for the park, premium $831.30; seconded by Councilman Rinehart. Motion carried. Councilman Lyons reported Mr. Lucas was now getting a variety of quotes on umbrella coverage.

Park Commission - Recommendation Relating to Bids for Equipment: Councilman Rinehart reported one bid had been received for equipment for the parks, that being from
Olathe Ford Tractor, including $2,617.30 and $3,474.12 for tractors (with trade-in) plus auxiliary items of $2,854.21, or a total of $8,945.63. Councilman Rinehart moved that the Council accept the bid of $8,945.63 from Olathe Ford Tractor; seconded by Councilman Wise. Motion carried.

Resolution No. 483 - Approving Final Plat - Leawood Village:
City Architect Sanders stated the plat had been approved in a preliminary state in October. He said it included two acres south of Longwood Forest and adjacent to Huntington Farms on 111th Street. He said the zoning was RP-4, Planned Residential. He explained that the developer was proposing to build 12 single family houses. He said a private street went through the site. He stated a considerable amount of review time had been spent on this project, and the Plan Commission recommended approval. Mr. Sanders pointed out that the staff and the Plan Commission deemed it advantageous to waive the requirements for sidewalks in this subdivision and deemed it advisable to reduce setbacks in certain instances from 30 feet to 22 feet 6 inches. Mr. Sanders said the reduction of the setbacks was necessary basically because of the density in the project and the width of the street. He said the units would set back just about the same distance from 111th Street as those in Huntington Farms. The matter was discussed. Mr. Sanders stated a berm and heavy landscaping were shown along 111th Street. He said the streets would be built according to city standards. Mr. Sanders said a homeowner in this development would own only the ground under his house, the rest of the area (including streets) would be under common ownership by the homes association. City Attorney Winn requested that the City have a copy of the homes association by-laws and declaration of restrictions. Mr. Sanders stated the developer had been requested upon sale of a unit to notify the homeowner in writing of the conditions concerning streets and the homes association responsibilities. Councilman Crippin suggested that the document outlining the homes association responsibilities, including street maintenance, be filed with the plat. City Attorney Winn suggested that the developer be directed to furnish the City a copy of the deed restrictions and homeowners association declarations bearing the stamp of the register of deeds. Charles Kraft, the developer, stated he would go on record that he would notify buyers as discussed and also serve the City with restrictions. Councilman Wise moved that the resolution approving the final plat of Leawood Village be approved; seconded by Councilman Lyons. Resolution No. 483 was adopted unanimously. A copy is attached hereto as part of the record. Mayor Alt directed Mr. Sanders to have a copy of the deed restrictions with the plat at the time he was asked to sign it.

Public Safety:
Request for Permission to Keep Three Dogs - V. P. Ryder - 2809 West 90th Street: Councilman Hodes reported this was
an annual renewal, the Police Department had checked with
neighbors and found no complaints. He moved that the Council
approve the request; seconded by Councilman Wise. Motion
carried.

Street Lighting in Verona Gardens: Councilman Hodes reported
that in Verona Gardens one street light was incandescent, the
remainder were mercury vapor. Upon request by the homes
association, the Public Safety Commission had recommended
that the one light be replaced with a mercury vapor lamp.
The cost would be approximately $130 per year. Councilman
Hodes moved for approval; seconded by Councilman Crippin.
Motion carried.

Wage and Salary Committee:

Resolution No. 484 - Implementing Revised Classification and
Pay Schedule: Councilman Wise reported the Wage and Salary
Committee had recommended certain changes in the pay ranges
for various groups of employees with the understanding that
the increases would be retroactive to the first of the year.
The changes had been approved by the Administrative Committee.
A schedule of recommended minimum and maximum rates and a
proposed resolution had been distributed. Councilman Wise
moved that the resolution implementing revised classification
and pay schedule be approved; seconded by Councilman Hodes.
Resolution No. 484 was unanimously adopted. A copy is
attached hereto as part of the record.

Recommended Ranges and Raises for Employees: Councilman
Wise moved that the recommended ranges be approved retro-
active to January 1, 1979; seconded by Councilman Hodes.
Mayor Alt commented that some of the bigger adjustments
came on lower salaries on which the range was raised.
Motion carried. Mayor Alt commended Frances Farrar and
the Wage and Salary Committee for the job they did in a
very short time.

MAYOR'S REPORT

Report on Vehicle Allowances: Councilman Hodes suggested
possibly the City could save some money by providing vehicles
as staff cars, housing them at City Hall, maintaining them
and providing gasoline and insurance for them for an amount
substantially less than the $2,400 car allowance now being
paid a number of people. He said at the Mayor's request the
Public Safety Commission was in the process of making a
study. He asked in hiring anyone else in the City that
consideration be given to providing a car instead of a
car allowance.

Appointment to Fill Vacancy on Board of Zoning Appeals:
Mayor Alt proposed the appointment of Virgil H. Dolen;
a resume had been distributed. On motion by Councilman
Hodes, seconded by Councilman Wise, the appointment was
approved.
Appointment of Committee to Select Municipal Judge: Mayor Alt referred to a letter he had sent to councilmen outlining the procedure under the ordinances whereby the mayor was to submit to the council the names of three attorneys, and councilmen from each ward would appoint a citizen to a committee to select the municipal judge. The names of the attorneys submitted were: A. C. Cooke, James R. Hubbard, and James Eisenbrandt. On motion by Councilman Wise, seconded by Councilman Carper, the attorney appointments to the committee were approved. Mayor Alt asked that councilmen get their citizen appointments in promptly.

Resolution No. 485 - Regarding Leawood's Position on the Resolution Passed by Kansas City, Missouri, and Johnson County Concerning Development of the Sewer System in Johnson County: Mayor Alt, Councilman Crippin, and Phil Kline had attended a meeting called by Overland Park to discuss the resolution. Mayor Alt said a number of questions were raised. They were assured this would not affect the present sewer system of Leawood (north of I-435). The Overland Park council had voted to ask the Johnson County Commissioners to reconsider the resolution.

Mayor Alt reported the Special Sewer Committee felt there were enough questions raised in the Johnson County-Kansas City resolution that a resolution was drafted for Council action. City Attorney Winn stated it was felt there were some critical questions which were completely ignored or omitted, and the Special Sewer Committee felt it needed further study and further comment. Mr. Winn said the general intent of the resolution was to be supportive of the efforts by Kansas City, Missouri, and by Johnson County to finally try to solve the problem but to urge them not to leave more unanswered questions than answered ones. The resolution presented to the Council set forth critical questions including the possibility that since the 96 inch interceptor line proposed exceeded the normal 72 inch interceptor, the difference in sizing might not be eligible for federal grant and would be assessed one hundred per cent to the users in Indian Creek District No. 1. Mr. Winn said another problem was that both Johnson County and Kansas City talked about phasing out the Indian Creek plant but he believed there was quite a disparity in positions. Another question was a definite plan for handling of sewage in the Tomahawk watershed (south of I-435 and north of Leawood South), which hopefully would be resolved ahead of development. The resolution also emphasized the urgency for grant money to take care of the sewer crisis in Dyke's Branch and James Branch. Mayor Alt explained Mr. Kline was preparing the engineering contract so that EPA and the State could sign off on the Step II grant and the City could proceed with steps to prepare for construction on the present Leawood system. He added there would be no outlet for the system until the pump station in Missouri was enlarged, an interceptor built back from it, some sections of the main in Dyke's Branch augmented, and the interceptor enlarged to take care of James Branch.
Councilman Crippin urged that the Council pass the proposed resolution to delineate Leawood's position. The matter was discussed. Councilman Crippin moved for approval of the resolution; seconded by Councilman Hodes. Resolution No. 485 was adopted unanimously. A copy is attached hereto as part of the record.

Date of Adjourned Meeting: Mayor Alt stated the third Monday of the month was a City holiday. He suggested that the council meeting be changed to Tuesday, February 20th.

At 8:57 p.m., on motion by Councilman Hodes, seconded by Councilman Lyons, the meeting adjourned to Tuesday, February 20, 1979, 7:30 p.m.

[Signatures and stamps]
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 20, 1979, in the Police and Court Building, 9617-B Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Carper, Rinehart.

Others present were Police Chief Sellers, City Treasurer Golik, City Architect Sanders, Will Gray, Herbert Johnson, Tom Bieszczat, the City Clerk, and the Council Reporter. City Attorney Winn and Fire Chief Toman arrived later in the meeting.

Minutes: On motion by Councilman Roberts, seconded by Councilman Carper, the minutes of the meeting of February 5, 1979, were approved as submitted.

Visitors: Randy and Judi Vanet, Rod Richardson, Bud Doepke, Don Wheelock, Cathie Simmons, Richard Bono, Paul Bono, Richard J. Bono, Jr., Fred Gibson, Jean Gray. Member of the Press: Sally Huggins.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Wise, seconded by Councilman Rinehart.

COMMITTEE AND COMMISSION REPORTS

Parks:

Resolution No. 486 - Pertaining to the Sale and Disposition of Certain Surplus Park Property: Councilman Rinehart referred to a new draft of the resolution distributed at the council table. She explained the changes, including addition of a park at 88th and Meadow Lane and addition of a paragraph that the City offer the park property listed at private sale to adjacent landowners for nominal consideration. Councilman Rinehart stated the Park Commission had recommended for quite some time that the City dispose of some of the small vest pocket parks; that the City had spent over $2,000 per year maintaining the three parks listed, and they were of use only to the adjacent homeowners. There had been a meeting with the Administrative Committee and a meeting with adjoining landowners. She said the resolution was acceptable to most of the adjoining landowners. Councilman Rinehart moved for approval of the resolution; seconded by Councilman Wise. Resolution No. 486 was adopted unanimously. A copy is attached hereto as part of the record.

Public Safety:
Approval of Expenditure for Range Firing for 1979: Chief Sellers explained the expenditure was an annual one for firing four times annually by the police department. The total amount was $1,737.28. On motion by Councilman Roberts, seconded by Councilman Carper, the expenditure was approved.

City's Contribution to Investigative Squad: Chief Sellers explained the contribution would be Leawood's contribution toward support of the city-county investigative squad. The amount was a six per cent increase over the previous year. On motion by Councilman Wise, seconded by Councilman Roberts, the contribution was approved. Chief Sellers said some cities supported the squad with manpower, the majority supported with financial aid.

Public Works:

Resolution Accepting Petitions and Creating Benefit District 79-1: Mr. Bieszczat explained that the proposed benefit district included improvement of Mission Road from 127th Street to 119th Street and 123rd Street from Mission Road easterly to Cherokee. He said the roadway was proposed to be 41 feet wide, back to back, designated on the major street plan as a major collector. He added it was proposed that a four foot sidewalk be built only on the east side of Mission Road and the northerly side of 123rd Street. He explained it was recommended that the roadway on Mission Road be moved 20 feet westerly, staying within the normal right-of-way, to avoid some utility relocation; he said it had been proposed that the city at large share in the cost of a storm drainage structure at 123rd and Mission Road and any utility relocation costs. Mr. Johnson pointed out that there were sidewalks on both sides of 123rd Street east of Cherokee under another benefit district. Mr. Bieszczat said the assessment area would be a quarter mile on each side of Mission Road and 123rd Street without double assessment at the corners.

In answer to inquiry by Don Wheelock, 12600 Mission Road, Mr. Bieszczat stated at the time certain lots were platted the City did not require the developer to pay for streets adjacent to his property. Mr. Wheelock said as a property owner he felt it was grossly unfair to charge the owners of platted lots for the roads because of the City's mistakes in the past, and he thought it was unfair to build such a large street in that area when it would be many years before Mission Road would go all the way through. Upon inquiry by Bud Doepke, Councilman Roberts explained that construction of Section 2 of Benefit District 78-1 (123rd Street) was delayed until J. C. Nichols Company had the opportunity to determine where they wanted the street aligned.

Rod Richardson, representing Randy and Judi Vanet, said he understood there was some question as to whether or not there was a sufficient number of signatures on the petition to create the district. He distributed a letter to councilmen.
He said his clients did not oppose the proposed improvements, but asked that the following points be considered: (1) His clients were considerably more than a quarter mile away from Mission Road and yet were being asked to pay for improvement of that street; (2) He questioned whether or not the district itself actually encompassed the entire area benefited by the improvements and suggested that it be enlarged or that a zone system be formed within the district to spread the assessments out more fairly, and that owners of land at the corners of the two streets should be double assessed; (3) He said under the law, cost of street lights and sidewalks could not be spread over the entire district.

City Attorney Winn arrived at the meeting and said he believed the City had the signatures of the owners of a majority of the land in the benefit district; however, in order to make sure everything was technically correct, he suggested that passage of the resolution be deferred to the next council meeting or to a special council meeting.

Councilman Wise asked the difference in cost of the improvement on Mission Road and the improvement on 123rd Street. Mr. Bieszczat said as far as the actual pavement was concerned a per foot cost for each street would be very near the same cost. Mr. Winn stated if the streets were separated the per square foot assessment would be the same. Mr. Richardson said he thought when the costs were broken down between 123rd Street and Mission Road the cost differential would be a substantial factor. He stated it was not a benefit district, it was an improvement district under a different law. Mr. Johnson explained the reason the two streets were combined in one benefit district was that it was assumed that if there was a larger construction project there would be more bidders and a better unit cost price, and the drainage structure pertained to both projects so it was much simpler to combine them. He added that Mr. Vanet would end up paying the same number of dollars whether the streets were combined or built separately because the unit costs were approximately the same. Mr. Richardson said double assessment of the property on the corners would cut the cost of the people at the ends of the district. Mr. Johnson said it was felt double assessment would be unfair to those property owners since they were individuals, not developers. Mayor Alt stated the formation of the benefit district had been done in a manner which seemed to be the most equitable for everyone.

Regarding the proposed street width, Mr. Johnson stated there was a 3\% per cent difference in cost between a 36-foot roadway and a 41-foot roadway, and the extra width enabled the making of left turns without impeding traffic movements. He said the project was based on the city's design standards and the major street plan. He said there would be a tremendous amount of development in that corridor in the next five years, and it would be wasteful to put in a narrower street now and rip out the curb and gutter to widen it before its useful life was through.
Mayor Alt directed the City Attorney to determine whether or not the City had enough signatures to create a benefit district and at such time as he had made that determination a special meeting of the Council would be held or it would be taken up at the next meeting.

Resolution No. 487 - Relating to Private Streets: Councilman Roberts reported the Public Works Commission had considered the matter and presented to the Council a proposed resolution to make specifications of private streets conform to specifications of city streets. Councilman Roberts moved that the resolution be adopted; seconded by Councilman Wise. Resolution No. 487 was adopted unanimously. A copy is attached hereto as part of the record.

Approval of Invoice - Repair of Truck: Mayor Alt requested that the item be removed from the agenda in the hope that he would have a lower price to present at the next council meeting.

Minor Collector Streets: Councilman Roberts stated it had been a point of contention with developers as to whether or not minor collector streets needed to be 41 feet in width as opposed to 36 feet. Mr. Johnson said basically the difference between a major and minor collector street in Leawood was the thickness of pavement. He said he thought the developers' contention was that a minor collector should be 36 feet. He said the difficulty with a 36 foot street was at the major intersection areas where the City would have to go to the developer and request that the street be widened to develop a left turn lane. He said it was easier for the City to waive the 41-foot requirement than it would be to require the developer to build a 41-foot street when city regulations permitted a 36-foot street. Mr. Johnson said the requirement could be waived with the concurrence of the Plan Commission and the Council.

City Attorney Winn said he felt some city officials had not been aware that streets would be that wide in residential areas. Councilman Roberts stated he had gone away from an earlier meeting convinced that 41 feet was excessive in residential areas but after discussing it with Mr. Johnson and considering the pros and cons he was now convinced it would be good judgment to keep the requirement for minor collector streets at 41 feet, hoping that the Plan Commission and Council would use good judgment with flexibility from those standards when the case warranted. Councilman Crippin was concerned about the procedure involved in getting a variance and whether or not it would create an administrative problem to the point where the Council would be approving the street width on every plat. Mr. Johnson stated it would require the concurrence of the city engineer and the developer, the city engineer would make a recommendation to the Plan Commission, the Plan Commission would make its decision and make a recommendation to the Council.
Fred Gibson, from the developer's standpoint, said his company regarded a minor collector as being a street which would provide parking on either side of the street and enough width to allow two lanes of traffic to pass, and a 36-foot street would provide that. He said the increased cost of a 41-foot street would be borne by the future home-owners. He felt it was important to keep residential streets within bounds so that traffic would respect them as such.

Mr. Gibson said he thought the developer would look at the set of standards, lay out the plat with those standards in mind, would price the finished product, and then would see whether or not the finished product was competitive with what he could do in other cities or with what other developers were doing. He said time was of the essence in successful development; developers would go where they could develop the easiest and quickest, get plans approved and get the finished product on the market.

Mayor Alt referred the matter to the Public Works Commission to consider the width of streets, etc., and the Public Safety Commission to consider speeds, etc., and come back to the Council hopefully at the next council meeting with a recommendation as to whether or not design standards should be changed.

Recreation:

Request for Permission to Solicit Bids for Supplies and for Painting Pool: Councilman Rinehart read a list of supplies determined by the Recreation Commission to be needed for operation of the pool for the summer, and moved that the request for permission to solicit bids for the supplies be granted; seconded by Councilman Wise. Motion carried.

Councilman Rinehart stated the second request was for permission to solicit bids for painting of the pool and moved that the request be granted; seconded by Councilman Roberts. Motion carried.

MAYOR'S REPORT

Designation of Johnson, Brickell & Mulcahy as Interim Project Administrator for Interlocal Intersection Improvement - 95th and Mission Road: Mayor Alt explained the necessity for this action was that the City Administrator had previously been so designated. On motion by Councilman Roberts, seconded by Councilman Carper, the firm of Johnson, Brickell & Mulcahy was designated as interim project administrator for inter-local intersection improvement at 95th and Mission Road.

Appropriation Ordinances: Nos. 391, 391-A (1978 expenditures) and 375-5 (1978 expenditures) in the amounts of $121,584.30, $38,662.83, and $94,441.25 respectively, providing for payment of certain claims against the City and the Leawood Sewer System were submitted and approved on motion by Councilman Carper. Treasurer Golik explained there were two computer-prepared reports, the warrant register (a listing of payments
February 20, 1979

by vendor and by the department or fund charged) and a breakdown of disbursements by fund showing the amount budgeted, current expenditures or encumbrances, year to date expenditures and the remaining budget balance. He said shortly the City would have a similar report of receipts. Councilman Carper pointed out there were two manually-prepared ordinances covering 1978 expenditures, that some checks were manually written, and that payroll was shown as a net total. Mr. Golik stated there were two systems involved, ADP was doing payroll, the County was doing accounts payable. The Council and the Mayor expressed appreciation for the new format.

Request for Progress Report from Engineer: Councilman Crippin suggested that at the next Council meeting there be a progress report from the engineer on the sanitary sewage system contract and also the storm drainage plan. Councilman Roberts noted Mr. Kline had been requested to give recommendations on maintenance of the south portion of Mission Road.

At the suggestion of the Mayor, Councilman Wise moved that the Council go into executive session to discuss personnel and legal matters, to return to regular session by 10:00 p.m.; seconded by Councilman Carper. Motion carried.

The Council went into executive session at 9:32 p.m., and returned to regular session at 9:58 p.m.

There being no further business, on motion by Councilman Carper, seconded by Councilman Wise, the meeting adjourned to Monday, March 5, 1979, 7:30 p.m.

Eugene E. All
Mayor

June Lile
Council Reporter

Attest:

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

A regular meeting of the City Council was held at 7:30 p.m. on Monday, March 5, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Crippin, Carper, Rinehart, Hodes. Councilman Lyons arrived at 7:41 p.m.

Others present were Police Chief Sellers, Fire Chief Toman, Treasurer Golik, City Attorney Winn, City Architect Sanders, Herbert Johnson, Tom Bieszczat, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Crippin, the minutes of the meeting of February 20, 1979, were approved as submitted.

Visitors: Mayor Alt welcomed the large number of visitors. A copy of the visitors roster is attached hereto.

COMMITTEE AND COMMISSION REPORTS

Public Works:

Resolution No. 486 - Accepting Petitions and Creating Benefit District 79-1: City Attorney Winn stated the City Clerk had on file petitions executed by owners of property shown in yellow or outlined in yellow on the map displayed. He read from a letter from the City Engineer that the petitions represented 54.4 percent of the total area proposed to be included in the improvement district. He added Mr. Vanet had presented a petition signed by five owners in Leawood South asking to withdraw from the petition, and another Leawood South owner had petitioned to be included, but that would not result in any change of the majority. City Attorney Winn explained there were two resolutions, one to accept the petitions and create the improvement district, the other to order the work to begin and to authorize the project engineer to undertake working drawings. Mr. Bieszczat announced with the withdrawal of four signatures, petitioners for the district represented 53.9 percent of the ownership of the district. Councilman Hodes moved that the resolution accepting the petitions for creation of the benefit district be adopted; seconded by Councilman Carper. In answer to inquiry by Councilman Wise, Mr. Winn summarized that those signing the petition were J. C. Nichols Company, George Dutcher, Skip Skaptason, Benchmark Properties, David Rose, Bob Simon, the City for Fire Station No. 2, and homeowners in Leawood South. Mr. Bieszczat said the differential of costs had not been figured for separating improvement of 123rd Street and Mission Road into two benefit districts, but he said it...
<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nancy Davis</td>
<td>1234 Overbrook Ct</td>
</tr>
<tr>
<td>Karen Hsu</td>
<td>12407 Overbrook</td>
</tr>
<tr>
<td>Dick Sampson</td>
<td>12308 Overbrook Ct</td>
</tr>
<tr>
<td>Carlie Simmons</td>
<td>12303 Overbrook Rd</td>
</tr>
<tr>
<td>Tom Sisson</td>
<td>12309 Avon Rd</td>
</tr>
<tr>
<td>Mary Elaine Helman</td>
<td>12309 Lawrence Ln</td>
</tr>
<tr>
<td>Margaret Simons</td>
<td>12309 Lawrence Ln</td>
</tr>
<tr>
<td>Jeremy Leventi</td>
<td>12309 Pawnee Ln</td>
</tr>
<tr>
<td>Candy Upshock</td>
<td>12600 Mission Rd</td>
</tr>
<tr>
<td>Wilke Schindler</td>
<td>4200 W 12th St</td>
</tr>
<tr>
<td>Don Whelock</td>
<td>12600 Mission</td>
</tr>
<tr>
<td>A. W. Doepke</td>
<td>12500 Mission Rd</td>
</tr>
<tr>
<td>Henry W. Christen</td>
<td>4900 W 137 St</td>
</tr>
<tr>
<td>Gary Hess</td>
<td>12407 Overbrook Rd</td>
</tr>
<tr>
<td>W. Kendall Wust</td>
<td>12306 Overbrook Ct</td>
</tr>
<tr>
<td>Judith James</td>
<td>12306 Overbrook Ct</td>
</tr>
<tr>
<td>Anna Bartoni</td>
<td>12407 Cherokee Lane</td>
</tr>
<tr>
<td>Elizabeth Westby</td>
<td>12310 Mohawk Ln</td>
</tr>
<tr>
<td>Joy Delassea</td>
<td>12318 Sunrise Ln</td>
</tr>
<tr>
<td>Randy Jacob</td>
<td>9340 Canterbury</td>
</tr>
<tr>
<td>NAME</td>
<td>ADDRESS</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Robert C. Landerleh</td>
<td>157 S. St.</td>
</tr>
<tr>
<td>James L. Jeter</td>
<td>12333 Pawnee Ln</td>
</tr>
<tr>
<td>Joe Richdon</td>
<td>12322               n</td>
</tr>
<tr>
<td>Delia Stephens</td>
<td>12302 Pawnee Ln</td>
</tr>
<tr>
<td>Ken Wye</td>
<td>12303 Pawnee Ln</td>
</tr>
<tr>
<td>James M. Stevens</td>
<td>12302 Pawnee Ln</td>
</tr>
<tr>
<td>Lawrence Powell</td>
<td>12305 Pawnee Lane</td>
</tr>
<tr>
<td>James Moorey</td>
<td>12312 Orchid Court</td>
</tr>
<tr>
<td>Garnett Thaddeus</td>
<td>12306 Pawnee Lane</td>
</tr>
<tr>
<td>Robert Lacy</td>
<td>8435 Sagamore</td>
</tr>
<tr>
<td>M. F. Schuck</td>
<td>12304 Pawnee</td>
</tr>
<tr>
<td>NAME</td>
<td>ADDRESS</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>VITO RISER</td>
<td>12306 Chandler</td>
</tr>
<tr>
<td>Ann Ross</td>
<td></td>
</tr>
<tr>
<td>Wish to speak about Arlene Saffir O'Meara 79-1</td>
<td></td>
</tr>
<tr>
<td>Neil Campbell 79-1</td>
<td>8208 Wenonga Rd</td>
</tr>
<tr>
<td>Susan Strigl</td>
<td>8908 Enclay Dr</td>
</tr>
<tr>
<td>Joe Minardi</td>
<td></td>
</tr>
<tr>
<td>J. Hurling</td>
<td></td>
</tr>
<tr>
<td>Phillip K. Klein</td>
<td>Wenona</td>
</tr>
<tr>
<td>Robert Winter</td>
<td></td>
</tr>
<tr>
<td>William J. Hodde</td>
<td>12316 Wenonga</td>
</tr>
</tbody>
</table>
would be difficult to find any great difference in costs. There was discussion that it had been estimated the cost would be $1,200 for a lot of 15,000 sq. ft.

Councilman Crippin wondered if the City had explored all of the alternatives in terms of establishing the benefit district. Herbert Johnson pointed out that irregardless of the benefit district, those people buying lots in the J. C. Nichols plat would be paying for one-half of the street. He added that the people already living in the benefit district technically bought a house and lot cheaper because the developer was not required to build the street in the first place, their difference would be the inflation in costs to build the street between the time it was originally developed and today's prices. City Attorney Winn stated the alternatives given under state statutes had been explored, as follows: (1) to assess the costs on a per abutting foot basis which was thought to be devastating to homeowners in Leawood South abutting the road, (2) to go beyond 1320 feet, but then there was the problem of establishing a reasonable cause to go beyond that, and (3) other reasonable basis, for instance, assessed valuation, which would work to the detriment of the established homeowner. Councilman Crippin inquired about the question raised as to whether or not sidewalks could be included in a benefit district. Mr. Winn said sidewalks were specifically permitted to be included in benefit districts; however, there may be a different scope of benefit for a sidewalk than a street. He said that would not become a question in this case because sidewalks, street lights, storm drainage, and concrete curb and gutters were part of the street specifications.

Councilman Crippin pointed out that the majority of the property was vacant property which would be developed by development companies, which would seem to indicate that the people in Leawood South did not want the streets or they wanted to see the benefit district formed in another way. He added that he thought the 41 foot streets were essential to the total development of that area. Mr. Johnson stated it would be possible if the benefit districts were separated that some of the Leawood South houses would be double assessed. Mr. Winn added that the Leawood South golf course would be in the double assessment area.

Councilman Hodes commented that each house in Leawood brought into the general operating fund from $160 to $200 per year in city taxes and the only way to get new housing out there was to develop the streets, and unless there was additional development in the city, taxes were going to go up because of inflation.

Randy Vanet pointed out that only 3 out of 98 homeowners in Leawood South were in favor of the benefit district. He presented eighteen petitions containing 146 signatures.
representing 84 homes, objecting to the formation of the benefit district. He noted that no one had suggested the alternative of the City paying more than seven percent or the alternative of the City paying in full or almost in full for the improvement of Mission Road, a major arterial road, or the alternative of the people immediately adjacent to Mission Road paying for it all. He stated the land developers would benefit the most by these streets being built. Mr. Vanet said the Benchmark property was being foreclosed so that signature, representing a non title holder, could not be included in obtaining the 51 percent necessary for a benefit district. He said the City had the responsibility for providing a road for the fire station and the new school, not the handful of residents in Leawood South. He maintained that the City should construct Mission Road by itself and the benefit district should include all property within a half mile. He added that residents would be doubly assessed by reason of the country club assessment. He urged the City Council to table the vote on the resolution and have further investigation to come up with a more equitable benefit district.

Bob Londerholm, representing some of the property owners in the district, said he thought the Council should defer action to explore other possibilities; he said it was difficult to see that only the narrow corridor of 1320 feet was the property which was going to be specially benefited; he said there was also the alternative of spreading more of the cost over the city at large since building the street would benefit the entire city. He claimed that the plan presented was merely a package plan thrust upon the City by developers.

R. J. Campbell asked if the benefit district being considered had any effect on finishing the work on the benefit district started last fall. Mayor Alt answered that it would not and that it was hoped to get that work under way this spring.

A lady said she owned five acres on 127th Street for which she understood she would be assessed $21,000; she said she was violently opposed to the benefit district.

Bob Simon, developer, said it was his responsibility under recently adopted city ordinances to pay one-half the cost of Mission Road and other roads abutting his property, but he had allowed his entire tract of land, representing 146 acres, to come into the benefit district which meant that he was paying for a lot more street than he would have to by law. He said he felt the proposed benefit district was equitable. He added, however, if this thing gets delayed he would only do what he had an obligation to do because Roe Boulevard could be used to enter his property. He stated a project of this kind faced 12 percent or more inflation which should be considered in contemplating any delay in restructuring the benefit district which might
not save anybody a lot of money. A lady stated the people did not want to stop the improvement, they wanted to make it more equitable and that could be done without delay.

Councilman Crippin said questions remained unanswered regarding separation of costs of 123rd Street and Mission Road and the number of people who had actually signed for the benefit district; that the question of alternative methods had been partially answered, and there was the concern of the lady with five acres. He asked councilmen if they were ready to vote knowing those questions had not been answered and realizing some of the hardships that were going to be placed on some of the people.

In answer to inquiry by Councilman Lyons, City Attorney Winn stated as of 3:00 p.m. title to the land questioned by Mr. Vanet was in Benchmark Properties. Councilman Lyons asked if any figuring had been done on the difference in cost of assessing the district the cost of a 28 foot street as opposed to 41 feet. Mr. Johnson said a 28 foot street would not serve the area and that 1320 feet each side was a basic service area of a major collector street; in going beyond that, basic service areas would overlap.

A lady pointed out that she owned ten acres and Mr. Doepke owned twenty acres which they did not plan to develop. She asked the Council to think of what it was doing to them, including the possibility of another assessment for 127th Street.

Councilman Roberts stated not all the people in Leawood South were opposed to this benefit district; he said his home was included in the district; he did not want to pay for it either but he did not want to delay it and have to pay more later. He said he had satisfied himself that this way was as equitable as any. There was discussion that there had been five or six public meetings on the matter. Councilman Roberts pointed out that the country club would be one area that would come under double assessment if 123rd Street and Mission Road were divided into two benefit districts.

Councilman Wise said she did not see what would be gained by waiting two weeks or how it could be resolved any more equitably. She added that the condition of 123rd Street had been the biggest source of irritation of the people out there. She thought given the rate of transfer of property in the area that by the time the bonds were paid off there would be a great many more people sharing in the financing of the street than those presently living on the property. Councilman Roberts said he was afraid if this were delayed, construction would be delayed into next year.

Councilman Lyons asked how the City's participation of seven percent was arrived at. Mr. Winn said that represented
approximately the cost of an unusual storm drainage culvert across Mission Road at 123rd and utility relocation.

Mayor Alt said he felt the resolution should be passed, and he did not feel delay would be of benefit. Councilman Lyons said he thought this was a unique situation where basically developers made up the required 51 percent; he wondered if it was fair to the people who were already there. Resolution No. 488, relating to the improvement of 123rd Street from Cherokee to Mission Road and Mission Road from 119th Street to 127th Street and further relating to the acceptance of petitions for the creation of a special improvement district, was adopted, Councilmen Crippin and Lyons opposed. A copy is attached hereto as part of the record. Councilman Crippin stated he was not voting against the street, he felt it should be 41 feet, he just felt it was a unique situation and possibly the city should consider picking up some of the additional costs.

Resolution No. 489 - Ordering the Improvement of 123rd Street from Cherokee to Mission Road and Mission Road from 119th Street to 127th Street: City Attorney Winn explained the resolution actually directed the work to proceed; engineering plans and specifications to be prepared no later than May 1; bids to be prepared for letting approximately May 15 or 20. Mr. Bieszczat stated they could have the engineering plans and specifications prepared by May 1. City Attorney Winn said the City may have to acquire some right-of-way on the west side of Mission Road south of 123rd Street. On motion by Councilman Hodes, seconded by Councilman Roberts, Resolution No. 489 was adopted, Councilmen Crippin and Lyons opposed. A copy is attached hereto as part of the record.

Mr. Johnson said the figures included street lights but there was no formal contract for their design. Mr. Kline stated all costs were included except acquisition of right-of-way. It was agreed that Mr. Johnson draw up a proposal for engineering services for design of street lighting. City Attorney Winn pointed out that the petitions asked that the sidewalk originally proposed along the south side of 123rd Street be deleted and that was done.

R. J. Campbell asked a firm date as to when benefit district 78-1, part 2, would be completed. Mr. Winn said the intent was to tie the second phase of 78-1 to 79-1 in order to get a good bid on the entire length of roadway. Mr. Campbell thought that would cause further delay; he urged that the second phase of 78-1 be completed as soon as possible. Mayor Alt asked the Public Works Commission to make a recommendation on whether to go ahead with the second phase of 78-1 or include it with 79-1.

Insurance - Approval of Premium Invoices: Councilman Lyons presented invoices for insurance previously approved by the
March 5, 1979

Council: Package policy, $23,110.77; Workmen's Compensation, $8,944.00; park playground liability, $831.30; inland marine, $2,860.00; total $35,746.07. Councilman Roberts objected to being asked to vote on a matter of this kind without having something to look at before the meeting. Councilman Lyons explained it was approval of payment of items already voted by the Council. On motion by Councilman Lyons, seconded by Councilman Carper, payment of invoices for insurance totaling $35,746.07 was approved, Councilman Roberts opposed.

Councilman Wise said she understood the City was faced with some fairly large increases for the type of health insurance coverage it now had for its employees which would lead to the decision of whether to pass the additional cost on to the employees or look for some other type of insurance. She asked if the Insurance Committee was looking into alternate types of coverage. Councilman Lyons said the Insurance Committee would have a number of alternatives to present to the Council. Mayor Alt said he had asked the Insurance Committee to come up with some alternatives and have them properly documented in the council folders for the next meeting. Councilman Roberts said it seemed to him a pension program, benefits, and salaries should be considered in one package, coordinated under one committee. Councilman Lyons said the proposed increase for present coverage was 17 percent. He said some alternatives would be a deductible or a major medical program. Mayor Alt suggested that the Wage and Salary Committee meet with the Insurance Committee prior to the next Council meeting.

Permission to Advertise for Bids on Benefit District 78-1, Part 2: Councilman Roberts said completion of Benefit District 78-1, part 2, was a real problem, the City was spending money on that street trying to keep it passable. He recommended that the City proceed immediately to get bids for the construction of 78-1, part 2, without waiting for the other project. Mr. Kline said they could be ready to advertise for bids in a week. Councilman Roberts moved that the Public Works Commission be authorized to advertise for bids on Benefit District 78-1, part 2; seconded by Councilman Carper. Motion carried.

Ordinance:

Ordinance Adopting BOCA Basic Building Code Governing All Construction Other than One and Two Family Dwellings (First Reading): Mayor Alt reported the Building Code Committee with the help of the City Architect had reviewed the matter and recommended adoption of the 1978 BOCA Basic Building Code with additions and changes. Councilman Crippin moved that the ordinance be placed on first reading. City Architect Sanders stated the ordinance was merely an updating and there was no substantial change from the code presently adopted. He said the energy conservation code had been pulled out and made a separate code, adopted under a separate ordinance, and would not take
March 5, 1979

effect until January 1, 1980, to give builders and the public a chance to be aware that it was coming into effect and to review it. Mr. Sanders explained that it would increase insulation in all buildings and that it came from two laws passed by Congress. Code section 428.8.2, swimming pool safety devices, was discussed. It was assumed that existing bodies of water would be grandfathered in. Councilman Carper moved to amend the proposed ordinance so that lakes and ponds would not be required to be fenced; seconded by Councilman Lyons. Motion carried.

Mr. Sanders reviewed the fee schedule, saying that on residential construction the fee would be 4½ per square foot (present rate 3½) including gross area (garage, living space and basement). Mr. Sanders stated the basic fee for miscellaneous structures was proposed to be $15.00 (previously $12.00) with no change in the reroofing or swimming pool fees and that the demolition fee be $50.00 (formerly $150.00).

Ordinance Governing Construction of Detached One and Two Family Dwellings (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. Mr. Sanders stated the 1975 edition of the one and two family dwelling code was the most current. Councilman Rinehart urged that the code requirements be publicized.

Ordinance Governing Minimum Requirements for Energy Conservation (First Reading): Mr. Sanders said one of the basic reasons for establishing this particular code was compliance with two public laws. During discussion, Councilman Lyons objected to imposing additional costs on people. Mr. Sanders said he had found not one person who would object as a homeowner to more insulation, a more efficient air conditioning unit, a plumbing system which would reduce his water bill, and the kind of things in the code knowing that it cost more money. Mayor Alt suggested that the abbreviations be written out. Councilman Crippin moved that the ordinance be placed on first reading. Mayor Alt asked that Mr. Sanders ascertain the additional costs on an average home.

Ordinance Establishing Minimum Standards for Design and Installation of Electrical Systems (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. Mayor Alt asked that the ordinance be checked for clerical errors before the second reading. Councilman Crippin stated the Ordinance Committee was relying on the recommendations of the Building Code Committee. During discussion, Mr. Sanders stated wherever a replacement was required, it would have to meet the requirements of the new code.

Ordinance Adopting the BOCA Basic Plumbing Code (First Reading): On motion by Councilman Roberts, the ordinance was placed on first reading.
March 5, 1979

#511 Ordinance Adopting the BOCA Basic Mechanical Code (First Reading): Councilman Crippin moved that the ordinance be placed on first reading. Mr. Sanders stated the inspection fees were increased.

Ordinance Governing Removal of Structures (First Reading): Councilman Hodes moved that the ordinance be placed on first reading. Mayor Alt suggested that on page 3, "Department of Planning and Development of" be deleted. He also suggested that 5-705(d) be changed so that the person proposing the move shall provide the Chief Building Official with a letter certifying that the necessary utilities had been advised at least 15 days in advance of the move.

Ordinance Establishing Fees for Plan Commission Activities (First Reading): Mr. Sanders explained this ordinance was a duplication of an ordinance already on the books, it was merely being put in a different section so that when all the building code ordinances were adopted they would be in proper sequence; Section 5-302 was added from the subdivision regulations to make it clear. Councilman Crippin moved that the ordinance be placed on first reading. He requested that section numbers in the repeal section be checked. City Attorney Winn will determine whether the codes might be incorporated by reference as amended to reduce publishing expense.

Public Works:

Progress Report on Sanitary Sewer Contract Negotiation: Phil Kline stated in April, 1974, his firm entered into a contract to design sanitary sewers for the City, the basis for payment for the design portion of which was a percentage of construction costs. The Environmental Protection Agency had ruled that that type of contract was no longer acceptable and had demanded that the contract be renegotiated. He said a contract had now been prepared based on a lump sum for design, following EPA procedures for a direct hourly pay rate for each type of employee, estimated number of person hours, with EPA acceptable overhead rates. He said they were now ready to meet with EPA (which EPA required before the contract was approved by the City). Mr. Kline stated the Mayor had already discussed with EPA the amount of work already done, amounting to about $90,000. Councilman Crippin referred to a time schedule for the project. Mr. Kline said the Step II grant offer in dollars had been made but there would be no money paid until the contract revision had been approved. Mr. Kline said to his knowledge, the City did not have approval of the facility plan by EPA. Councilman Crippin observed that for all practical purposes, the City was going into the seventh month of not meeting the schedule. He said he was anxious to find out who was at fault. Mr. Kline said he did not believe the City was at fault at

2625
March 5, 1979

all; his firm was at fault to some extent. Councilman Crippin asked if the December 1, 1979 deadline for submittal of plans could be met. Mr. Kline said he would be surprised if it could, it would depend upon when they got authorization to start again. Mayor Alt said he had asked Mr. Kline to get with EPA immediately and he expected to call a meeting of the Special Sewer Committee and to put the matter before the Council at the next meeting. Councilman Crippin suggested that a new schedule be drawn up. Councilman Carper urged that the City not be the one holding it up. Mr. Kline said he believed under the old arrangement based on construction costs, their fee would have been approximately $170,000; the fee under the new contract was $222,000 which was close to what the fee would have been under the old contract based on current estimates of construction costs.

Report on Storm Drainage: Phil Kline stated his firm’s facilities survey was approximately 95 percent complete; the calculations in the new areas and revisions in the old areas were 95 percent complete; drafting was about 92 percent complete, the analysis and selection of the priority areas for development plans was about 20 percent complete (delayed by snow). He said he believed all of those things would be complete and ready for inspection by the Public Works Commission by the end of this month. There was discussion that there were some grants possibly available for this project.

MAYOR’S REPORT

Appointment to Plan Commission: Mayor Alt proposed the appointment of Larry R. Lee, 15901 Overbrook Lane, to fill the vacancy created by the resignation of Gerald P. Foster. On motion by Councilman Hodes, seconded by Councilman Crippin, the appointment was approved.

Council of Mayors Training Session: Mayor Alt said the training session for new and existing city officials was scheduled for May 5, 1979, at Johnson County Community College. Councilman Wise said she would like the opportunity to have some input as to the format of the session.

Newsletter: Mayor Alt asked if there would be enough material for a newsletter to be published prior to April 3. Councilman Wise questioned whether there was enough time to get it published by then. Mayor Alt suggested that copy be submitted by the next Council meeting, then a determination be made as to whether or not it was sufficient.

Judicial Selection Committee: Mayor Alt reported a Judicial Selection Committee had been formed and was under way.

Administrative Committee Meeting: Councilman Crippin announced the Administrative Committee would meet on March 12 at 7:30 p.m., and that Bob Saunders of the University of Missouri at Kansas City would make a presentation.
Reservation of Tennis Courts for Team Tennis: Councilman Hodges asked for an explanation why eight courts were being used for team tennis on Mondays plus four courts on the rest of the days of the week when there had been a regulation that no more than four courts be reserved at any one time for any particular group. Councilman Wise stated this was not a departure from past policy, it was the one exception which had been made since the courts were opened. She said in order to participate in team tennis, all of the courts had to be made available on Mondays for competition with other cities.

Authorization to Advertise for Public Works Director: Councilman Roberts reported the Public Works Commission now felt emphasis needed to be placed on a Public Works Director rather than a City Engineer, and the Administrative Committee had agreed. He moved that the Public Works Commission be authorized to advertise for a Public Works Director; seconded by Councilman Wise. Motion carried.

At 10:50 p.m., on motion by Councilman Lyons, seconded by Councilman Crippin, the meeting adjourned to Monday, March 19, 1979, 7:30 p.m.

Eugene E.涡
Mayor

June Lile
Council Reporter

Attest:

City Clerk

2627
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, March 19, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Funk, Crippin, Carper, Rinehart, Lyons, Hodes.

Others present were Police Chief Sellers, Fire Chief Toman, Treasurer Golik, City Architect Sanders, Will Gray, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Lyons, the minutes of the meeting of March 5, 1979, were approved as submitted.

Visitors: John B. Snyder, Bob Bacon, Robert Lacy, Dorothy Novotny, Jim Brothers, Jim Brothers, Jr., Molly Schwab, Don Wheelock, Randy Jacob, George Ranallo. Member of the Press: Sally Huggins.

On motion by Councilman Rinehart, seconded by Councilman Carper, the order of the agenda was changed to consider as the next item of business the resolution in support of increasing the Johnson County Board of Commissioners to five members.

Resolution No. 490 - Supporting Five Member Board of County Commissioners: Commissioner Bacon was present to answer questions. He said it was proposed that each of the commissioners be elected by district, the added members would take office in 1983. He said it was his personal opinion that increasing the Board would cost somewhere around $100,000 to $150,000 per year. The districts would not be drawn before the vote in April but before the two additional commissioners were elected. Commissioner Bacon said he felt this was not the right answer to an admitted problem; he felt there should also be a reorganization of county government. Mayor Alt read from a letter from Commissioner Wirt that he would not campaign in support or opposition but would try to point out the advantages and disadvantages of increasing the number of commissioners.

Dorothy Novotny, representing the Johnson County League of Women Voters, reviewed the League's studies of the County government. She said in some respects the Commission acted like a legislative body and that was the reason the League felt there should be more than three members representing a population of 250,000 people with a budget of $30,000,000. Mrs. Novotny said with three commissioners, the government came to a standstill if two disagreed and the third would not make up his mind, and death, long term illness or lame duck terms handicapped
<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>John B. Cross</td>
<td>10325 Cherokee, Shawnee</td>
</tr>
<tr>
<td>Bob Porter</td>
<td>O.A.</td>
</tr>
<tr>
<td>Sally Higgins</td>
<td>Pin</td>
</tr>
<tr>
<td>Robert Love</td>
<td>8435 Sagamore</td>
</tr>
<tr>
<td>Dorothy Gupta</td>
<td>301 E. 93rd St.</td>
</tr>
<tr>
<td>Jim Brooks</td>
<td>3706 W 96th</td>
</tr>
<tr>
<td>Jim Brothers</td>
<td>3706 W 96th</td>
</tr>
<tr>
<td>NAME</td>
<td>ADDRESS</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Holly Schnick</td>
<td>4200W/12-5th</td>
</tr>
<tr>
<td>Don Whitting</td>
<td>12600 Mission</td>
</tr>
<tr>
<td>Randy Jacob</td>
<td>9340 Canterbury</td>
</tr>
</tbody>
</table>
the decision-making process. She said with three members if one commissioner made a motion and another seconded it, there was no necessity for outside discussion, no presentation of the issues was necessary because that was a two-thirds majority. She said there would be more diverse views and discussions in decision making with five members. Mrs. Novotny stated the League estimated the costs to be a $17,000 one-time cost for remodeling office space, plus annual costs for salaries, car allowances and miscellaneous amounting to $81,600. She urged the Council to pass a resolution favoring five commissioners.

Mayor Alt stated the Johnson County Council of Mayors did adopt a resolution supporting the increase to five county commissioners and recommending that cities adopt it also. Councilman Rinehart moved that the Council adopt the resolution; seconded by Councilman Wise. Councilman Lyons said he was opposed to such a resolution because he felt Leawood's power would be decreased as opposed to larger cities, especially since the district lines were not yet drawn. Commissioner Bacon clarified that he favored five commissioners but only with a reorganized government. Mrs. Novotny said if the load were spread over five people maybe things would be done more efficiently and more quickly and save taxpayers' money. Mayor Alt recommended a positive vote on the resolution. Resolution No. 490 was adopted, Councilman Carper abstaining, Councilmen Lyons and Hodes voting nay. A copy is attached hereto as part of the record.

**COMMITTEE AND COMMISSION REPORTS**

**Insurance:** Councilman Lyons moved that the City's Workmen's Compensation deposit be increased by $1,700 due to experience rating; seconded by Councilman Carper. Motion carried.

**Health Insurance:** Councilman Lyons stated considerable data had been distributed. He said health insurance costs were escalating tremendously. For the same coverage for which the City paid $5,132.70 last year, the cost would be $6,043.56 this year; the rate last year was $76.05, this year $88.99. The increase was partly due to federally mandated full maternity coverage. Councilman Lyons said the options open to the City were: (1) absorb the increased cost and pay it; (2) deduct $6.57 per pay check for dependent coverage so that the City would not have any increased cost at all; and (3) change the whole concept of insurance and go to comprehensive major medical, $100 deductible, 80/20 co-insurance up to $3,000. Under the third option the increased cost to the City would be $5.16 per month; female employees would have full maternity coverage but there was a $500 maternity limit for dependents. He said Prime Health would again be offered as an option for which the employee would pay the difference between the city plan and the Prime Health plan. On recommendation of the Insurance Committee, Councilman Lyons moved that the comprehensive major medical plan as presented in Proposal 3 be adopted;
seconded by Councilman Wise. Councilman Hodes said he was concerned that changing the type of insurance would be taking something away from the employees; he thought Plan 3 was the most realistic, but he wondered whether the employees would rather pay the $6.57 per month and continue the same coverage. Councilman Lyons said if the cost continued to escalate, he felt the City would soon be looking at a major medical plan anyway. Councilman Wise said she thought first dollar coverage was becoming too much of a luxury. There was discussion that ten employees elected to take Prime Health last year.

Chief Toman said he thought employees would want to pay the $6.57 per month for dependent coverage rather than pay a 80/20 share after a $100 deductible. He said first dollar coverage was more important to the working person in his department than was $100 deductible and twenty percent from there up to $3,000. Chief Sellers agreed, saying the additional premiums would be more advantageous to the individual worker based on the claims he had seen processed in the Police Department. Chief Toman said employees had been told that they would have to pay any increase this year. Mr. Snyder explained that under the comprehensive major medical insurance proposed if an employee were hospitalized, he would pay a total of $700 out of his pocket; in effect, the users would be paying for the rate increase. He pointed out the current plan was a hospitalization plan and paid only $85 per day for a hospital room, it did not pay normal little medical expenses of a family. He said on a seven-day hospital stay, the major medical insurance would pay just as much benefit as the current plan. Chief Toman stated he thought more employees would elect to take Prime Health this year.

Councilman Wise wondered if employees might be allowed three options—major medical, first dollar coverage, or Prime Health. Mr. Snyder did not know whether The Hartford would be willing to let employees elect either the first dollar coverage or the major medical plan. He said there was a $300 supplemental accident benefit under either the current plan or the comprehensive major medical plan. Will Gray said he thought Public Works employees would prefer to pay the $6.57 for dependents and retain the current coverage. Chief Sellers stated employees had been prepared to pay the increase to keep the same coverage. Councilman Hodes said he would like to see the City keep the present plan, charge the employees for the difference, get a lot of alternatives, have discussions with employees on the alternatives, keep this policy for eight months and possibly offer something new in January, so that insurance deductions and salary increases all occurred on the same date. Mr. Snyder said most cities and businesses providing group health care were asking employees to pay for coverage for dependents.
The previous motion and second were withdrawn, and Councilman Lyons moved that Proposal 2 be adopted which was that the City keep the same insurance coverage as presently in effect and the employees who wished coverage for dependents would have to pay the increased cost of the insurance (which figured on 64 dependent units would be $6.57 per pay period); seconded by Councilman Wise.

Councilman Wise suggested that the whole business of insurance be considered at the time the Wage and Salary Committee started considering salaries for next year, and that discussions be had with employees which would have the additional benefit of providing some education for the employees as to what fringe benefits cost the City. Motion carried.

Councilman Lyons, Mayor Alt, and other councilmen expressed appreciation to John Snyder who had spent a tremendous amount of time on the insurance program.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Wise, seconded by Councilman Carper. Councilman Hodes suggested that the telephone number for police department security checks be changed to the 642-5555 number.

Newsletter: Councilman Hodes handed Councilman Lyons some copy for the newsletter. Councilman Lyons stated that was all that had been submitted, so there would not be a newsletter before the election. Councilman Wise said there would be a recreation newsletter going out in May and suggested that other city articles might be included in that.

Ordinance:

Ordinance No. 626 - Governing Construction of Detached One and Two Family Dwellings (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Mr. Sanders stated since first reading typographical and mechanical errors had been corrected in the ordinances adopting codes. He introduced George Renallo, a member of the Building Code Committee. Ordinance No. 626 was adopted unanimously.

Ordinance No. 627 - Adopting BOCA Basic Building Code Governing All Construction Other than One and Two Family Dwellings (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Mr. Sanders stated the requirement for a fence around lakes and ponds had been deleted. Ordinance No. 627 was adopted unanimously.

Ordinance No. 628 - Governing Minimum Requirements for Energy Conservation (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Mr. Sanders said his basic assessment was that it would cost between $100 and $400 additional per home to apply the energy code. He said implementation of the code would
March 19, 1979

make his job quite a bit more difficult. He added that it was a performance code rather than specifying what had to be done. He said most of the builders were complying with most of the aspects of the code already because the people were demanding those things. George Ranallo said he thought the energy code would be good for the City and once it was implemented the City Architect would be able to glance at drawings and know whether or not they complied. Mr. Sanders pointed out that the take effect date would be January 1, 1980. Councilman Lyons said he thought it should be left to the person buying the house whether or not he wanted extra insulation, etc. Ordinance No. 628 was adopted, Councilman Lyons opposed.

Ordinance No. 629 - Establishing Minimum Standards for Design and Installation of Electrical Systems (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 629 was adopted unanimously.

Ordinance No. 630 - Adopting the BOCA Basic Plumbing Code (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 630 was adopted unanimously.

Ordinance No. 631 - Adopting the BOCA Basic Mechanical Code (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Mr. Sanders stated there was a typographical error on the inspection fee schedule, Table M-502, where $19.00 should be added between $16.00 and $25.00 for both power boilers and heating boilers. Ordinance No. 631 was adopted unanimously.

Ordinance No. 632 - Governing Removal of Structures (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Mr. Sanders stated the provision had been changed to place the burden of notification of utilities on the applicant. Ordinance No. 632 was adopted unanimously.

Ordinance No. 633 - Establishing Fees for Plan Commission Activities (Second Reading): Councilman Crippin moved that the ordinance be placed on second reading. Ordinance No. 633 was adopted unanimously. Mayor Alt commended the Building Code Committee for their hard work in updating the codes. Councilman Rinehart reiterated that the rates and changes should be publicized. Mayor Alt reported that the City Attorney had stated fairly positively that these ordinances needed to be published in their entirety. Mr. Sanders will re-check it.

Public Safety:

Requests for Additional Street Lighting: Councilman Hodes reported Kansas City Power & Light Company had changed its method of approving requests by cities buying street lighting
March 19, 1979

out of franchise tax. He said these street lights were in Leawood South Sixth Plat, Leawood South Fifth Plat, Saddlewood, 101st and Mission Road, 86th and Meadow Lane, and Verona Gardens Third Plat. He stated these had been previously approved singly, now Council approval was required for the City Clerk to sign the new work orders. Councilman Hodes moved for approval of installation of 54 additional street lights in the City as presented; seconded by Councilman Wise. Mayor Alt said the total was $6,642.00 per year. City Clerk Jinny Oberlander said the basic difference was that the City now had to indicate the location for the lights as opposed to the Power & Light Company having done it in the past. Motion carried.

Request for Permission to Solicit Funds - American Cancer Society: Councilman Hodes moved for approval of the request of American Cancer Society for permission to solicit during the week of April 23 to 30; seconded by Councilman Carper. Motion carried.

Public Works:

Proposal for Engineering Services - Street Lighting Design - Benefit Districts 78-1 and 79-1: Mr. Johnson stated he had presented two contracts to the City Attorney for review for services for design and preparation of plans and specifications for street lighting with respect to Benefit Districts 78-1 and 79-1. He said cost of street lighting was included in the original estimate. On Benefit District 78-1 (3900 feet of improvement), the engineering design, specifications, plans and preparation for awarding a contract for street lighting was $3,000; on Benefit District 79-1 (8800 feet of improvement), the cost was $5,850. Included in the contract was additional work for approving equipment, materials and providing construction inspection at hourly rates not to exceed a fixed amount of $1,200 on 78-1 and $1,500 on 79-1. Mayor Alt reported the City Attorney's review stated the contracts seemed to be in order as far as proper form. Mayor Alt referred the proposals to the Public Works Commission for recommendation at the next meeting.

Approval of Invoice for Rock on Rural Roads: Mayor Alt stated the invoice was for $2,922.90 for 573 tons of rock. On motion by Councilman Hodes, seconded by Councilman Wise, the invoice was approved. Councilman Carper suggested that in the future purchase of rock be put out for bids. Councilman Hodes suggested that Mr. Gray merely call and get a couple of quotes from contractors.

Overland Park Drainage - 97th Place: Mr. Johnson reported Overland Park was planning a storm drainage improvement project in the general area south of Ranch Mart South to be constructed this season. He said Overland Park proposed one block from the City of Leawood to place a storm drainage box which would deliver the water at a faster rate to the
City of Leawood. He said the City Engineer believed there was adequate capacity under 97th Place; the first problem would probably be at Ensley. Mayor Alt said Mr. Kline was including this in his storm drainage study as part of his present contract. Councilman Crippin said he was concerned that when Mr. Kline finished his study he would not have the engineering drawings but proposals as to what should be done and the City would probably not have the length of time to do the necessary construction to take care of it. He said he would hope the City of Leawood would be prepared to receive the water. Councilman Wise wondered if there was any recourse to prevent the project from going in until Leawood could be prepared. Mr. Johnson explained the same amount of water would be delivered, the problem was the rate of delivery. There was discussion that Mr. Kline's storm drainage plans were to be finished at the end of this month, the Overland Park project was anticipated to be completed by the end of the year. Councilman Crippin said he thought the Council at this meeting should authorize an engineer to give some indication as to what, if anything, Leawood may have to do to accept that water. Mayor Alt suggested that the Public Works Commission take a look at the matter. Mr. Johnson pointed out that it was not just an isolated problem, it was an elongated thing and was not the only drainage problem. Councilman Wise stated it would seem the drainage plan would have to be finished and then the Council would have some basic policy decisions to make. Mayor Alt said he would charge Mr. Kline with this and then have him get together with Public Works and make a recommendation.

Approval of Invoice - Repairs to Dump Truck: Mayor Alt reported a new engine and clutch had been installed in a dump truck at a cost of $2,343.50 during the snow effort to get the truck back in service. He said the invoice had been reduced from $2,693.50. The matter was discussed. On motion by Councilman Hodes, seconded by Councilman Wise, the invoice was approved.

Resolution No. 491 - Endorsing the Medic Alert Foundation: Chief Toman stated the Medic Alert Foundation was a very worthwhile project. He said the last whereas clause should be corrected to read: "Whereas, the availability of this information at the scene of a medical emergency to medical technicians and paramedics is of great assistance in caring for the patient and can be contributory in saving that person's life." On motion by Councilmen Wise, seconded by Councilman Hodes, Resolution No. 491 was adopted with the proposed change in wording. A copy is attached hereto as part of the record.

Discussion of Status of Sidewalk - 119th Street: Mayor Alt stated in November of 1978 the Council approved the amount of $14,455 for construction of a four-foot sidewalk; since that time concrete prices had gone up and the concrete supplier would not honor his price for more than thirty
March 19, 1979

days. Mayor Alt said apparently there was no more than a verbal commitment from the City on the $14,455. He added that Reno would have an increase in labor cost as of April 1; after which time there would be an additional charge. Mr. Johnson explained that originally the sidewalk was a part of the benefit district, it was removed by Change Order No. 1, subsequently the Council approved construction of a sidewalk at a price quoted by Reno which was good through the construction season; the only indication Reno got from the City was a telephone call that the Council had approved this construction but no formal written notice was given accepting the offer. He said Reno had submitted a new bid based on current concrete costs. Mayor Alt proposed that he be authorized to go ahead with the extra $900, but before he signed to see if he couldn’t get the 30% absorbed. Councilman Hodes moved that the Council accept the latest bid; seconded by Councilman Crippin. Councilman Lyons thought there was a contract since the Council accepted it in open session irregardless of whether or not the confirmation was in writing. Mr. Johnson stated a second change order should have been granted indicating that the sidewalk was put back in at the unit bid price. Councilman Carper urged further study. The motion and second were withdrawn.

Senate Bill 76 on Tort Liability: Councilman Carper moved for approval of a letter from the Mayor endorsing Senate Bill 76 which established a comprehensive tort claims act applicable to all Kansas state and local governments limiting liability per incident to $300,000; seconded by Councilman Rinhart. Motion carried.

Purchase of Traffic Signals - 103rd and State Line and 89th and State Line: Mr. Johnson distributed material to the Council. He stated purchase of the signal at 103rd and State Line was a critical item and it had been included in all the discussions and cost estimates for the job and the budget; the amount included $586.72 for the engineering for signal modification ordered several years ago. Mr. Johnson said 89th and State Line was not quite as critical, Kroh Brothers would have to completely modernize the signal at that location to handle the revised geometrics and anticipated movement at that location; he added Kroh Brothers was responsible for placing another signal to the north at the shopping center entrance as part of the development plan, the City's cost would be the cost of the original signal, $13,890. The signal for 89th and State Line was referred to the Public Safety Commission. Chief Sellers was concerned about who would maintain the signals. Mr. Johnson said perhaps the City could ask Kansas City, Missouri to maintain them; if not, maintenance would have to be done by a private electrical contractor. He added that eventually the City would be into a maintenance situation on street lighting and signal equipment since Kansas City Power & Light was getting out of the business. Councilman Hodes moved that the Council approve the purchase
March 19, 1979

of a traffic signal at 103rd and State Line in the amount of $3,265.11; seconded by Councilman Wise. Motion carried. Mayor Alt asked the City Clerk to see that a letter was prepared telling Kansas City Power & Light that the City was going to buy this signal.

Appropriation Ordinances: Nos. 392 and 392-A (1978 expenditures) in the amounts of $175,960.69 and $57,226.23 respectively, providing for payment of certain claims against the City and the Leawood Sewer System were submitted and approved on motion by Councilman Hodes. Councilman Hodes suggested that instead of preparing check requests and having the computer company write checks for small amounts, items under $20 be handled out of a petty cash fund. Councilman Wise thought that would cause more problems than it would solve. The possibility of making an arrangement with vendors for monthly billing was discussed. Mayor Alt suggested that the Budget and Finance Committee study the matter. The City Clerk was asked to check Warrant No. 50011 to Gas Service Company in the amount of $181.84 and No. 50025 to Kansas City Power & Light Company in the amount of $710.78 for possible mis-coding. Councilman Carper said he served on the committee but did not remember approving an architectural fee in connection with renovation of the council chamber and the lower meeting room. He questioned the charge of $1,275 for architectural services by Mr. Sanders. Mayor Alt clarified that Mr. Sanders was hired on the basis of so much per month as City Architect, for any additional job that required the type of supervision that this required he would have a fee. Mayor Alt said he had approved the charge.

Councilman Wise said the City needed an understanding on future work of this sort if no one was aware of the fact that it was going to be charged.

Administrative Committee Meeting: Councilman Crippin announced there would be an Administrative Committee meeting on Monday evening, March 26.

At 10:50 p.m., on motion by Councilman Lyons, seconded by Councilman Carper, the meeting adjourned to Monday, April 2, 1979, 7:30 p.m.

[Signature]
Mayor

[Signature]
Council Reporter

[Signature]
City Clerk

2636
Minutes of a special meeting of the City Council of the City of Leawood, Kansas.

A special meeting of the City Council was held at 7:30 p.m. on Monday, March 26, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Request for special meeting for the purpose of awarding a contract for phase 2 of Benefit District 78-1 was signed by the councilmen present. Roll call was answered by Councilmen Roberts, Funk, Crippin, Hodes. Councilman Wise entered the meeting shortly after the roll call was completed.

Others present were: Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, Tom Bieszczat, Herbert Johnson, Frances Farrar, Fred Gibson, the City Clerk, and the Council Reporter.

Awarding of Contract for Benefit District 78-1, Part 2:

Tom Bieszczat stated the engineer's estimate for the project was $212,701.20, the low bid was that of Reno Construction Company in the amount of $197,328.09, next low was that of O'Donnell & Sons in the amount of $202,268.50, and Union Construction Co. bid $226,693.15. He stated Reno indicated they would do the work in 90 working days. Mr. Bieszczat recommended that Reno Construction Company be awarded the contract. Councilman Roberts moved that the bid of Reno Construction Company be accepted; seconded by Councilman Hodes. City Attorney Winn said Shafer, Kline & Warren had prepared the usual contract for street work, he had reviewed it, and it was ready for signature by the City. Mr. Bieszczat presented the contract.

Councilman Rinehart entered the meeting at 7:40 p.m.

Mr. Bieszczat said he felt the contract would be well within the realm of what was originally estimated for the project. He explained there were liquidated damages if the work was not completed in ninety working days. He said the contract would allow the street to be finished prior to school opening. There was discussion that during the construction phase the street would be completely closed. Motion carried unanimously.

On motion by Councilman Wise, seconded by Councilman Rinehart, the meeting adjourned.

[Signatures]

Council Reporter

Mayor

Attest:

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

A regular meeting of the City Council was held at 7:30 p.m. on Monday, April 2, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilman Wise, Roberts, Funk, Crippin, Carper, Rinehart, Lyons, Hodes.

Others present were Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, City Architect Sanders, Will Gray, Herbert Johnson, Phil Kline, Tom Bieszczat, Fred Krebs, the City Clerk, and the Council Reporter.

Minutes of Meeting of March 19, 1979: On motion by Councilman Rinehart, seconded by Councilman Wise, the minutes of the meeting of March 19, 1979, were approved as submitted.

Minutes of Special Meeting of March 26, 1979: On motion by Councilman Roberts, seconded by Councilman Wise, the minutes of the special meeting of March 26, 1979, were approved as submitted.


COMMITTEE AND COMMISSION REPORTS

Administrative:

Recommendation Relative to Acceptance of Proposal - Process Consultant - City Administrator: Councilman Crippin referred to a proposal from Bob Saunders, Director of the Center of Management Development, University of Missouri at Kansas City, and stated the Administrative Committee recommended that the proposal be accepted with a maximum fee of $5,000. He added that it was not anticipated that the fee would exceed $3,500, including expenses. Councilman Crippin moved that the proposal presented by Mr. Saunders be approved with a maximum fee of $5,000, including expenses; seconded by Councilman Wise. Councilman Lyons questioned whether the Council should place this important selection in the hands of an outsider. Mayor Alt stated the committee of the whole would do the final interviewing. Councilman Carper said he thought it was a worthwhile venture and would pay off in the long run. Councilman Roberts thought it was prudent to seek some outside help particularly from someone with the capability of Mr. Saunders. Councilman Crippin explained there would be tasks oriented to putting the Council in the position of reaching a consensus as to whether or not it wanted...
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speed of Sharp</td>
<td>2420 S. 11th St.</td>
</tr>
<tr>
<td>Lee J. East</td>
<td>3527 W. 47th Ave.</td>
</tr>
<tr>
<td>Kelly Frederik</td>
<td>10130 Pearson Lane</td>
</tr>
<tr>
<td>Jenny Phelps</td>
<td>9823 Easley Lane</td>
</tr>
<tr>
<td>Michelle Roberts</td>
<td>9732 High Dr.</td>
</tr>
<tr>
<td>Sheri Rinehart</td>
<td>9903 Lee Circle</td>
</tr>
<tr>
<td>Joe B. Kay</td>
<td>10326 Sagamore Lane</td>
</tr>
<tr>
<td>John F. Jardine</td>
<td>Atlantic Ave.</td>
</tr>
<tr>
<td>Sally Huggins</td>
<td>8435 Sagamore</td>
</tr>
<tr>
<td>Robert Swaney</td>
<td>9908 Lee Circle</td>
</tr>
<tr>
<td>Tom Rails</td>
<td>407 W. 130 St. Ten</td>
</tr>
<tr>
<td>David Rose</td>
<td>2812 N. 9th St.</td>
</tr>
<tr>
<td>NAME</td>
<td>ADDRESS</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Philip K. Klein</td>
<td>6900 W. 80th B.P.</td>
</tr>
</tbody>
</table>
a city administrator and, if so, to move ahead with the characteristics of the individual's background, credentials, etc. Motion carried.

Request for Authorization to Obtain Bids for Painting and Replacing Guttering and Downspouts - Police-Court, City Hall and Public Works Buildings: Councilman Crippin referred to bid specifications distributed and, on recommendation of the Administrative Committee, moved that the City proceed with obtaining bids for painting and replacing guttering and downspouts; seconded by Councilman Wise. Councilman Carper questioned whether or not under the bid specification format one organization could possibly get the bid to prepare the surfaces, another get the bid to prime, etc. Mayor Alt stated it was planned that the painting would be one bid, the gutters and downspouts would be another. The format will be discussed with Mrs. Farrar. Motion carried.

Plan Commission:

Resolution No. 492 - Approving Final Plat - King's Forest - 123rd and Mission: Mr. Sanders pointed to the area on a map. He said it comprised about 13 acres of rough terrain; there were 17 lots laid out in the final plat which fronted either Mission Road or two cul de sacs, 122nd Street and 121st Terrace. He stated the area was not now served by sanitary sewers but in the next eighteen months to two years sewers would be built in Tomahawk Creek Sub-District No. 5. Mr. Sanders stated because of that fact, the developer had proposed and had an agreement with the Johnson County Commissioners that would allow development of nine of the lots to be served by septic tanks on an interim basis. To do this, lots were being combined to meet the one-acre require-ment of the County; houses would be built on the nine lots and would be situated so that after sanitary sewers were available another house could be located on the adjoining committed lot. Mr. Johnson stated 123rd Street would not bound this property. Mr. Bieszczat stated it was anticipated that 123rd Street would probably be 200 to 250 feet south of the existing 123rd Street to the east because of topographic features of the land. Councilman Funk asked if dry lines might be installed along with the septic systems. Mr. Sanders said the State would not allow installation of dry lines. Mr. Sanders pointed out that Mission Road was not built and the area really was not very accessible. He said the developer had asked that there be a waiver of the require-ment for building the two cul de sacs to city standards until the sanitary sewers were installed because the sewer lines would go up the center of the cul de sacs. Mr. Sanders said the developer had agreed to put in temporary hard surfaces on the cul de sacs and, following installation of the sewers, to come back in and build the streets to city specifications. The sewer situation was discussed.

Mr. Sanders explained two instruments had been drawn up by the developer's attorney, a Commitment and Agreement to
April 2, 1979

Construct Certain Improvements Relating to King's Forest containing three basic provisions indicating that they would guarantee installation of the cul de sacs within a time frame, and they would present to the City an irrevocable letter of credit in the amount of $60,000 guaranteeing that the street improvements would be installed. In answer to inquiry by Councilman Funk, John Gardner, attorney for the developer, stated the agreement with the County Commissioners provided and the deed restrictions would provide that within ninety days of the time sewers were available, the lots must cease using septic tanks and connect to sewers. There was discussion that buyers of the nine lots would occupy, not own, the adjoining committed lots.

Councilman Rinehart noted that the Plan Commission resolution stated no occupancy of residences would occur until Mission Road was completed and temporary hard surfaced roads were provided in the cul de sac alignment, while the Council resolution stated no occupancy of residences would occur until hard surfaced streets could be provided to the individual lots. Mr. Johnson stated building permits could be issued based on all the conditions, but occupancy would not be permitted unless there was a hard surface on Mission Road and the cul de sacs. Councilman Roberts was concerned about maintenance of the temporary hard surfaced cul de sacs. There was discussion that the permanent streets would be built within six months after the sewers were constructed. Mr. Johnson stated under City standards no street lighting was required in this subdivision. Mr. Bieszczat stated his firm had a letter on file from the State of Kansas stating that they had approved the last dry line sanitary sewers that did not have a treatment plant or trunk mains intact or under construction. Mayor Alt asked that the City be furnished a copy of that letter. David Rose, the developer, stated it was part of his agreement that he would connect all of the homes to sewers with no future reassessments. Mr. Johnson said hopefully the sub-grade and perhaps one or two lifts of base course would be installed on Mission Road by this fall. Mr. Johnson said a temporary roadway into the area would have to be installed before they could build. Mayor Alt was concerned about contractors travelling over Mission Road when the City was trying to put in a base. Mr. Bieszczat said there would be a secondary road built by the developer and his builders along the westerly side of the lots facing Mission Road. Mr. Bieszczat said it was his understanding it was the developer's responsibility to maintain roadways before they were permanent roadways and for one year after they were accepted by the City. He said the engineers on the sewer project for the County had indicated they felt they would have a contract let possibly prior to Leawood's letting a contract on Benefit District 79-1.

Councilman Wise commented that everything about the development seemed incredibly backwards. Mr. Johnson said everything
that was proposed was covered in the subdivision regulations; the alternatives that had been suggested had merit within the regulations. Councilman Crippin wondered why the sewer lines could not be put along the back property lines such that all that would have to be done was to connect the line from the home to the septic tank to the sewer line; then the cul de sacs could be constructed immediately. Mr. Bieszczat stated the lines in the roadways were designed and approved by the Johnson County Main Sewer District; it was a requirement of the Johnson County Main Sewer District that all sanitary sewers be located within a paved surface area for maintenance, except for main trunk lines. Mr. Bieszczat said a great number of the lots were already sold and all of these people were totally aware of what they were getting into. Mayor Alt said he felt this needed more study, he did not like to see sewers going down the streets.

Mr. Bieszczat said he had an agreement with the Johnson County Main Sewer District and the engineers that in the event the sanitary sewer contract was let prior to or in conjunction with Benefit District 79-1, they would install the sewers first; if not, the benefit district would have to put sleeves under the roadway of Mission Road. Mr. Bieszczat stated the proposed alignment of sewers was the most economical service of the area, if service was from the rear of the lots, the lines would serve only one tier of lots; as proposed, the lines served two tiers of lots. Councilman Lyons moved for approval of the resolution; seconded by Councilman Carper. Councilman Carper moved to amend the resolution so that the paragraph regarding occupancy read that no occupancy of residences would occur until Mission Road is completed and temporary hard surfaced roads are provided in the cul de sac alignment; seconded by Councilman Roberts. Mr. Johnson stated a hard surface on Mission Road was all that was needed, one or two lifts of asphalt on the base course. Mr. Sanders stated the developer was in the process of preparing deed restrictions for the final plat. Amendment carried. Resolution No. 492 was adopted as amended, Councilman Funk opposed. A copy is attached hereto as part of the record. Mayor Alt will initiate preparation of a letter for the Public Works Commission to meet with the County and review the business of putting sewers down the center of streets.

Public Safety:

Resolution No. 493 - Establishing Stop Signs: Councilman Hodes explained that the resolution was needed in order for stop signs to remain on a permanent basis on High Drive at 123rd Street and on 123rd Street at State Line Road. He moved that the resolution be approved; seconded by Councilman Carper. Resolution No. 493 was adopted. A copy is attached hereto as part of the record.

1979 Firing Range Supplies: This matter was withdrawn from the agenda as it did not require action.
Public Works:

#330 Request for Authorization to Obtain Bids - Street Sweeper: Councilman Roberts stated a new street sweeper was needed; it had been included in the budget for purchase this year; the matter had been reviewed by Public Works and the Administrative Committee. He explained that the specifications were quite explicit but bidders would be permitted to furnish comparable equipment. Councilman Roberts moved for authorization to obtain bids for a street sweeper; seconded by Councilman Wise. Councilman Roberts said he would review what options were necessary with Will Gray and Frances Farrar before it was put out for bids. Motion carried.

#345 Recommendation for Salary Range for Part Time (Summer) Laborer - Street Department: Since it pertained to two particular individuals, Councilman Roberts asked that the matter be discussed in executive session.

#347 Request for Approval of Partial Billing of Shafer, Kline & Warren - Storm Drainage Plan: Phil Kline stated the billing was for approximately sixty percent of their services and $23,070 was payment in full to Photogrammetric Engineering Services. He said they were presently ninety percent complete and would be complete in approximately three weeks. In answer to inquiry by Councilman Lyons, Mr. Kline said his study on the drainage from Overland Park was in progress. Mr. Kline said the Overland Park plans were not as yet complete, in a brief period of time after those plans were available he would have some recommendations for Leawood. Mayor Alt said he had written Overland Park for a schedule. On motion by Councilman Lyons, seconded by Councilman Wise, the partial billing of Shafer, Kline & Warren in the amount of $35,681.50 was approved.

#363 Request for Approval of Engineer's Estimate No. 2 - Benefit District 78-1: Mr. Kline stated this was a pay estimate for construction services to date. The amount due was $1,721.70. On motion by Councilman Roberts, duly seconded, the engineer's estimate was approved.

#372 Request for Approval of Engineer's Estimate No. 1 - Design Contract - Benefit District 78-1, Section 2: Mr. Kline stated this was for payment in the amount of $17,364.87 for design based on the construction bids. On motion by Councilman Roberts, seconded by Councilman Wise, the engineer's estimate was approved.

#377 Request for Approval of Engineer's Estimate No. 2 - Benefit District 78-2: Mr. Kline stated this was the balance for services to date. On motion by Councilman Roberts, seconded by Councilman Wise, Engineer's Estimate No. 2 in the amount of $854.90 was approved.
Approval of Johnson, Brickell & Mulcahy Contracts for Street Lighting Designs, Plans and Specifications - Benefit Districts 78-1 and 79-1: Councilman Roberts reported the Public Works Committee had reviewed the contracts. Mr. Johnson stated they had been approved as to form by the City Attorney. The total maximum fee on Benefit District 78-1 would be $4,200, on Benefit District 79-1, a maximum of $7,350. On motion by Councilman Carper, seconded by Councilman Wise, the street lighting contract for Benefit District 78-1 was approved.

On motion by Councilman Roberts, seconded by Councilman Wise, the street lighting contract for Benefit District 79-1 was approved.

Report of Special Sewer Committee: Mayor Alt said he would like to refer the revised contract to the Special Sewer Committee for recommendation. Councilman Crippin suggested in order to expedite the project, since the contract was an amendment in terms of fee structure only with regard to what had already been signed by the City and since it was already two months behind schedule, that the Council act on it. Mr. Kline explained that their fee in the original contract was based on a percentage of construction costs; EPA had insisted that it be revised to a direct salary plus overhead fringe which would be reviewed and audited by EPA. City Attorney Winn said the Special Sewer Committee would need to pursue how much of the Step 2 work already done could be reimbursed. Mr. Kline said in the revision to their contract there was a statement about the Step 2 work previously done in 1974 and 1975; the revision to the contract stated that the work was done and the number of dollars; when EPA approved the revised contract they were accepting that it was reimbursable. City Attorney Winn pointed out that there was no guarantee that the fee computed on this basis would be any less than it would have been under the old contract. On motion by Councilman Carper, seconded by Councilman Crippin, the revised contract was approved.

Request for Authorization to Solicit Bids - Benefit District 79-1: Councilman Roberts referred to a timetable recommended by the Public Works Commission for putting the project out for bids. Councilman Wise moved that Shafer, Kline & Warren be authorized to solicit bids for Benefit District 79-1; duly seconded. Councilman Roberts stated bids would be opened on May 4. Motion carried.

MAYOR'S REPORT

Insurance Matters: City Attorney Winn suggested that this matter be discussed in executive session as it involved litigation.

Approval of Invoice for Public Officials and Employees Liability Insurance: Councilman Lyons presented an invoice for Public Officials and Employees Liability insurance in the amount of $3,401.70. City Attorney Winn suggested that
April 2, 1979

the City might investigate a deductible on this insurance to hold the premium down. Councilman Lyons moved for approval of the invoice; seconded by Councilman Wise. Motion carried.

Appointment to Plan Commission: Mayor Alt proposed the appointment of Murfet Petruzzelli to the Plan Commission. On motion by Councilman Rinshart, seconded by Councilman Wise, the appointment was approved.

Newspaper Article on Purchasing Policies: Councilman Crippin referred to an article in the Kansas City Times on purchasing policies of local governmental units which contained inaccuracies concerning Leawood. Mayor Alt said a correction was supposed to be printed. Councilman Wise stated she was alarmed at the number of inaccuracies that had been appearing in the paper; she thought the City should make some attempt to convey to The Star that they ought to get their act together. Councilman Carper concurred and suggested that a letter be drafted addressing this and other inaccuracies. Councilman Lyons said he did not think it should be limited to The Star, but include The Sun also.

Councilman Carper moved that the Council go into executive session to discuss insurance matters involving possible litigation, to return to regular session at 9:50 p.m.; seconded by Councilman Wise. Motion carried.

The Council went into executive session at 9:29 p.m. and returned to regular session at 9:45 p.m.

Approval of Statement for Insurance: Councilman Hodes moved that the Council approve the statement by Johnson County Insurance Agency in the disputed amount of $6,936.00 for Workmen's Compensation and undisputed but unpaid liability coverage in the amount of $1,829.00; seconded by Councilman Rinshart. Motion carried, Councilman Lyons opposed the Workmen's Compensation payment but approved the liability coverage payment.

Councilman Roberts moved that the Council go into executive session to discuss a personnel matter until 10:30 p.m.; seconded by Councilman Wise. Motion carried, Councilman Carper opposed.

The Council went into executive session at 9:47 p.m. and returned to regular session at 10:30 p.m. In the meantime, Councilman Hodes had left the meeting.

On motion by Councilman Lyons, seconded by Councilman Carper, the meeting adjourned to Monday, April 16, 1979, 7:30 p.m.
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, April 16, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Rinehart, Lyons. Councilman Hodes entered the meeting during recognition of visitors.

Others present were Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, Will Gray, Herbert Johnson, Tom Bieszczat, 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 April 2, 1979, were approved as submitted.


Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Lyons.

COMMITTEE AND COMMISSION REPORTS

Public Works:

1979 Street Overlay Program: Councilman Roberts reported Mr. Kline had done a study of the streets of Leawood and designated the areas he thought had the highest priority for street overlay. He said the Public Works Commission felt there were other areas of concern in streets that could not be taken care of by overlaying, some which Public Works crews could do and some they could not. He said the Public Works Commission was recommending that approximately $40,000 be used toward street overlay with the balance, if needed, to take care of some of the other needs. Along with that recommendation, the Commission recommended that Mr. Herbert Johnson be authorized to do a study of street needs other than street overlay and establish an order of priority. Councilman Roberts moved that the Council authorize solicitation of bids for the 1979 street overlay program in the amount of approximately $40,000; seconded by Councilman Crippin. There was discussion that a one-inch overlay was recommended on Lee Boulevard at the entrance to the park. Mr. Roberts said the streets to be overlaid were those which were deteriorating to the extent that an overlay was absolutely essential in order to keep them in structural condition. Mayor Alt stated he had instructed the Budget
and Finance Committee to see what funds might be available in total. Motion carried.

On recommendation of the Public Works Commission, Councilman Roberts moved that Mr. Johnson be contracted to do a street study and bring back to the Council in the order of priority his recommendations for immediate and future street needs in addition to the street overlay program, the study estimated to cost between $1,500 and $1,700; seconded by Councilman Crippin. Councilman Roberts explained there were other street problems that could not be solved by overlay and that Public Works could not take care of; these were the things on which the Commission would like to have a complete study and list of priorities. Mr. Johnson explained the types of things that would be covered. He said the City would be paying for cost estimates for correcting problems and prioritizing the street problems. Councilman Wise said it seemed a lot of the major problems were probably already known; she wondered if the City would be paying for a lot more study than it could possibly do anything about. Mr. Johnson said the problem was that the cost was not known nor which one was more important than the other. Councilman Crippin stated no one had ever made any estimates as to how much some of these things cost. Councilman Roberts said Mr. Johnson was being asked to outline the areas and make recommendations as to how they could be fixed and estimates as to what it would cost to fix them; it would then come back to the Public Works Commission to examine and relate it to the amount of money available. Councilman Crippin hoped that by mid May the decisions could be made so the City could go ahead and begin the repairs. He said Public Works would come back to the Council with a recommendation but he would expect that the Council would get a full report. Mr. Johnson said he would photograph the problem areas and make a presentation with color slides. He said it would be a study of the major streets. Councilman Lyons said he didn't understand why Shafer, Kline & Warren did not do this when they were doing the street plan, it seemed there would be some duplication. Mr. Johnson said two different programs were involved. Mayor Alt recommended that the study be approved by the Council. Motion carried.

Resolution No. 494 - Regarding Condemnation of Property Within Benefit District 79-1: City Attorney Winn presented the resolution dealing with condemnation of private property primarily along Mission Road within Benefit District 79-1. He also presented an ordinance formally authorizing the condemnation of permanent and construction right-of-way and/or easements. He explained Shafer, Kline & Warren had already completed a study of the rights-of-way required to complete the roadway. Mr. Winn said primarily it involved the west side of Mission Road where the right-of-way had not already been given to the City by virtue of filed plats. Because the roadway was moved to avoid a utility relocation, not as much right-of-way was needed as might have been and the City was taking the absolute minimum. On motion by
Councilman Wise, seconded by Councilman Rinehart, Resolution No. 494 was adopted. A copy is attached here to as part of the record.

Ordinance No. 634 - Authorizing Condemnation of Private Property in Conjunction with Improvement District 79-1 (First Reading): Because of the bid and construction schedule, City Attorney Winn recommended that the ordinance be adopted on an emergency basis. Councilman Lyons moved that the ordinance be passed on an emergency basis; seconded by Councilman Hodes. Motion carried. On motion by Councilman Wise, Ordinance No. 634 was adopted, Councilman Roberts abstaining.

Recreation:

Recommendation for Acceptance of Bid for Pool Chemicals: A tabulation of bids was presented. Councilman Rinehart moved that the Council accept the bid of Thompson-Hayward for swimming pool chemicals in the amount of $3,861.75; seconded by Councilman Wise. Motion carried.

Recommendation for Acceptance of Bid for Pool Sandblasting and Painting: Councilman Rinehart reviewed the bid tabulation presented, noting that two of the bids were quite a bit higher than the third bid from Theodore Lawrence Co. in the amount of $12,948.00. There was discussion concerning how one company could underbid two competitors by such a margin. Councilman Wise stated she believed Fred Krebs had checked out the companies and felt comfortable with Theodore Lawrence Co. She pointed out that the Theodore Lawrence Co. bid was the only one that was reasonably in line with the amount budgeted for the repainting. There was discussion that posting of bond had not been included in the bids. In view of the time frame, Councilman Wise moved that the Council accept the low bid of Theodore Lawrence Co. in the amount of $12,948.00 with the stipulation that the City pay for the addition of posting a bond; seconded by Councilman Rinehart. Since the low bid was so much lower than the other two, Councilman Lyons stated he could not vote to approve it without more information. Councilman Crippin noted that the difference was in the sandblasting part of the bid, the painting was approximately the same. Councilman Rinehart stated the bid documents specified how the sandblasting was to be done. There was discussion that perhaps Fred Krebs could inspect the job after the sandblasting was done. City Attorney Winn suggested that the low bid be verified. Councilman Wise moved to amend her motion that it be additionally subject to verification in writing from Fred Krebs that he had, in fact, checked out this company and felt it to be qualified to do the work, and that he would be responsible for inspecting the job after the sandblasting was done; seconded by Councilman Rinehart. Amendment carried. Motion as amended carried, Councilman Lyons opposed.

April 16, 1979
Public Safety:

Request for Permission to Solicit - Boy Scout Troop 282:
Councilman Hodes stated this request had not gone through Public Safety; if it were approved by the Council, the Police Chief would call the other members of the Public Safety Commission and get their vote. The request was to sell tickets to the Heart of America Boy Scout Show. Councilman Hodes moved for approval of the request for permission to solicit; seconded by Councilman Roberts. Motion carried.

MAYOR'S REPORT

Sidewalk Contract - 119th Street: Mayor Alt reported the contract was signed for $14,455, the amount originally approved by the Council.

Training Session by Council of Mayors: Mayor Alt urged that all elected city officials attend a training session by the Council of Mayors at Johnson County Community College on May 5.

Recreation Newsletter: Councilman Rinehart asked for comments after the meeting on the copy for the recreation newsletter which had been included in Council packets.

Appropriation Ordinances: Nos. 393 and 393-A (1978 expenditures) in the amounts of $225,603.04 and $2,226.06 respectively, providing for payment of certain claims against the City and the Leawood Sewer System were submitted and approved on motion by Councilman Wise. Councilman Hodes questioned the amount of $137,80 for an ad in the Des Moines Register and asked that it be checked. He suggested that other sources for odd size street signs be investigated. He asked if the problem of abandoned trucks at A. B. May Company had been taken care of, and suggested that the City need not do business with firms that did not cooperate with it.

On motion by Councilman Roberts, seconded by Councilman Wise, the Council went into executive session at 8:40 p.m. to discuss recent litigation in connection with a benefit district, to reconvene no later than 9:10 p.m.

The Council returned to regular session at 9:05 p.m. Treasurer Golik suggested that any time a contract was awarded the purchase order should automatically be prepared for the Mayor's signature to encumber the funds.

On motion by Councilman Wise, seconded by Councilman Lyons, the meeting adjourned to Monday, May 7, 1979, 7:30 p.m.
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, May 7, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Eugene E. Alt presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Crippin, Carper, Rinehart, Lyons, Hodes.

Others present were Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, City Architect Sanders, Will Gray, Herbert Johnson, Tom Bieszczat, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Rinehart, the minutes of the meeting of April 16, 1979, were approved as submitted.

Visitors: Lee Alt, Christine and Todd Crippin, Randy Jacob, Kim Jacob, Bill Reese, Jan Reese, Mrs. John Carper, John Watts, Jr., Mrs. Dorothy Haas, Mr. and Mrs. V. M. Dostal, J. K. Farrar, Alice Smith, Thomas D. Kelley, Jr., Sherri Catlett, Jim Duncan, Bob Sirschia, Sharon D. Johnson, Jerry J. Getz, Capt. and Mrs. Stephen Cox, Bill and Ellen Meers, Gus Vasen, Laura Parker, Gina Provenzo, Gordon and Pamela Myerson, Bill Haney, Gary Nafziger, Arlene Simpson, Max Breshears, James Reno, Cynthia West, Brooke Ramei, Melissa Hoover, Kathy Stang, Sarah Rasmussen, Pat and Dahlia Saldana, Jane and Beth Olsen, Doug Henzlik, Mrs. Audrey B. Walter, John and Janice Granstedt, Robert Lacy, Miriam Pollock, Beverly and Al Rehkop, Dr. James E. Tuckett, Jeanette Harriman, Mr. and Mrs. William M. Leick, Jr. Member of the Press: Sally Huggins.

Presentation of Commendations to Those Assisting Police Department: Certificates of appreciation from the Leawood Police Department and the City of Leawood were presented to Former Councilman John M. Watts, the Thomas Kelley Family, the Saldana Family, the Steve Cox Family, Mrs. Dorothy Haas, The Cloisters Homes Association, and the Leawood Fire Department, for exhibiting individual respect for law and fulfilling personal obligations to fellow citizens and the community.

COMMITTEE AND COMMISSION REPORTS

Administrative:

Recommendation for Acceptance of Bid for Painting: Councilman Crippin moved that the bid of Ammon Bros. Co., Inc. be approved in the amount of $4,795.00; seconded by Councilman Lyons. Motion carried.
#86 Resolution No. 495 - Accepting EPA Step 2 Grant Offer for Leawood Sewer Renovation: Councilman Crippin moved that the resolution be approved accepting $166,500.00, representing seventy-five percent of the eligible costs involved in design of wastewater facilities related to the Dyke's Branch and James Branch in the Leawood Sewer System; seconded by Councilman Carper. Resolution No. 495 was unanimously adopted. A copy is attached hereto as part of the record.

#92 Contract for Additional Bell Telephone Equipment: Councilman Crippin moved that the contract for additional Bell equipment be approved by the Council; seconded by Councilman Wise. He explained that the Administrative Committee had discussed the contract or application for additional services at length and recommended approval. Motion carried.

#96 Approval of Invoice for Legal Fee - Litigation: Councilman Crippin moved that the invoice be approved; seconded by Councilman Lyons. Motion carried.

Insurance:

#99 Approval of Payment - Quarterly Audit - Workmen's Compensation: Councilman Lyons moved that the Council approve payment of the quarterly audit of Workmen's Compensation in the amount of $4,000.00; seconded by Councilman Wise. Motion carried.

Public Safety:

#102 Leawood Park Security: Councilman Hodes moved that the Council approve employment of Chris Taylor, Preston Pappenfort and Terry Slagle as certified officers on a part time basis for park patrol; seconded by Councilman Rinehart. Councilman Hodes explained their commissions would be valid only while they were on duty in the park. Motion carried.

Public Works:

#110 Approval of Payment to Engineer - Benefit District 79-1: Tom Bieszczat stated subsurface investigation for Benefit District 79-1 had been authorized several months ago. He said Layne-Western had performed drilling operations in the amount of $2,890.00, the charge of Shafer, Kline & Warren was $990.00, for a total of $3,880.00. On motion by Councilman Roberts, seconded by Councilman Wise, the payment was approved.

#119 Award of Contract - Benefit District 79-1: Councilman Roberts read from the specifications for letting bids that the City reserved the right to accept the bid which in its judgment was the best bid for the work covered by the proposal. He said there were three bids and only $8,735.44
difference in two of them. The lowest bidder, Holland Construction, estimated 190 working days, the second lowest bidder, Reno Construction, estimated 135 working days. He said the Public Works Commission, the City Attorney, and the engineers had considered the matter, and the Public Works Commission recommended that the bid of Reno Construction Company be accepted in the amount of $1,068,849.05 for 135 working days, for three reasons: (1) The 55 days additional time on the low bid would result in temporary note interest of approximately $18,750.00 which would be more than the difference in the two bids; (2) The time frame of the Reno bid would assure that the street would be in usable condition by winter construction shutdown time; (3) The time frame of the Holland bid presented the possibility of running into labor difficulties next April 1 when labor contracts expired. Councilman Roberts moved that the Council accept the bid of Reno Construction Company; seconded by Councilman Hodes. Mayor Alt concurred in the recommendation. Mr. Jerry Getz of Holland Construction Company asked that his company's track record for finishing work well ahead of time and its long and successful history in road building be considered. Motion carried.

Award of Contract for 1979 Street Overlay Program: Tom Bieszczat reported three bids were received, from Reno Construction Company, Union Construction Company, and O'Donnell & Sons. He recommended that Reno Construction Company, the low bidder, be awarded the contract. Councilman Roberts explained that the Council had voted $40,000 for the street overlay program with funds held back for other street improvements; he said the low bid exceeded the $40,000; the Public Works Commission restudied the maps and felt there were some streets which could be removed from the overlay program this year to get the figure down close to the $40,000 figure. There was discussion that the bid was a unit bid. Mr. Bieszczat suggested that the contract be awarded for the amount indicated and deletions be made during the contract. He said in construction practice it was not unusual to delete items within a unit price contract. City Attorney Winn concurred that the low bid should be accepted in the amount bid. Councilman Roberts moved that the bid of Reno Construction Company in the amount of $47,729.60 be accepted based on unit prices of $22.34 per ton for one inch overlay, $23.24 per ton for half inch overlay; seconded by Councilman Wise. In answer to inquiry by Councilman Funk, Mayor Alt and Councilman Roberts explained that the Public Works Commission would determine which streets would be done based on priorities established by Shafer, Kline & Warren. Motion carried, Councilmen Carper and Lyons opposed.

OLD BUSINESS

Appropriation Ordinance: No. 394 in the amount of $102,549.17, providing for payment of certain claims against the City and
the Leawood Sewer System, was submitted and approved on motion by Councilman Wise, Councilman Roberts opposed. Councilman Carper explained there was a delay in receiving the appropriation ordinance as a result of problems at the county level.

MAYOR'S REPORT

Mayor Alt thanked all of the employees of the City of Leawood for their support and services rendered while he was Mayor and thanked councilmen for their cooperation.

Oath of Office Administered to Newly Elected Mayor: City Clerk Jinny Oberlander administered the Oath of Office to Mayor Kent E. Crippin, and Retiring Mayor Alt presented the gavel, wished Mayor Crippin and his administration the greatest success, and pledged his cooperation. Mayor Crippin presented to Retiring Mayor Alt a Certificate of Appreciation, Key to the City, and gavel, stating few people had or would ever devote as much time and energy to the City of Leawood.

Oath of Office Administered to Newly Elected City Officials: City Clerk Jinny Oberlander administered the Oath of Office to the following: Councilman Bill Reese, Ward 1; Councilman Randy Jacob, Ward 2; Councilman Herbert L. Roberts, Ward 3; and Councilman Phillip Hodes, Ward 4.

Presentation of Certificate of Appreciation and Key to City to Retiring Councilman Lyons: Mayor Crippin presented to Retiring Councilman Lyons a Certificate of Appreciation and Key to the City, and expressed appreciation for his service.

Photographs were taken of the old and new councils.

Roll call of the new Council was answered by Councilmen Wise, Roberts, Funk, Reese, Jacob, Rinshart, Carper, Hodes.

NEW BUSINESS

Election of President of the Council: On motion by Councilman Roberts, seconded by Councilman Hodes, Councilman Wise was unanimously elected President of the Council.

Resolution No. 496 - Designation of Official City Newspapers: On motion by Councilman Wise, seconded by Councilman Reese, Resolution No. 496, designating The Johnson County Sun and/or Olathe Daily News as the official city newspapers for all documents requiring legal publication. A copy is attached hereto as part of the record.

Designation of Depositories for City Funds: On motion by Councilman Carper, 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 as depositories for City funds.
Appointment of City Officials: On motion by Councilman Hodes, seconded by Councilman Carper, city officials were appointed for one year, as follows:

- Fire Chief: Jourdan A. Toman, Sr.
- City Marshal/Chief of Police: Al R. Sellers
- City Treasurer: Donald E. Golik
- City Attorney: Larry Winn III
- Assistant City Attorney: David M. Jancich
- Chief Building Official: Robert Sanders
- Assistant Chief Building Official: John F. Granstedt
- City Architect: Robert Sanders
- Assistant City Architect: John F. Granstedt
- City Engineer: Johnson, Brickell, Mulcahy & Associates
- Assistant City Engineer: Larkin & Associates
- City Clerk: Jinny Oberlander
- Consulting Attorney (Sanitary Sewers): Max O. Bagby
- Municipal Judge: Edward Winthrop
- Municipal Judge Pro Tem: Ray L. Borth
- Public Officer - Substandard Structures: Gerald Rushfelt
- Mayor Crippin asked that they sign the Oath of Office in the City Clerk's office within the next day or two.

Oath of Office Administered to City Clerk: Mayor Crippin administered the Oath of Office to Jinny Oberlander, City Clerk.

Authorization of Signatures for Warrant Checks for City Obligations, All Funds: On motion by Councilman Roberts, seconded by Councilman Rinehart, the Mayor, City Treasurer, President of the Council, and City Clerk were authorized to sign warrant checks for city obligations.

Appointments to Committees, Commissions and Boards: On motion by Councilman Rinehart, seconded by Councilman Wise, the following appointments were approved:

**ADMINISTRATIVE COMMITTEE**

- Jean Wise, President of the Council, Chairman: 1980
- Kent E. Crippin, Mayor: 1980
- John T. Carper, Chairman of Budget & Finance: 1980
- Randy Jacob, Chairman of Public Works: 1980
- Phillip Hodes, Chairman of Public Safety: 1980
- Ex Officio: Donald E. Golik, Treasurer: 1980
  Larry Winn III, Attorney: 1980
BOARD OF ZONING APPEALS

Tom Martin 1980
D.A.N. Chase 1982
Eldred Evans 1982

BUDGET AND FINANCE COMMITTEE

John Carper, Chairman 1980
Gordon Henke 1982
Donald E. Golik 1980
John Snyder 1982
Lloyd Lynd 1982

INTERGOVERNMENTAL COOPERATION AND COMMUNITY AFFAIRS

Kent E. Crippin, Chairman 1982
Russell Brown 1982
J. Calvin Spradley 1982
Kirby Deeter 1982
Gordon Myerson 1982
Don Jones 1982

LEGISLATIVE COMMITTEE

Randy Jacob, Chairman 1982
Clarence Roeder 1982

NEWSLETTER COMMITTEE

Jen Funk, Chairman 1980
Marcia Rinehart 1980
Bill Reese 1980

ORDINANCE COMMITTEE

Jean Wise, President of the Council, Chairman 1980
Randy Jacob 1982

PARKS COMMISSION

Bill Reese 1980
Pearl Scott 1981
Joe Neuner 1981

PLAN COMMISSION

Kenneth M. Fraser 1982
Viron Thomas 1982
Burr McCorkle 1982

PUBLIC SAFETY COMMISSION

Samuel DeKinder 1982
Jen Funk 1982
Bob Kalinich 1980

2654
Plan Commission:

Resolution No. 497 - Approving the 2nd Plat of Hunter's Ridge - 123rd and State Line Road: City Architect Sanders presented the 2nd Plat of Hunter's Ridge and read the Plan Commission resolution recommending approval. He explained the developer had agreed to tie the existing High Drive with a temporary gravel road to 124th Street so there would be two means of ingress into that portion of the development.
May 7, 1979

On motion by Councilman Roberts, seconded by Councilman Wise, Resolution No. 497 was adopted. A copy is attached hereto as part of the record.

Public Safety:

Extraordinary Sick Leave - Marie Scobey: Police Chief Sellers explained that the humane officer, Marie Scobey, had been bitten by a dog and had to undergo rabies shots; she did not have sufficient sick leave. Chief Sellers recommended that the Council grant extraordinary sick leave to cover her absence. Councilman Hodes moved that the Council authorize extraordinary sick leave pay for Marie Scobey; seconded by Councilman Rinehart. Motion carried.

Director of Public Works: Mayor Crippin announced that Thomas E. Bieszczat, who had been working with the City for fifteen years through a consulting engineering firm, had agreed to accept the City's offer to become Director of Public Works. Mayor Crippin said with the rapid rate of subdivision development in the southern part of the City, requiring supervision and inspection of streets, curbs and storm sewers, responsibility associated with Public Works equipment, supervision of employees and activities, street improvements, storm drainage and flooding problems, taking care of the City's public works activities was a major task. The Administrative Committee and the Public Works Commission had recommended that Mayor Crippin appoint Mr. Bieszczat as Public Works Director for the City effective June 1, 1979. In response to inquiry by Councilman Carper, Mayor Crippin stated in discussions it was indicated by Mr. Bieszczat that with a public works director and present crews, consulting engineer fees could be cut sixty to seventy-five percent. Councilman Roberts stated the City had a number of applications for the position. On motion by Councilman Roberts, seconded by Councilman Wise, Thomas E. Bieszczat was appointed Public Works Director for the City effective June 1, 1979.

1979 Master Storm Drainage Report: Councilman Roberts announced that the 1979 master storm drainage report was now complete and on file. Mayor Crippin urged councilmen to read the report. Mr. Bieszczat said the engineering firm would like input and would be glad to review it. Mayor Crippin asked that copies be distributed to Plan Commission and Public Works Commission members, and that the plans be laid out in the Planning and Development Department for examination.

Resolution No. 498 - Designating Leawood Lions Day: On motion by Councilman Carper, seconded by Councilman Roberts, Resolution No. 498 was adopted, designating May 22nd as Leawood Lions Day in the City of Leawood. A copy is attached hereto as part of the record.
Employment of Administrative Intern: Mayor Crippin reported that the individual being considered had indicated he would not be interested in the position. The Mayor will interview other persons at the salary of a temporary clerk (to $4.25 per hour).

At 9:30 p.m., on motion by Councilman Rinehart, seconded by Councilman Carper, the meeting adjourned to Monday, May 21, 1979, 7:30 p.m.
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, May 21, 1979, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council Jean Wise presiding in the absence of Mayor Crippin. Roll call was answered by Councilmen Wise, Roberts, Reese, Jacob, Rinehart, Carper, Hodes. Councilman Funk entered the meeting at 9:25 p.m.

Others present were Police Chief Sellers, Fire Chief Toman, City Architect Sanders, Will Gray, Herbert Johnson, Frances Farrar, the City Clerk, and the Council Reporter. City Attorney Winn arrived at 8:17 p.m.

Minutes: On motion by Councilman Rinehart, seconded by Councilman Carper, the minutes of the meeting of May 7, 1979, were approved as submitted.

Visitors: Fred Gibson, Strat and Judy Overton, Lynn Mitchelson, James and Bonnie Neal, Jack and Delores Braden, Dottie Aldrich, Carol Frey, Steve and Karen Goud, Sheri McIntyre, Jan Wiser, Dean Lintecum, Cheryl Williams, Carolyn Dunn, Russ Brown, Mary Voights, Busch Voights, Jr., Eleanor A. Brown, Gordon and Pamella Myerson, Elaine Rutledge, Robert and Barbara Rohlfing, Mr. and Mrs. Hans W. Strohm, V. C. Thomas, Mary Sims, Dale Holt, Nanci Freedson, William S. Endres, J. D. and Joan Birkos, Carol Kleppin, Ilona Ross, Carlson and Dianne Farha, Paula Fushimi, Ed Thomas, Dan Rhule, John A. Schlichter, Lloyd Vaughan, Cheri Peck, Phil Hendrickson, Harry T. Clark.

Plan Commission:

Resolution No. 499 - Leawood Middle School: Councilman Wise reported the Plan Commission had recommended approval of the final development plan for the Leawood Middle School. Dr. James Thompson explained the Blue Valley School District proposed the location of a 700 capacity middle school on the 37-acre Leawood site between 121st and 123rd Streets immediately west of the Leawood Drive-In Theater property which the Board purchased in 1976 for the purpose of designing a campus arrangement for a future elementary school and a middle school. He said the middle school was better served by the availability of two street entrances, a major entrance from 123rd Street and a secondary entrance from High Drive. He reviewed meetings on the plan. Changes in the plan approved by the Blue Valley School Board included moving the school parking lot and drive to the parking south an additional twenty-five feet from the north property line of the school site, increasing the earth berms and amounts of plantings along the north property line, providing an additional sidewalk from 121st and High Drive to the
May 21, 1979

elementary school, providing additional sidewalks on both sides of the service road, and providing additional school crossing markings at 121st and High Drive, on the road into the parking lot, and on the service road at both ends. He stated the Blue Valley Board of Education urged approval of the site plan.

Bob Sanders reported that on May 18th the Plan Commission had recommended approval of the modified plan. He read the resolution from the Plan Commission to the City Council and a proposed Council resolution. He stated there had been 480 signatures gathered and submitted to the Plan Commission indicating approval of the plan, and he understood there were an additional 267 signatures on petitions in opposition which were to be submitted to the Council at this meeting. Mr. Sanders answered questions of councilmen. He explained that barricades would be placed during non-school hours to prevent vehicles from cutting through. Councilman Roberts determined that 123rd Street would be the access for buses. Dr. Thompson said one of the reasons the School Board selected this site was its commitment away from locating elementary schools on highways because of safety. He said they had planned from the beginning that the access would come at least partially from High Drive. Chief Toman said there would be a considerable delay in case of fire if the pumper from the north station had to go to 123rd Street to enter the site. Dr. Thompson said the berm between the school and adjoining homes would be between two and four feet. Mr. Lintecum stated lighting would be directional controlled lighting. In response to inquiry by Councilman Reese, Dr. Thompson said a traffic count at a similar school site serving a larger area at Stanley with an enrollment of 632, indicated an average of nearly 300 vehicles in and out.

Councilman Hodes stated it was not the function of the Public Safety Commission to locate buildings on a site but to pass judgment on plans submitted from a safety standpoint. He said it was evident from the beginning that the School Board did not coordinate its activities with the patrons; he felt that this plan with the main access off a residential street set a completely different pattern from what was expected. He reported that by a vote of 5 to 2, after several meetings, the Public Safety Commission recommended approval to the Council, based on the public safety elements only (not the placement of the building on the property).

Carlson Farha stated it appeared the design now was safe and sound and urged its approval. L. D. McDonald, president of the Blue Valley School Board, said parking at field day activities at the present elementary school indicated that placing another school on 123rd Street was impossible. Paula Fushimi stated she was very much in favor of the plan and could not understand why the people would not welcome such a plan. A lady from Leawood South stated she would
like to see the school built as planned. Cindy West said she had known for two years that a middle school was to be built on the site.

Busch Voigts, Jr. said concerned Verona Gardens residents were in support of a middle school being located on the site but were opposed to the location on the site as proposed by the Blue Valley School Board at the Plan Commission meeting of May 10, which was basically the same plan being presented at this meeting. He said they objected to the unsafe conditions caused by the funnel effect of traffic; he showed aerial photographs to illustrate; he also objected to the view from neighboring residences. Bob Rohlfing said he welcomed the school but objected to a 300 by 225 foot building, part of which would be 30 feet high, being placed a distance of less than the normal width of a lot from adjoining homes. He said in Verona Gardens he had indications of concern from all houses marked in green on a sketch submitted, with written indications of concern shown in yellow. He said he understood there were 612 signatures of those expressing concern about this plan. Mike Peck said it was quite a precedent for the main entrance to a school to be through a residential area and expressed concern for safety in the neighborhood as well as on the site; he said there were other areas on the tract where the building could be placed and eliminate eighty to ninety percent of all the safety hazards.

Jerry Birkes said this was not the safest program or the best plan for the community. Strat Overton questioned the necessity for the drive between the elementary school and the middle school. Dr. Thompson explained it was to provide street access from both directions, to provide emergency vehicle access from both directions, and to provide smooth traffic flow. A man from the audience asked Chief Toman's personal opinion of the plan from a safety standpoint. Chief Toman said he had doubts in his own mind as to the safety of the plan. Mr. Birkes suggested that the school not front on High Drive. Mr. Lintecum said it was not possible to turn the school because of increased costs for additional rock excavation, connecting to the sewer, and locating the storm shelter. He estimated it would cost $200,000 to make the adjustment.

Councilman Roberts emphasized that not one individual had ever indicated opposition to the school being built on the property. Councilman Reese asked if it were absolutely necessary to have High Drive going into the school. Herbert Johnson stated he felt traffic congestion would be worse if High Drive were not extended, because of cars parking along High Drive to pick up children. He added the capability of approaching or clearing the area from two directions was much better than having a sealed situation with one approach. He said his professional opinion was that a safe condition would exist in this area and could be maintained as a safe condition with proper control; he felt the situation here was probably safer than most of
May 21, 1979

the public elementary and junior high schools in the metropolitan area. Chief Toman said he preferred the staff recommendation prior to this compromise proposal with 123rd Street as the main entrance and High Drive as a cul de sac with no parking lot or road connection. Mr. Johnson said there would be more congestion on High Drive as a cul de sac than as shown on the present plan because of storage and stacking capacity.

City Attorney Winn said the scope of the City's review was highly limited and that pertained to public safety effects on areas outside the school perimeters. A lady in the audience expressed concern for the safety of children playing in the neighborhood of 121st and High Drive.

Councilman Wise pointed out that most of the opponents had said they did want the school but they did not like the plan, but unfortunately the Council did not have the option to change the plan nor the option to reject the plan with the expectation that the School Board would change the plan. The choice was the school as essentially constituted on the plan or no school, and in her mind the benefits of the facility greatly outweighed the disadvantages. Dr. Thompson stated the Blue Valley School District throughout planning for this school and the acquisition of the site, had been totally open with its constituents.

A lady wondered what the City would do to keep people from parking in their yards during a school activity. Councilman Hodes said the Council weighed all sides and did not arbitrarily approve a plan and forget the residents. Dr. Thompson said he was hoping the budget would permit even more parking than the plan provided which was 95 parking spaces in the two lots for the middle school, plus parking in the drives and at the elementary school--they should be able to park on the site the number of cars for an activity.

Councilman Roberts thanked the people for their concern and interest. Phil Hendricks, a recently elected member of the Blue Valley School Board, stated there was no way to make a school perfectly safe. Councilman Rinehart moved to approve the resolution as recommended by the Plan Commission; seconded by Councilman Hodes. Resolution No. 499 was adopted, Councilmen Carper and Reese opposed. A copy is attached hereto as part of the record.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Roberts, seconded by Councilman Carper.

COMMITTEE AND COMMISSION REPORTS

Public Safety:

Request for Permission to Distribute Advertising Material - United Missouri Bank: Councilman Hodes stated Mr. Mitchelson
May 21, 1979

had appeared before the Public Safety Commission and the Commission had asked him to make a presentation before the Council. Lynn Mitchelson stated United Missouri Bank had requested permission to allow officers of the bank on Saturday, June 2, from 9:00 a.m. to 12:30 p.m., to make door-to-door calls on residents of Leawood for the purpose of inviting them to stop by and see their new bank building at I-435 and State Line. A brochure would be handed to anyone coming to the door, they would not walk on grass, would be well identified with name badges, and no material would be left where no one was at home. Councilman Hodes reported the Public Safety Commission recommended approval. Councilman Carper was concerned because a similar request by ERA to solicit had been turned down, and that it might precipitate similar proposals from other banks. Mr. Mitchelson emphasized that they would not be soliciting. City Attorney Winn read from the ordinance. Following discussion, on motion by Councilman Carper, seconded by Councilman Reese, the request was approved, Councilmen Funk, Rinehart and Wise opposed.

#554 Proposal for Health Management and Exercise Program:
Councilman Hodes referred to a City Health Management Proposal submitted by Cari Cardiovascular Institute and reported the Public Safety Commission had recommended that the Council make the services of the Institute available to employees, elected and appointed officials on a voluntary basis. He introduced Ken Sigman who explained that the Cari Institute was a not-for-profit institute which had worked with heart patients and with corporations conducting exercise, stress management and dietary management programs. Mr. Sigman said the rationale behind the program was getting people to take care of themselves as a way to control health care costs. The proposal included educational sessions which the Mayor proposed be open to anyone in the City (at no cost to the City), initial evaluation of physical fitness and body fat analysis of employees and officials on a voluntary basis, health handbook, prescription, tickler file, and assessment of progress. Councilman Hodes said the Council should consider what coronary disease was costing the City, the exposure Leawood could get as a city setting the example for cardiovascular fitness, and the increased physical output and mental outlook. He recommended some type of limited program to make employees aware of the fact that the Council was concerned about their health and well being, and that the City pay at least a portion of the cost. Educational sessions had been conducted for the police and fire departments. The matter was discussed. Chief Sellers said he thought it would be a good investment in that it would hold down insurance costs. He suggested that the City pay the basic cost and if the employee did not meet his goals he would pay for it. With the present cost of living, Chief Toman did not think too many employees would participate if it would cost them anything. Councilman Hodes said it was much more economical for the Police Department if everyone reported to work as
scheduled. At the suggestion of Councilman Roberts, the matter was referred back to Public Safety for study and a specific recommendation to the Council on the amount which should be picked up, how it should be presented to the public, etc.

Public Works:

Authorization to Repair Trojan Loader: Councilman Jacob presented an estimate for repair of the Trojan loader in the amount of $5,177.81, primarily for work on the hydraulic system and mechanical functions. By fall, he stated it would also need a bucket which would have to be ordered from the manufacturer and would entail an expenditure of about $5,000 and a thirty to forty-five day wait. He said he didn't think the Council needed to make a decision on the bucket at this meeting. Councilman Jacob moved to approve the estimate on the initial work in the amount of $5,177.81; seconded by Councilman Roberts. Councilman Hodes said it disturbed him that this was not a firm bid, he would like more information as to who was a dealer for Trojan. Mr. Gray stated the machine had been at Van Keppel's for six weeks, it was taken there for minor repair and then the major items were discovered. Motion carried, Councilman Hodes opposed.

Recommendation on Street Sweeper: Councilman Jacob reported the Public Works Commission agreed not to make a recommendation for purchase at this time, but decided to ask Mr. Bieszczat to explore the availability of Federal money and find out if, in fact, there would be a machine that would have some other function which would make it easier to justify the amount of money involved. He added it was bewildering to look through all the literature. A 30-day extension had been requested of the bidders. Councilman Roberts said Mr. Bieszczat had been asked to review all the equipment as soon as he came on the job as Director of Public Works.

Engineer's Payment Estimate No. 1 - Benefit District 79-1: Councilman Jacob presented the payment estimate in the amount of $71,612.89 on Benefit District 79-1. On motion by Councilman Roberts, seconded by Councilman Jacob, the payment estimate was approved.

Payment to Contractor - Estimate No. 7 - Benefit District 78-2: Councilman Jacob moved for approval of payment of Estimate No. 7 in the amount of $8,338.34; seconded by Councilman Rinehart. Motion carried.

Payment to Contractor - Estimate No. 8 - Benefit District 78-1: Councilman Jacob moved for approval of payment of Estimate No. 8 in the amount of $4,507.16; seconded by Councilman Reese. Motion carried.

Change Order No. 1 - Benefit District 79-1: Councilman Jacob stated due to error in specification of sewer casing
May 21, 1979

pipe the change order was necessary. It would result in a saving of $1,515.92. On motion by Councilman Roberts, seconded by Councilman Rinehart, the change order was approved.

Payment to Contractor - Estimate No. 1 - Benefit District 78-1, Section 2: Councilman Jacob moved for approval of payment of Estimate No. 1 on Benefit District 78-1 in the amount of $2,201.40; seconded by Councilman Rinehart. Motion carried.

Ordinance:

Ordinance Levying and Imposing Taxes or Fees Upon and For the Privilege of Engaging in any Business (occupation license): Councilman Wise introduced the ordinance and said it was brought before the Council at this time because the City Clerk was preparing to send out notices for renewal of occupation licenses. Since the Administrative Committee and individual members of the Council had not had opportunity to make any type of comprehensive review, City Attorney Winn suggested that the ordinance be deferred and that renewal notices be prepared under the present ordinance. On motion by Councilman Roberts, duly seconded, consideration of the ordinance was deferred. Councilman Wise stated the ordinance would be on the agenda of the Administrative Committee meeting of May 29th.

NEW BUSINESS

Application for Cereal Malt Beverage License - Leawood South Country Club: On motion by Councilman Roberts, seconded by Councilman Carper, the application for cereal malt beverage license was approved.

Meeting re City Administrator: Councilman Wise announced Bob Saunders had requested a meeting to discuss input from individual councilmen. A sheet to indicate availability for such a meeting was circulated.

Appropriation Ordinance: No. 395 in the amount of $214,139.94, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and approved on motion by Councilman Hodes.

Ordinance No. 635 - Relating to Dogs Running at Large: Councilman Wise explained that sections had been added to the ordinance on dogs running at large to make it more enforceable. Councilman Hodes moved that the ordinance be passed on an emergency basis; seconded by Councilman Carper. Motion carried. On motion by Councilman Hodes, Ordinance No. 635 was adopted.

Councilman Carper moved that the Council go into executive session for a period of not more than fifteen minutes with respect to potential legal ramifications of the 123rd Street
bid project; seconded by Councilman Rinehart. Motion carried.

The Council went into executive session and returned to regular session at 11:20 p.m. Mayor Crippin arrived during the executive session.

Discussion continued concerning the 123rd Street bid project. City Attorney Winn stated the Council needed to make some decisions on condemnation—the appraiser's hearing would be held on June 6 and the report would be filed on June 7. He explained that a large Kansas City Power & Light Company pole needed to be relocated, the Power & Light Company would do it at no cost but when they got around to it; if the City would pay for the relocation, Kansas City Power & Light Company would get it done. Mr. Bieszczat had suggested that the City go ahead and get it done because time was crucial. Mr. Johnson thought the right people might be able to get the Power & Light Company to get it done, perhaps the City had not used all its resources yet.

Mr. Winn said Gas Service Company was going to do some utility relocation at their cost; if the City requested an estimate it would take several weeks. Mr. Bieszczat had suggested that the City authorize them to do it and request that they furnish an itemized billing. Mr. Johnson objected to giving them a blank check. The matter was discussed. Councilman Rinehart moved that the Council direct the Gas Service Company to proceed with the work and furnish a detailed itemization of what they had done rather than asking for an estimate. The motion was seconded and carried.

Councilman Rinehart moved that the Council direct Kansas City Power & Light Company to proceed with moving the light pole and furnish an itemized statement of what they had done; seconded by Councilman Wise. Motion carried.

City Attorney Winn reported Leawood South Country Club had indicated a willingness to negotiate on 4,000 sq. ft. of permanent easement; it would probably be about 25 cents per square foot, or $1,000. Councilman Wise moved that City Attorney Winn be given authority to negotiate with Leawood South Country Club for no more than $1,000 for their square footage determined by survey; seconded by Councilman Carper. Motion carried.

City Attorney Winn said the Council needed to make a decision either to run Mission Road where it was presently designed, taking 30 feet from Doepke and 30 feet from Wheelock and paying Doepke for moving a pond, or move the roadway to the east to get almost off the Doepke and Wheelock tracts. He explained that the City was getting cost estimates on all these things. If the roadway is moved, there may be substantial utility relocation costs. Mr. Winn recommended that the City do whichever was cheaper.
when the engineers get all the figures in; some decision would probably have to be made before June 4. Mayor Crippin suggested that the decision might be made at the Administrative Committee meeting. On motion by Councilman Rinehart, the Council gave the Administrative Committee authority to go ahead and make the decision.

At 11:50 p.m., on motion duly made and seconded, the meeting adjourned to Monday, June 4, 1979, 7:30 p.m.

[Signature]
President of the Council

[Signature]
Council Reporter

Attest:

[Signature]
City Clerk
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, June 4, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Jacob, Rinehart, Carper, Hodes.

Others present were Police Chief Sellers, Fire Chief Toman, City Architect Sanders, Herbert Johnson, Tom Bieszczat, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Rinehart, seconded by Councilman Jacob, the minutes of the meeting of May 21, 1979, were approved as submitted.

Visitors: James Grier, Lloyd R. Vaughan, Dan Hanson, Jim Pirner. Member of the Press: Sally Huggins.

On motion by Councilman Carper, duly seconded, the agenda was revised to include discussion concerning property at 123rd and State Line.

Discussion Concerning Property at 123rd and State Line: Mayor Crippin reported that on January 12, 1979, Mayor Alt submitted a letter to the owner of the property, Mr. Williams, stating that certain requirements would have to be met by June 1, 1979, for an occupational license to be issued for the drive-in theater. Inspection had been made by the City Architect and it was determined that the requirements had not been met; therefore, a resolution had been drafted and was before the Council.

James Grier stated Mayor Alt's letter was written because it had been impossible to make the improvements because the fence had been removed for the construction of 123rd Street; it was understood that they required 120 days to place the drive-in in order for opening; he said the City had refused to put the fence back up until some time after the first of May; during that time the drive-in suffered extensive vandalism. Mr. Grier said if they were not allowed the 120 days, it was their position that the City had appropriated their property and they intended to seek damages. Mr. Bieszczat said the fence had been back up for 30 to 45 days, it was not that the City did not wish it to be put up, but that weather conditions did not allow the fence to be put up.

Mr. Carper asked Mr. Grier if he had had communication with anyone on the City staff or elected officials as to the problem of having a contract completed by the June 1st deadline. Mr. Grier stated this matter became the subject of a lawsuit so, as a matter of ethics, they could not continue to communicate with the City. He said the lawsuit
June 4, 1979

sought a temporary restraining order which would have prevented their proceeding with the construction; it was his understanding that those matters would be taken up and resolved in the court on June 1. He stated it was a major surprise that the City now would indicate that its position was that the time had expired.

In answer to inquiry by Councilman Hodes, Mr. Grier stated the gates on the property were not secured. Councilman Roberts wondered why there had not been any attempt to make the improvements after the fence was replaced. Mr. Grier said mainly because they knew they could not get them completed, and they had a hearing date. He said they had bids both on the equipment and on the construction and had under contract a consultant to undertake the work. Concerning Councilman Carper's question about why nothing was undertaken in the 30 to 45 days since the fence was put back up, Mr. Grier said further they just didn't anticipate that it was a problem, it was understood that they required 120 days, it was understood the fence was to be up by the first of February, and they just did not anticipate that there would be intent not to give them the time that everybody knew was required. He added that by the time the fence was put up there was a hearing scheduled to talk about the fence, the time and the restraining order, and if the judge had entered the restraining order, they would have been prohibited from going ahead; they anticipated that the court order would be entered on June 1. Mayor Crippin stated he understood that rather than making a decision on June 1, the judge had asked the City Attorney what the Council's intentions were, and indicated when the Council's intentions had been determined, he would make his decision. Mr. Grier stated the judge said if the Council was going to revoke the permission then he did not need to enter his order, the question would be moot; if the Council was going to say the time had not expired then he would presumably enter the order to prevent the work from going on anyway.

#113 Dan Hanson, attorney representing Mr. Vaughan and the Verona Gardens Homes Association, clarified that the action on June 1st was simply a motion filed by the City to dismiss the action brought on behalf of the Verona Gardens Homes Association; the action originally sought a declaratory judgment from the court which was an action to merely determine whether or not the use of this land as a non-conforming use had been abandoned; the City had filed a motion to dismiss stating the Vaughans in particular did not have standing to bring this action. The Judge on June 1st determined that he would take the matter under advisement, that it would be foolish for him to make any determination until it was determined whether or not it was a moot issue. Mr. Hanson said the only mention of an injunction in the lawsuit was that the plaintiffs sought primarily a declaratory judgment action whether or not there had been an abandonment of the use, secondly, for injunctive relief if it was determined there was not an abandonment.
Mr. Grief explained that originally in the discussion concerning 123rd Street and how long they should have to make the improvements, they had said it was essential that they open the theater in the spring, the City said it could get the fence up by February 1, they said June 1 would be adequate time, and based on that conversation Mayor Alt's letter was issued.

Based upon the information presented, Mayor Crippin wondered if the language in the proposed resolution was appropriate. He suggested that if Mr. Grief could produce the contracts, possibly the Council needed a new resolution and that the matter be held over until the next regular meeting. Mr. Hanson said city ordinance stated that a non-conforming use of property which has been abandoned for six months shall not be re-established. He said the Leawood Drive-In was discontinued after the fall showing in 1976; there had been no effort whatsoever since the fall of 1976 until June 1 to re-establish the business. In the best interests of the surrounding neighbors and all the citizens, he said the City should stand by its letter. Councilman Roberts said it would seem to him that they had made the decision for the last 30 to 45 days that they did not want to proceed. Councilman Hodes said if that fence being down since February created a problem, if the proper people in the City had been notified, fence could have been strung for security, so he did not feel the delay of the contractor argument was totally appropriate.

Mr. Grief clarified that they were asking the City for an extension of time of 120 days from the date the fence went up to make the improvements stipulated in the Mayor's letter. Councilman Roberts stated he would not act on a motion without having an opinion from the City Attorney on the matters presented, and moved that consideration of the Leawood Drive-In matter be deferred to the next regular meeting of the Council; seconded by Councilman Carper. Motion carried, Councilman Hodes opposed.

Cable Television Franchise Ordinance: Jim Pirner and a representative of Telecable were present. A proposed ordinance pertaining to a cable television franchise had been distributed at the Council table. Mayor Alt stated the Administrative Committee recommended approval of the ordinance which would allow the Telecable franchise to operate within the City of Leawood with no regulation pertaining to rates, etc. He named other Johnson County cities that had approved a similar ordinance. He said there was a clause in the ordinance which indicated that the City had the right at any time to require the franchisee to provide financial information with regard to provision of that service. There was discussion that it was a non-exclusive franchise. Councilman Hodes thought the Council should have some ability to examine and determine whether or not the rates were fair. Councilman Roberts felt it was beyond the realm of the Council's responsibility to
set prices so long as it was not an exclusive franchise. Mr. Pirner stated a municipality, even without so stating in the ordinance, had the power to reinstitute regulation of the cable rate if rate abuse occurred. He urged adoption of the ordinance. The ordinance passed first reading.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

Ordinance Relative to Occupation Licensing: Mayor Crippin reported that after research the City Attorney felt it best to leave the ordinance as written. Councilman Carper stated the Ordinance Committee agreed. The ordinance passed first reading.

Plan Commission:

Resolution No. 500 - Approving Third Plat of Leawood Country Manor: City Architect Sanders explained the plat included eight duplex lots east of Ash Street, connecting 111th Street to 112th Street near Nall Avenue. The public works elements had been approved. Street lighting and sidewalks on the other side of Ash would be included in the next portion to be developed. On motion by Councilman Roberts, seconded by Councilman Rinehart, Resolution No. 500, approving the Third Plat of Leawood Country Manor, was adopted. A copy is attached hereto as part of the record.

Public Works:

Recommendation Relative to Purchase of Street Sweeper: Councilman Jacob referred to a tabulation of bids received. He said Bill Gray and Bob Lacy agreed the Mobil sweeper would be the appropriate piece of machinery. Councilman Jacob moved that the Council approve the bid of Victor L. Phillips Co. for a Model 2TE4 Mobil sweeper in the amount of $40,950. He added that the Phillips Co. had indicated they would give $2,000 for trade-in of the old sweeper. Mr. Gray had recommended that the old sweeper be traded in, making the net cost of the sweeper $38,950; Tom Bieszczat agreed. Mr. Bieszczat said the sweeper should be used continually to keep debris out of the storm sewers. Councilman Carper was concerned that the sweeper probably would not be delivered until December. Councilman Carper asked if cities the size of Leawood ever considered leasing a sweeper. Mr. Bieszczat said some cities hired their sweeping done; he felt the City of Leawood needed to provide its citizens swept streets; he could not answer which was the most economical way to do it. Councilman Carper, considering the City's financial situation, wondered whether it was more prudent to be able to sweep streets or to have snow removal. Councilman Roberts said the merits of having a street sweeper had been thoroughly studied, now the issue was whether to approve or disapprove one of the bids. Councilman Hodes suggested that consideration of the bids be tabled until the new Director of Public Works had
determined what equipment was needed. Councilman Funk stated when bids were being considered she would feel more comfortable in having alternatives, such as renting, presented along with the bids, and in having reasons for accepting one over the other made more clear. Councilman Rinehart seconded the motion. Councilman Roberts said additional manpower would be needed to operate the machine. Mr. Bieszczat said an additional advantage to the Mobil sweeper was that the Public Works crew was familiar with it. Vote on the motion resulted in a tie, 3 to 3. Councilman Jacob stated people lived in Leawood because they liked the way it looked, not because of cheap taxes, and he thought it was unrealistic to say that a street sweeper would not be supported by the constituents. Councilman Roberts said if a street sweeper were not to be purchased, in the next newsletter the Council should announce that the City was not going to have a street program. Councilman Roberts pointed out that the City had not bought a lot of public works equipment but it was going to have to buy a chunk of it. Councilman Carper said he was not opposed to purchasing a sweeper, his problem was that there was no formalized plan for adding equipment.

Councilman Hodes wondered if the other bidders had considered a trade-in. Councilman Roberts said the trade-in was not part of the bid. Mayor Crippin explained trade-in of the old sweeper was not considered until a recent Public Works meeting. Herbert Johnson pointed out that sweeping streets was not a cosmetic thing, it was a preventative maintenance item to keep the storm drainage system open.

Councilman Funk said she would like more information--about leasing, renting, trade-in with the other bidders, and why one machine was better than the other. Mayor Crippin said additional information would be available at the next Council meeting. Councilman Jacob said he was disappointed that the Public Works Commission was now being asked to justify the purchase after the Council had approved solicitation of bids and bids had been received.

Extraordinary Sick Leave - Stagner: Councilman Jacob said he understood Mr. Stagner was moving furniture at City Hall and injured his back. On recommendation of the Public Works Commission, Councilman Jacob moved that the Council extend Mr. Stagner's sick leave another two weeks, through the next Council meeting. There was discussion that there would be a doctor's report by that time. Motion was seconded by Councilman Rinehart and carried.

Recommendation Regarding Purchase of Bucket for Hi Loader: Councilman Jacob referred to a memorandum containing the cost estimate of Van Keppel Company for ordering the bucket which would be $4,693.20 plus delivery and would take 30
June 4, 1979

to 45 days. Because of the time involved, the Public Works Commission recommended that the bucket be ordered now. Bob Lacy said the Van Keppel Company had the most direct line to the warehouse for parts and was the only company that could competently do the repairs in the city. He said a new bucket certainly was needed and recommended that the City get it on order. There was discussion that the other repairs could be made to the loader so it could be returned to the City, then the bucket could be brought out and installed. Repairs to the existing bucket would cost approximately $2,500 which Mr. Lacy did not recommend. Councilman Jacob moved that the Council approve the replacement of the bucket on the Trojan Hi Loader. The motion was seconded and carried.

#415 Request for Authorization to Solicit Bids for Bobcat:
Councilman Jacob explained purchase of a Bobcat would take some of the pressure off the Trojan Hi Loader and would be extremely important if the City were to implement a sidewalk program, to tear up the old sidewalk. Bob Lacy estimated the cost at $12,000. Councilman Hodes pointed out that a Bobcat could be loaded on a trailer for transporting to the job site. Mr. Bieszczat said he anticipated that it would be used mainly for light earth moving, snow removal, and loading of sand and salt in the winter. Councilman Jacob moved that the Council authorize solicitation of bids for a Bobcat loader; seconded by Councilman Rinehart. Mayor Crippin said this item was not budgeted; however, he felt it could come from the sewer fund and revenue sharing. Councilman Roberts said Public Works also needed an equipment operator. Motion carried.

#452 Request for Approval of Overlay of City Hall Parking Lot:
Mr. Bieszczat reported he had solicited prices from Reno Construction Company, the firm contracting the City's overlay program. The parking lot only would be approximately $3,164.00, the parking area between the parking lot and Lee Boulevard north to the fire station in conjunction with it would cost a total of $4,279.50. Mr. Bieszczat said it had come to his attention that the fire station drive was in dire need of repair and Reno had submitted a proposal on that for approximately $2,416.05. The total package would be approximately $6,700.00. Mr. Bieszczat believed the part on public right-of-way could come from the Special Highway Fund. Councilman Jacob said if necessary all or part of it could come from overlay program funds. Mr. Bieszczat said it was his opinion that it was not practical to have Public Works personnel do the work because they did not have the expertise nor the equipment to efficiently overlay the parking lot. He said there was an item of $280 for material only, the work to be performed by Public Works, to repair indentations in front of the fire station. He proposed that a nine inch concrete pad be placed underneath the asphalt at that point. Councilman Jacob amended his motion to include work on the ramp area in front of the
June 4, 1979

fire station to be done by Public Works. Motion was seconded and carried. Mayor Crippin said he believed about $1,700 could come from the Special Highway Fund and the remaining $5,000 could come from the Street Department general fund budget where some items had been overbudgeted. Mr. Bieszczat will ask Reno Construction Company to prepare a contract for the Mayor's signature.

Change Order No. 2 - Benefit District 79-1 - Relocation of Mission Road to By-Pass Pond: Mr. Bieszczat explained it had been decided that the roadway should be left 20 feet east where it was originally intended to be, that the existing spillway of a pond on the Doepke property should be plugged and relocated at the northwesterly corner of the pond. This would require a plan revision by Shafer, Kline & Warren estimated at $3,000, but should result in an approximate $6,665.00 savings to the project. Mr. Bieszczat said they had tentatively revised the plans so there would not be any utility relocation. Filling the pond would also be avoided. On motion duly made and seconded, the change order was approved.

Relocation of Gas Line at Manhole on 95th Street: Councilman Jacob stated that near the Post Office at Ranch Mart there was a gas line running through a sewer manhole creating an extremely hazardous situation. The Public Works Commission felt immediate action should be taken to move it. Mr. Bieszczat said it appeared the manhole was built around the gas line, and that the gas line was deteriorating rapidly. The Gas Service Company had indicated an approximate cost of $1,800 to relocate the line and to remove the existing line within the manhole, not including repair of the sidewalk, which Mr. Bieszczat proposed be done by Public Works. Councilman Jacob moved that the Council approve the relocation of the gas line running through the manhole near the Post Office on 95th Street and approve an expenditure in the amount of approximately $1,800; seconded by Councilman Hodes. Motion carried.

Proposal for Preliminary Engineering - College Boulevard and Roe: Herbert Johnson explained that development plans for a bank and office buildings at College Boulevard and Roe indicated that considerable traffic would be generated; College Boulevard presently terminated at Roe as a four-lane divided highway; east of Roe it was a 28-foot pavement; through Longwood Forest it was a 41-foot roadway. He said it was proposed that a benefit district be formed to improve College Boulevard from Roe to Mission Road which would be a transition from the four-lane divided highway to the 41-foot section, and at the same time improve Roe south of College Boulevard to 112th. He said Overland Park was willing to work on the north side of College Boulevard; Johnson County had been approached and it appeared the County would participate. If the County participated for fifty percent of construction costs, not including sidewalks
and street lighting, it would be a considerable saving to the developers. If the County did not participate, the developers in the area were responsible for one-half of a 41-foot street. He thought a benefit district could be put together with just the developers and Overland Park. Preliminary engineering was needed to determine the cost of the project and the allocation. Mr. Johnson had submitted a proposal for the preliminary engineering not to exceed $4,000. Participation by the City would be minimal if Johnson County participated; if not, there probably would be some expenditure on the part of the City of Leawood. Councilman Jacob moved that the Council approve the preliminary design analysis and layout for College Boulevard between Mission Road and Roe Avenue and Roe Avenue south to 112th Street in an amount not to exceed $4,000; seconded by Councilman Carper. Motion carried.

Report on Special Street Projects: Copies of Mr. Johnson's report on special street projects were distributed to councilmen for study. Mayor Crippin explained this was the result of approval of a study by Mr. Johnson to determine possible allocation of the balance in the Special Highway Fund. Several items were included and will be discussed at the next meeting. Mr. Johnson said this did not include the ten-year improvement program of major projects.

Parks Commission:

De-Acquisition of Three Vest Pocket Parks: Councilman Rinehart said cost of preparation of the legal descriptions, the drawings, the field surveys, and doing the staking had not been considered by the Council. There had been a meeting in May with residents and there was no problem with two small parks at 88th and Meadow and 81st and Manor; a bigger problem came with Manor Park where some of the citizens were not willing to mow to the drainage ditch so the line would zigzag. It had been worked out, the only thing left was the final work—the legals, the drawings, surveys and staking. Shafer, Kline & Warren had submitted estimated minimum and maximum costs. The Council had previously approved a resolution of de-accession. Councilman Rinehart said the money probably would have to come from the recreation land acquisition budget. Councilman Hodes commented the additional land would enhance the value of those properties yet it was costing the City to get rid of it. Councilman Rinehart said the people would not have accepted this if they had to pay for it. The need for surveying in order to have a correct legal description was discussed. Councilman Roberts thought the City should provide a good, clearly defined legal description. Mr. Bieszczat said even without a survey, a certain amount of work would have to be done to locate the property lines. The matter was deferred to the next meeting so that the City Attorney could comment.
MAYOR'S REPORT

Minor Collector Streets: Mayor Crippin stated to his knowledge this matter was cleared up at a Public Works and Public Safety meeting with the agreement that it would be the prerogative of the staff to pursue through negotiation and discussion with various developers what the size of the streets should be, 41 or 36 feet.

Report on Flooding: Chief Sellers reported there had been flooding during the evening, some damage to bridges, and wind damage.

At 10:35 p.m., on motion by Councilman Rinehart, duly seconded, the meeting adjourned to Monday, June 18, 1979, 7:30 p.m.

Signed

Council Reporter

Attest:

City Clerk

June 4, 1979
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, June 18, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Reese, Jacob, Rinehart, Carper.

Others present were Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, Herbert Johnson, Tom Bieszczat, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Reese, the minutes of the meeting of June 4, 1979, were approved as submitted.


On motion by Councilman Roberts, seconded by Councilman Wise, the agenda was changed to consider the Leawood Drive-In Theater Property as the first item of business.

Leawood Drive-In Theater Property: Mayor Crippin reviewed discussion at the last meeting concerning the request by Mr. Grier for an extension of 120 days from May 1 in order to make the improvements stated in a letter from former Mayor Alt had to be met in order for the Leawood Drive-In Theater to reopen. The matter had been held over to this meeting.

City Attorney Winn reviewed the history of the Leawood Drive-In Theater. He circulated pictures showing the theater in May, 1978. He read from the transcript of a portion of the hearing before the court in which the attorney for Mr. Williams stated his client's intent in buying the property was to develop it, he really did not want to reopen the drive-in but that was better than not earning any money out of the property; at the present time their intention was to pursue the lawsuit brought by Colonial Investment against the City on the original action on the zoning, and not the re-construction of the drive-in; for the present, they would not be seeking
June 18, 1979

a permit under the premises of former Mayor Alt's letter. Mr. Winn said those statements had significance in that they were contrary to the stated intent of the owner in January of 1979, which intent was critical, and the City had spent a considerable sum of money on the improvement district based on representations by the owner of the property that the theater would continue. Mr. Winn said engineering field notes indicated the fence was reconstructed by March 29. He added if there had been a request to put the fence up, that could have been accomplished in a 24-hour period.

James Grier said the City at various times had taken various actions with respect to the Leawood Drive-In Theater—at one time they were told the City would give the permit to reopen, then Mayor Alt announced that would not happen, then in January the permit was finally restored on an off and on basis. He believed the desire and intent of the landowner had been consistently expressed that the property was purchased for commercial use and they had consistently stated that if the only use was a drive-in theater, they intended to proceed with that use. Mr. Grier said he had written Mayor Crippin the day after the last Council meeting sending copies of the bids taken at the end of March in order to commence reconstruction work; he assumed the letter and bids would be a part of the record. He said Mr. Williams wrote the City on March 29 that there had been some damage because the fence was not up. Mr. Grier said the intention expressed by the Council two weeks ago (because of the delay in putting the fence up) was that they should be permitted a reasonable time to complete the improvements; that the City did not know it was causing any problem was not a true statement. He referred to a letter which he said showed they had actually booked a film for the month of June. He said if Council action was not to permit them to open the theater, by such action it had taken his client's property.

Mayor Crippin acknowledged that he had received Mr. Grier's letter following the last Council meeting and it had been reviewed by the Council. Mr. Grier then presented a letter with respect to the movies that were booked.

Rod Richardson, speaking on behalf of Mr. Vaughan and the Verona Gardens Homes Association, said it had been clear throughout the proceedings that the intent of the developer had been to develop the land for commercial purposes; he said the Council was really being asked by Mr. Grier on behalf of Mr. Williams to give them an additional 120 days to litigate their zoning case against Leawood; in the event the decision of the Council on the zoning was upheld by the court they would have the option of reopening the drive-in theater. He said it was his clients' view that the ordinance was clear that if a non-conforming use was abandoned for a period longer than six months it could not be reopened. He said there was no evidence to suggest
June 18, 1979

that there was any intent to reopen the theater.

Mr. Grier stated that as of March 29, under Mr. Williams's observations, the fence was not there and he had notified the City several times before the meeting with city officials in January that the fence being down was a problem and that its being in place was essential.

Presuming that reconstructing the fence on the south side was of some importance, City Attorney Winn asked Mr. Grier if there was anything that would have prevented them from doing other rather substantial work that needed to be done. Mr. Grier said the fence basically meant that all of the work they had to do would be unsecured, and the great exposure was from 123rd Street. As to counsel's statement at the court hearing, Mr. Grier said either counsel did not know or was not informed as to the particular matter of Mr. Williams's intent to reopen the drive-in; it was an informal discussion and counsel was appearing on a very narrow motion and had not been involved in all aspects of this matter.

Resolution No. 501 - Concerning Leawood Drive-In Theater
Property: Mayor Crippin outlined the choices of the Council. He said by voice vote the Council could grant Mr. Williams 120 days from May 1 to make certain improvements stated in the letter dated January 12. Mr. Winn corrected his earlier statement after examining the field notes, saying they showed the fence was actually completed on May 8, 1979. Mr. Grier pointed out that that corresponded with his suggestion to the Council two weeks ago that the fence was not completed until around the first of May. Mayor Crippin continued that the other alternative for the Council was a resolution revoking the conditions stated in the letter of January 12, 1979, resolving that the non-conforming use of the property as a drive-in theater be decreed to have been abandoned and that the City take action to insure that the abandoned drive-in theater property be maintained so that it was free from weeds, debris, or public nuisance of any kind. Councilman Wise said it did not seem logical to her that all this work was held up over a fence which an eight-year-old youngster could have scaled, and moved that the resolution be approved; seconded by Councilman Roberts. Upon inquiry by Councilman Roberts, it was clarified that the Council had approved the conditions and authorized Mayor Alt to prepare a letter to Mr. Williams prior to January 12. Resolution No. 501 was approved. A copy is attached hereto as part of the record. A lady asked if some trees would be replaced, to which City Attorney Winn replied that was probably a moot question since the requirement that they be replaced was only in conjunction with reopening the theater.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Wise.

2678
Budget and Finance: Councilman Carper explained that the 1979 Federal Revenue Sharing Budget was being revised, hence there would have to be a public hearing, which had been set for July 2, 1979, at 7:30 p.m. On motion by Councilman Wise, seconded by Councilman Jacob, the notice of public hearing on the 1979 Amended Federal Revenue Sharing Budget was approved. Councilman Carper also presented notice of public hearing on the 1980 Federal Revenue Sharing Budget to be held on July 2, 1979, at 7:30 p.m. to discuss how to utilize the funds for 1980. On motion by Councilman Wise, seconded by Councilman Rinehart, the notice of public hearing on the proposed use of 1980 Federal Revenue Sharing funds was approved.

Ordinance:

Ordinance No. 636 - Relating to Operation of Cable Television Franchise (Second Reading): Councilman Wise moved that the ordinance be placed on second reading. Ordinance No. 636 was approved unanimously.

Ordinance Relative to Occupation Licensing (First Reading): Councilman Wise reported in section 21 a change was made with regard to real estate companies. On motion by Councilman Wise, the ordinance was placed on first reading.

Ordinance Accepting Right-of-Way Grant for Street Purposes - 14th and Mission (First Reading): Councilman Wise explained the ordinance was to accept right-of-way from Joseph and Diane Miller, and moved that the ordinance be placed on first reading. City Attorney Winn explained the land had been sold as unplatted acreage, the ordinance was to make sure the City got right-of-way for the street. He said the owners were also agreeing to sign a covenant not to oppose any improvement districts in the future on Mission Road. It was agreed that the language of future covenants should be revised.

Parks:

Disposition of Park Property: Councilman Rinehart stated the City had spent between $2,000 and $3,000 per year to maintain the three parks being de-accessed. A letter from Shafer, Kline & Warren suggested an office survey as an alternative to the complete field survey. She said Mr. Biesczat felt the City should make sure there were existing property markers on the adjoining platted property, from which the people could make their own surveys. Quit-claim deeds would be filed by the City. It was estimated the City would save one-third of the original estimated cost with the office survey. Councilman Rinehart moved that the Council accept the proposal from Shafer, Kline & Warren not to exceed $3,000 to do an office survey for disposition of three parks; seconded by Councilman Carper. Motion carried.
June 18, 1979

Public Safety:

Request for Permission to Keep Three Dogs on Premises - 12704 Sagamore: On recommendation of the Public Safety Commission, Councilman Roberts moved that the Council approve the request to keep three dogs at 12704 Sagamore, provided that the yard be fenced to contain the dogs; seconded by Councilman Jacob. Motion carried, Councilman Reese opposed.

Public Works:

Purchase of Street Sweeper: Councilman Jacob stated in response to questions raised at the last Council meeting a report had been prepared and submitted, recommending purchase of the Mobil 2TE4 sweeper at a cost of $38,950. On recommendation of the Public Works Commission, Councilman Jacob moved that the bid of Victor L. Phillips Co. be accepted for the Mobil 2TE4 street sweeper; seconded by Councilman Rinehart. Councilman Jacob said it was felt City streets could be covered completely at least four times a year. Councilman Carper suggested that there be technical training sessions in operation of the sweeper. Scott Simpson, representing the Victor L. Phillips Co., said they would supply a mechanic to spend a day training the City's operator. Roger Smith, representative of the Mobil Sweeper Division of Athey Products Corp., estimated 120 days for delivery of the sweeper; he said the warranty of 5,000 miles or six months could be waived upon receipt of a letter from the City if the sweeper was delivered during the cold months. Motion carried.

Extraordinary Sick Leave - Stagner: Mrs. Farrar reported Mr. Stagner had changed doctors and was in the hospital. A report should be forthcoming soon. Councilman Jacobs moved that the extraordinary sick leave for Mr. Stagner be extended for a period of thirty days; seconded by Councilman Wise. Motion carried.

Approval of Payment Estimates to Contractor: Payment estimates on Benefit Districts 78-1 (Section 2), 78-2, and 79-1 in the amounts of $38,731.48, $37,276.47 and $46,351.21, respectively, had been distributed. Councilman Jacob moved that the Council approve payment of the estimates to the contractor. Motion carried.

Approval of Payment Estimates to Engineer: On motion by Councilman Rinehart, seconded by Councilman Jacob, engineer's payment estimates on Benefit Districts 78-1 (Section 2), 78-2 and 79-1 were approved.

MAYOR'S REPORT

Appointment of Administrative Intern: Mayor Crippin announced Ken Wilks had been appointed an intern for the summer and commented on his thorough preparation of the street sweeper report. A memorandum had been sent to
department heads asking that they submit special projects for Mr. Wilks to Mrs. Farrar for review.

Meeting with Mr. Saunders: Mayor Crippin announced there would be another meeting with Mr. Saunders on Thursday evening, June 21.

NEW BUSINESS

Request for Approval of Invoice for Consulting Services of Johnson, Brickell, Mulcahy & Associates: On motion by Councilman Wise, seconded by Councilman Carper, the invoice of Johnson, Brickell, Mulcahy & Associates was approved for payment.

Appropriation Ordinance: No. 396 in the amount of $229,213.54, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and approved on motion by Councilman Wise. There was discussion concerning suppliers of hardware items. It was agreed that the best price should determine the supplier over location in the city or state.

Departmental Budgets: Councilman Carper said proposed budgets had been received from all departments except the Administrative Department and Public Works. Councilman Jacob said Public Works was delayed until Mr. Bieszczat was on staff and until the condition of equipment could be reviewed for preparation of a schedule of replacement. Councilman Wise suggested for the sake of expediting the budget that a dollar figure be allocated and then work backwards on equipment purchases and maintenance. Mrs. Farrar said the budget calendar indicated budgets should be submitted to the Budget and Finance Committee by July 2.

Fireworks Ordinance: In light of publicity concerning a recent Attorney General's opinion concerning fireworks, Mayor Crippin stated Leawood would, along with other cities in Northeast Johnson County, continue to enforce its ordinance banning fireworks.

At 9:35 p.m., on motion by Councilman Wise, duly seconded, the meeting adjourned to Monday, July 2, 1979, 7:30 p.m.
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas, Including Public Hearing on 1979 Amended Federal Revenue Sharing Budget and on 1980 Proposed Use of Revenue Sharing Funds.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, July 2, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding.

Hearing on 1979 Amended Federal Revenue Sharing Budget: Councilman Carper stated the Council had approved a 1979 Federal Revenue Sharing Budget originally in the amount of $57,000, including Fire Department vehicle $7,000, street sweeper $45,000, and codification of ordinances $5,000. He proposed that the 1979 Federal Revenue Sharing Budget be amended to $67,300, including Public Works equipment $18,045, codification of ordinances $5,000, and the sidewalk at 119th Street $14,255; the difference in the total being carryover from the prior year having to do with improvements and equipment and an underestimate of approximately $2,700. There were no comments from the public, and the hearing was declared closed.

Roll call was answered by Councilmen Wise, Roberts, Funk, Reese, Jacob, Rinehart, Carper, Hodes.

Also present were Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, Tom Bieszczat, Herbert Johnson, Frances Farrar, the City Clerk, and the Council Reporter.

Resolution No. 502 - Approving 1979 Amended Federal Revenue Sharing Budget: Councilman Carper read the proposed resolution adopting the 1979 Amended Federal Revenue Sharing Budget in the amount of $67,300. On motion by Councilman Carper, seconded by Councilman Wise, the resolution was adopted. A copy is attached hereto as part of the record.

Public Hearing on 1980 Proposed Use of Federal Revenue Sharing Funds: Councilman Carper stated the amount anticipated to be received during 1980 was approximately $42,000. There being no comments from the public, Councilman Carper moved that the hearing be closed; seconded by Councilman Wise. Motion carried. Councilman Carper stated allocation of the $42,000 would be considered by the Budget and Finance Committee on July 6.

Minutes: Councilman Rinehart moved that the minutes of the meeting of June 18, 1979, be amended on page 2679 by adding "to one-half" following the word "one-third" in the tenth line of the last paragraph, and further by amending her motion recorded at the bottom of page 2679 to read, "Councilman Rinehart moved that the Council
July 2, 1979

"accept the proposal from Shafer, Kline & Warren to include minimum markers and not to exceed $3,000 to do an office survey for disposition of three parks." Motion was seconded by Councilman Wise and carried.

Visitors: Fred Gibson, Gene Winick, Cheryl Cowan. Member of the Press: Sally Huggins.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

#52 Ordinance No. 637 - Accepting Right-of-Way Grant for Street Purposes - 14420 Mission Road (Second Reading): Councilman Wise moved that the ordinance be placed on second reading. Ordinance No. 637 was adopted unanimously.

#55 Ordinance No. 638 - Relative to Occupation Licensing (Second Reading): Councilman Wise reported that the City Clerk's office had noted that there had been various people requesting refund of a portion of the license fee for businesses which ceased to operate; at present, such refunds were not permitted. Councilman Hodes said he did not think it was customary to give refunds but it may be customary to have a half or fourth year fee. City Attorney Winn suggested no more than one refund period. In the event there was no sentiment to make a provision for refund, Councilman Wise reported the other request from the City Clerk's office was that it be stated more clearly in the ordinance. On motion by Councilman Wise, seconded by Councilman Rinehart, the ordinance was amended in Section 8-104 to read: "No refunds will be made for any business ceasing during the year or for any tax or fee collected under the provisions of this ordinance." On motion by Councilman Wise, Ordinance No. 638 was adopted as amended.

#87 Ordinance Vacating Easement - 103rd Terrace (First Reading): Councilman Wise moved that the ordinance be placed on first reading. City Attorney Winn explained the land involved was on a cul de sac in front of the State Line Racquet Club; several years ago in order to accommodate a better turning radius the City made a square-foot-for-square-foot swap with the Racquet Club; it turned out that the land deeded by the City had been deeded to the City subject to street purposes, so the City had given less than fee simple title; the proposed ordinance deeded away whatever easement rights the City would have had in the property.

Plan Commission:

#97 Resolution No. 503 - Approving Verona Gardens Fourth (Final) Plat: Herbert Johnson reported the Plan Commission had reviewed and approved the final plat of Verona Gardens Fourth Plat covering a tract of land on the north side of 123rd Street. The streets, storm sewer and street lighting plans had been approved by the City and conformed to all the
July 2, 1979

necessary public works elements. Mr. Johnson said there was a question remaining to be resolved concerning the pedestrian way from Norwood Drive to the Leawood Elementary School, recommended by staff to be an eight foot wide paved walkway area with a four foot high fence on either side. He recommended that this matter be resolved in subsequent discussions by the staff with the developer to coordinate with the activities of the Leawood Elementary School (as it developed the pedestrian way on the school property). He suggested Council approval of the Fourth Plat of Verona Gardens subject to staff review and concurrence on the pedestrian way from Norwood Drive to the school property. Councilman Hodes expressed the hope that the City's requests were not unreasonable with respect to the walkway because the Nichols Company had volunteered to do this. Mr. Gibson of the Nichols Company said they had proposed a five foot sidewalk; he wondered if a walkway eight feet wide would invite vehicular traffic; he said they would agree to put in a sidewalk to match whatever the school would agree to extend on its property. He said they always provided fencing on both sides, and it would be installed before the houses were built. Maintenance was discussed.

Mr. Johnson stated an eight foot wide walkway was proposed to permit the use of bicycles and pedestrians along the facility. Councilman Rinehart thought it should be very clearly determined who was going to maintain it. There was discussion that a chain link fence would be preferable. Councilman Roberts hoped that the school would assume the responsibility for keeping the sidewalk clear. Mayor Crippin suggested that the homes association be assigned the responsibility of taking care of the walkway. Mr. Johnson explained that the area within the fence line would be totally paved. Various safety aspects were discussed. Mayor Crippin asked Mr. Bieszczat to take the responsibility of working with Mr. Gibson and the School District to make sure that a practical sidewalk was put in so that it could be well maintained, and he asked Mr. Gibson to work the pedestrian way in with the homes association maintenance. On motion by Councilman Hodes, Resolution No. 503 approving Verona Gardens Fourth Plat was adopted. Chief Toman reported that the Plan Commission had agreed that only cul de sacs with six houses or more would be named, which would eliminate the name "Ensley Lane" on the end of 122nd Terrace (it was the wrong order for east-west streets). Mr. Gibson stated only one house would front on 123rd Street. A copy of Resolution No. 503 is attached hereto as part of the record.

Resolution No. 504 - Revision of Comprehensive City Plan:
Mayor Crippin presented the resolution requesting that funds be provided for revision of the comprehensive plan. He said the Plan Commission had some money in its budget that could be expended for this activity. He said by the time the Plan Commission had determined which consulting firm would undertake the revision, those funds from the 1979 budget probably would be encumbered and also some funds from the 1980 budget.
utilized. City Attorney Winn stated it was a statutory requirement that the plan be reviewed annually. Mayor Crippin stated it had been reviewed annually but there had never been a major revision to the plan or the map. Councilman Roberts moved for approval of the resolution; seconded by Councilman Wise. Councilman Carper mentioned that a ballpark figure would be needed for 1980 budget preparation. Resolution No. 504 was adopted. A copy is attached hereto as part of the record.

Public Safety:

Request for Street Lighting - Leawood Meadows, 1st Plat, and Verona Gardens, 3rd Plat: Councilman Hodes reported the Public Safety Commission and Chief Sellers had examined the requests. Chief Sellers explained the Leawood Meadows, 1st Plat, was by specific request of area residents and the Verona Gardens, 3rd Plat, was a request from the developer. Councilman Hodes moved for approval of the street lighting requests. Mr. Gibson said the developer would be providing street lighting in the fourth plat. Councilman Hodes asked the City Clerk to check to make sure the street lights being put in Verona Gardens were the same as the developer was putting in the new plat. Mr. Johnson stated there would be a difference in the color of the light because what the Power and Light Company was putting in was mercury vapor, what Nichols was putting in would be high pressure sodium lighting. He explained the sodium lighting was the cheapest to operate. He said the Power and Light Company would charge considerably more per year for sodium lighting. Mr. Johnson suggested getting a quote from Kansas City Power & Light Company for a sodium high pressure lamp. There was discussion concerning the different colors of lighting occurring in the middle of residential areas. Mayor Crippin asked the City Clerk to write to Kansas City Power & Light Company to see how this could all be made the same type of light. Mr. Hodes' motion was seconded by Councilman Carper and carried. On that motion, Mayor Crippin said he thought the City could proceed to get the street lights put in.

Public Works:

Approval of Payment to Shafer, Kline & Warren - Benefit District 79-1: Councilman Jacob moved that the Council approve payment to Shafer, Kline & Warren of their invoice in the amount of $3,311.75 for preliminary engineering work on Benefit District 79-1; seconded by Councilman Wise. Motion carried.

Request for Authorization to Contract for Joint Project with Overland Park - Two Inch Asphalitic Concrete Overlay of Mission Road South of 103rd Street: Councilman Jacob reviewed a proposal from Tri-City Construction Company outlining three alternatives. He said the third alternative in the amount of $21,437.50 would extend the overlay to the
July 2, 1979

south entrance of the Saddle & Sirloin Club. He said Dennis Garrett, Director of Transportation for the City of Overland Park, had indicated a willingness to pay one-half the cost to improve that roadway with a two-inch overlay to the south entrance of the Saddle & Sirloin Club. Mr. Bieszczat requested authorization of the Council to proceed under this concept to pave the roadway. Overland Park being a first class city, there would have to be a public letting. There was discussion that construction was still taking place at the sewage treatment plant but Mr. Bieszczat did not view that as a great problem. Councilman Jacob reported it was the consensus of the Public Safety Commission to approve the overlay at the intersection as the minimum that could be done. Mr. Bieszczat said the developer on the west side was widening the roadway alongside Mission for a subdivision which predicated this improvement at this time.

Councilman Roberts stated the City had been spending a few thousand dollars each year trying to keep the street in shape, and this appeared a little more permanent than what the City had been doing. Councilman Hodes said he could not see justification for going any farther than the north entrance of the Saddle & Sirloin Club. Mr. Bieszczat stated it had previously been paved to the south entrance; he recommended that the road be improved to the south entrance of the Club predicated on the fact that Overland Park approve the same thing. Councilman Jacob moved that the Council approve a two-inch overlay of the intersection of 103rd Street and Mission Road south on Mission Road to the south entrance to the Saddle & Sirloin Club conditioned on the commitment by the City of Overland Park to accept half the cost of the overlay; seconded by Councilman Wise. Councilman Hodes said he was concerned about paving the section between the north and south entrances; he thought it would be better to stratify that pavement and return it back to a gravel road which could be graded at not-too-great expense. He said if that improvement were made it would be encouraging people in the College Boulevard-Roe area businesses to use Mission Road and go over a bridge that was inherently unsafe. Motion carried, Councilmen Roberts, Reese and Hodes opposed.

MAYOR'S REPORT

Mayor Crippin asked that correspondence from the Department of Health concerning an outbreak of rubeola be forwarded to the Recreation Department.

American Revolution Tricentennial Fund: Mayor Crippin read the resolution of a prior council concerning the American Revolution Tricentennial Fund. The balance as of July 2, 1979, was $1,261.70.
Policy Regarding Enforcement of Ordinance Pertaining to Real Estate Signs: Mayor Crippin stated it had been determined a few weeks ago that the ordinance pertaining to real estate signs should be referred to the Ordinance Committee for study. He said the last two weekends he had received several telephone calls and it appeared that there was not a clear definition of the policy of enforcement to be followed by the Police Department. He said the problem that had occurred was that a city official some time ago interpreted the ordinance such that a realtor's sign could appear on the property of a house under construction seven days a week rather than the 1:00 to 5:00 p.m. period on Saturday and Sunday, and could be in conjunction with a builder's sign while the house was under construction. Mayor Crippin reported the City Attorney agreed that the proper compliance would be that realtor signs for houses under construction would follow the same specifications for other houses (1:00 to 5:00 p.m. on Saturday and Sunday). Mayor Crippin related that realtors had cited such things as the air conditioning not being hooked up or a room not being painted as evidence that a house was not completed, consequently continuing to have the realtor's sign seven days a week. Mayor Crippin said the Ordinance Committee would have to deal with the builder aspect of it; however, he was bringing before the Council for discussion enforcement that the realtor's sign only be placed in the yard on Saturday and Sunday from 1:00 to 5:00 p.m. City Attorney Winn said he felt the ordinance was clear enough that the Police Department could proceed with enforcement. Councilman Reese agreed. Mr. Winn said a realtor had expressed an interest in meeting with the committee to discuss the ordinance. He said realtors were concerned that people could not find the houses. Councilman Wise said her impression at the Administrative Committee meeting was that there was no desire for changing the present ordinance as far as modifying the provisions for real estate signs. Mayor Crippin indicated that he felt the problem of the house not being finished should be addressed. Mayor Crippin summarized that it was the consensus of the Council that Chief Sellers and Mrs. Farrar had the opportunity to enforce the ordinance and give out appropriate instructions concerning the meaning of paragraph B. He asked that the Ordinance Committee also consider developer signs which had created a problem in terms of placement. There was discussion that the sign ordinance would be enforced as it had been until July 15th, at which time the City would go into the new enforcement procedure by letters, etc.

NEW BUSINESS

Purchase of Chairs for Conference Room: Councilman Wise reported there were two bids on chairs for the conference room and the recommendation was that the bid of Scott-Rice in the amount of $3,088.50 be accepted. Councilman Wise moved that the recommendation to purchase 15 chairs be
accepted in the amount of $3,088.50; seconded by Councilman Reese. Motion carried.

Discussion Concerning Issuance of Temporary Notes for Benefit District 78-1 and Benefit District 79-1: City Attorney Winn explained that on Benefit District 78-1 for 123rd Street there was a $250,000 note due July 3 which financed primarily the first phase of 78-1. A contract had been let several months ago for Phase 2 and money was needed to finance that portion of the project, as well as to pay off the note expiring July 3. The estimated and probable cost of the project was $585,000. He said the project should come in under that figure. Mr. Winn said Benefit District 79-1, the Mission Road and 123rd Street project, was well under construction and money was needed to pay the bills. He said the notes were in lower denominations to aid in selling them. He said $1,200,000.00 on 79-1 should just about cover all interest and expenses on that project. Mr. Winn suggested that the ordinances be considered on an emergency basis.

Ordinance No. 639 - Authorizing and Providing for the Issuance of Temporary Notes for Benefit District 78-1 in the Amount of $550,000.00 (First Reading): Councilman Wise moved that the ordinance be passed on an emergency basis; seconded by Councilman Rinehart. Ordinance No. 639 was adopted unanimously.

Ordinance No. 640 - Authorizing and Providing for the Issuance of Temporary Notes for Benefit District 79-1 in the Amount of $1,200,000.00 (First Reading): Councilman Wise moved that the ordinance be approved on an emergency basis; seconded by Councilman Carper. Ordinance No. 640 was adopted unanimously.

Councilman Carper announced that the Budget and Finance Committee would meet on July 6 at 8:00 a.m. and invited councilmen to attend.

At 9:15 p.m., on motion by Councilman Wise, the meeting adjourned to Monday, July 16, 1979, 7:30 p.m.

[Signatures]

Mayor

Council Reporter

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

A regular meeting of the City Council was held at 7:30 p.m. on Monday, July 16, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Wise, Roberts, Reese, Jacob, Rinehart, Carper, Hodes.

Also present were Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, City Architect Sanders, Tom Bieszczat, Herbert Johnson, Fred Krebs, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Rinehart, the minutes of the meeting of July 2, 1979, were approved as submitted.


Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Carper.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance: Councilman Carper requested that approval of notice of budget hearing, Federal Revenue Sharing funds hearing, and budget summary be deferred to a later meeting. He presented for approval the proposed 1979 audit by Mayer Hoffman McCann in the amount of $5,200. Councilman Carper and Treasurer Golik recommended that the proposal be approved. Councilman Carper moved that the proposal of Mayer Hoffman McCann for the 1979 audit in the amount of $5,200 be approved; seconded by Councilman Wise. Motion carried.

Ordinance:

Ordinance No. 641 - Vacating Easement for Street Purposes - 103rd Terrace (Second Reading): Councilman Wise moved that the ordinance be placed on second reading. Ordinance No. 641 was unanimously adopted.

Ordinance Creating Office of City Administrator, Appointment, Tenure, Qualifications, Etc. (First Reading): Councilman Wise moved that the ordinance be placed on first reading.

Plan Commission:

Recommendation Relative to Application for Zoning - Leawood Bank: Mr. Sanders referred to copies of a portion of the
minutes of the Plan Commission meeting of June 26 regarding an application for rezoning from CP-O to CP-1 by Leawood Bank for the southeast corner of College Boulevard and Roe Avenue; the site represented approximately three acres. After consideration, the Plan Commission had recommended denial of the request; reasons for the denial were heavier traffic flows and CP-1 zoning could substantially change the character of the existing neighborhood. Mr. Sanders showed a map of existing zoning in the immediate area. On the north side of the intersection in Overland Park there was CP-1 and an area zoned CP-2 (which allows retail). Mr. Sanders stated the staff in its review had indicated it would favor a bank going on that site. He said the staff really did not see a change in the character of the neighborhood. He outlined the options open to the Council. Mayor Crippin added that if the Council denied the application it would be stopped at this time; if the Council approved the application then it would go back to the Plan Commission with a statement from the Council as to why it disagreed. The matter was discussed. Mr. Sanders said the staff had looked at the traffic situation very carefully, looking at this site development plan in addition to that for Park Place; with the cooperation of both applicants, the staff had worked out curb cuts to hold traffic away from the intersection; the main entrance to the bank would be off College Boulevard; bank customers would come along a service drive to the bank site itself. The applicant had agreed if the bank charter failed the zoning would revert to CP-O. City Attorney Winn stated the reverter clause could be in the zoning ordinance.

As to stacking area, Mr. Johnson said there was the possibility that two or three Friday afternoons per year traffic would be on the street waiting to get into the drive-in facility; however, it was well within the design criteria for a bank. Mr. Johnson said the character of the corner would change but it would change worse on the Overland Park side with 15,000 sq. ft. of commercial shops. He said both of the applicants on the southeast corner had agreed to participate in the improvement of the roadway both on Roe and College Boulevard. He said the traffic movements indicated could be safely and conveniently accommodated through the improved intersection area. Mr. Johnson said the possibility of College Boulevard being extended to State Line Road had been left out of the 20-year forecast because of the magnitude of the engineering involved to extend it through the flood plain and the Joyce Hall property.

The Plan Commission motion was discussed. Mr. Sanders said the staff recommended another stipulation that it was not intended that the rest of the area be zoned CP-1. Chief Toman read Mr. Kellenberg's statement from the Plan Commission minutes that planned zoning did not give the Plan Commission authority to dictate which of the myriad uses that were permitted in CP-1, but did allow the Commission
to establish general perimeters (site improvement, parking setback, landscaping, circulation of traffic, parking, screening, etc.). City Attorney Winn said he would concur if the Council said CP-1 and said nothing else, but he thought it could be tightened down.

Mr. Sanders explained that the developers of Park Place had requested and received from the Board of Zoning Appeals a variance on their setback along the contiguous property line from 25 feet to 10 feet; the bank likewise the following month requested the same on its property to keep the alignment of the drive the same and it would allow more green space on Roe and College Boulevard; due to a mix-up, they were not heard in the month of June, so it went to the Plan Commission with that flaw in the plan. Councilman Roberts recalled that a few years ago the residents and the Council were given the understanding that the entire corner in question would be CP-0, now the proposal was for CP-1 with variances. Mr. Johnson explained that the variance to be sought was for 20 feet separation between bumpers of parked cars as opposed to 35 feet. Mr. Sanders said the reason for the proposed change was specifically to allow a bank.

Upon inquiry by Councilman Reese, Mr. Sanders said the bank would be surrounded by offices, hence the residents would be insulated from the banking operation. Councilman Rinehart asked if the Leawood Bank had investigated other locations. Mr. Sanders said he had worked very closely with this applicant and the applicant for Park Place in trying to lay out the entire corner. Councilman Roberts said it seemed they could have developed it without the need for variances. The variances were discussed. Mr. Sanders said the paving in front of both developments would be forty feet back from the property line allowing as much or more green space than Leawood Corporate Manor. Mr. Johnson explained access routes to the bank and said all of the movements could be made very simply.

Ronald Gold, a proposed shareholder in the new bank, said nine of the sixteen stockholders in the bank were Leawood residents and would control 75 percent of the voting stock. He reviewed other sites which had been considered, including 61st and State Line, 103rd and State Line, 95th and Mission Road, College Boulevard and Nall, 119th and Roe, and said they were limited to the College Boulevard area. He said College Boulevard would probably be the most highly developed commercial area in Kansas City. He stated they had signed an agreement to participate in the benefit district to make this intersection four lanes with a medial strip. Mr. Gold pointed out that the Overland Park facility could only take deposits, they could not make a loan at that location, so basically it would be drawing off deposits from Leawood. He said use of the Overland Park State Bank facility would be greatly diminished because the only way to get into that facility would be heading south on Roe. They had
asked for a cut in the median to allow left turns on Roe into the site; the county had not approved that cut and would not without an indemnification letter from Overland Park.

Mr. Gold said they could get a 20,000 sq. ft. office building on the site which would be permitted under the CP-0 zoning. He said they had agreed to take off five parking spaces to enhance the green area. He pointed out that if the ten-acre tract had been developed as one project it could have been nothing but an asphalt jungle. He said the landscaping would be of the berm type so persons would not be able to look directly into the parking lot from the street. He said they were giving 35 feet on College and 40 feet on Roe for green space, would state in writing that they would not have any retail operation there other than the bank, and that they would grant any cross easements that were required. He said they had tried to comply with the procedures in obtaining the variance; that the only reason they needed the variance was to conform to the Park Place project and accommodate the cross easements. Mr. Gold said the variances were technical in nature, and if they were not granted they would reduce the size of the bank. He said they were requesting CP-1 zoning contingent upon their obtaining a bank charter. There would be a hearing on their charter application on August 28.

Mayor Crippin outlined the Council's options (1) concur with the Plan Commission recommendation and the property would not be zoned; (2) disagree with the Plan Commission, approve it with whatever reasons and forward it back to the Plan Commission and they would reconsider it at their next meeting (if they felt that the Council was justified, they could reverse their decision and forward it back to the Council; if they did not agree, they could forward their same recommendation to the Council). Mr. Sanders said the applicant, recognizing what steps had to be taken, submitted a new site plan with no variances which was scheduled to go to the Plan Commission this month, in case the Council took no action on the rezoning.

Councilman Carper asked the difference in traffic flow with a 20,000 sq. ft. office building as compared with the bank. Mr. Johnson said the bank would have a higher traffic generation characteristic than an office building for the same amount of square feet, but the number of vehicles would not cause real congestion on the two streets. City Attorney Winn said CP-0 specifically permitted administrative offices for corporations and CP-1 specifically provided for services such as professional offices, banks, and savings and loan, so it was just a hair between CP-0 and CP-1 in terms of this type of use. Mr. Gold said the original zoning on this land was B-4, which was the same zoning used for the Interstate Savings and Loan facility. Mayor Crippin commented that normally banks and savings

#277
and loan facilities were associated with office complexes. Based on the staff's recommendation and what had been heard from the proponents, Councilman Hodes moved that the request for rezoning from CP-O to CP-I be approved and the denial be sent back to the Plan Commission for restudy and future submission to the Council; seconded by Councilman Carper. There was discussion concerning the suggestion that if the zoning were approved, it be with a provision that if the property were not utilized for a banking facility, it would revert back to CP-O classification. Councilman Carper wondered if it would be more prudent to revise the ordinance so that bank buildings were included in CP-O. Mr. Winn suggested that perhaps the variance to be obtained would be an interpretation variance on whether a combination bank-office building would be a permitted use in CP-O. Councilman Roberts said he recalled that at the time the regulations were being written the reason banks were included in the CP-I classification was because it was common practice in construction of banks to include drive-in facilities which put them in a little different light than a general office building, creating a different traffic flow. Councilman Reese moved that the motion be amended to include a reverter clause that if the property is not utilized for a banking facility the zoning would revert to CP-O zoning classification; seconded by Councilman Carper. Amendment carried. Motion as amended carried.

Public Safety:

Request for Renewal of Permit to Keep Three Dogs - 9718 Overbrook: Councilman Hodes said the Public Safety Commission recommended approval of the request for renewal of permit to keep three dogs at 9718 Overbrook, and moved that the request of Miriam Krum be approved; seconded by Councilman Carper. Councilman Roberts commented that a similar request had been approved a few weeks ago on Sagamore Road in Leawood South with the stipulation that a fence be provided to keep the dogs enclosed; he had gone past the property recently and noticed there was a very temporary chicken wire fence 2½ to 3 feet high, and one dog was outside the fence. He had asked that the situation be checked. There was discussion concerning the ordinance limiting the number of dogs. Mayor Crippin suggested that the Public Safety Commission study it and forward a recommendation to the Administrative Committee if a change seemed justified. Motion carried, Councilman Reese opposed.

Request for Permission to Keep Three Dogs - 2208 West 103rd Terrace: Councilman Hodes requested that the matter be removed from the agenda and that the Police Department be requested to write a note saying the Public Safety Commission denied the request.

Public Works:
July 16, 1979

Engineer's Payment, Estimate No. 1 - Sanitary Sewer Improvement, Step 2, Design: Councilman Jacob requested that the matter be deferred to a later Council meeting.

Contractor's Estimate No. 2, Benefit District 79-1, and Payment to Contractor, Estimate No. 9, Benefit District 78-2: Councilman Jacob moved for approval of Contractor's Estimate No. 2, Benefit District 79-1, and payment of Contractor's Estimate No. 9, Benefit District 78-2, in the amounts of $96,217.55 and $23,028.42 respectively; duly seconded. Motion carried.

Recommendation Regarding Bobcat Loader Bid: Councilman Jacob referred to an analysis of bids prepared by Bob Lacy which had been distributed, and reported that Mr. Lacy recommended purchase of the Bobcat 731 from K. C. Bobcat Co. Mr. Lacy stated he felt the Bobcat 731 represented the greatest value for Leawood. Councilman Jacob moved that the Council approve the bid of K. C. Bobcat Co. for the Bobcat 731 in the amount of $8,592; seconded by Councilman Hodes. Motion carried.

Recommendation Regarding Four Wheel Drive Pickup Truck: Councilman Jacob stated the truck was for the sewer department. Mr. Bieszczat explained the bids were taken with trade-in, and Public Works was recommending that the bid of Feld Chevrolet in the net amount of $6,719.00 be accepted. He explained with the lower bid of Westfall GMC the City would have to sell the old pickup. On motion by Councilman Roberts, duly seconded, the bid of Feld Chevrolet for the four wheel drive pickup was approved.

MAYOR'S REPORT

Mayor Crippin reported Mr. Bieszczat, Phil Kline, possibly Mr. Winn, and he would be meeting with representatives of EPA, State of Kansas, State of Missouri, Johnson County Sewer District, and Kansas City, Missouri, for the purpose of communicating with all parties involved that the Step 2 grant was under way. He hoped the meeting would result in a schedule.

Resolution No. 505 - Designating Johnson County Alcoholism Planning Council as Advisory Group on Expenditures of Alcoholic Tax Funds Received by the City of Leawood: Police Chief Sellers explained that on July 1 a ten percent tax on alcoholic beverages went into effect and it was estimated that Leawood would receive $5,576. He said the request was that the City use the Alcohol Planning Council as an advisory body on use of the funds. On motion by Councilman Hodes, seconded by Councilman Carper, Resolution No. 505 was adopted. A copy is attached hereto as part of the record.

Appropriation Ordinance: No. 397 in the amount of $287,766.27, providing for payment of certain claims against the City and
the Leawood Sewer System, was submitted and approved on motion by Councilman Wise. Councilman Hodes said he thought the City could get a better price by obtaining bids for chemicals, and asked that Mr. Bieszczat look into it.

Special Council Meeting: Councilman Carper stated there would be a special Council meeting on July 23 at 7:30 p.m. for approval of notice of budget hearing.

At 9:20 p.m., on motion by Councilman Carper, seconded by Councilman Hodes, the meeting adjourned to Monday, August 6, 1979, 7:30 p.m.

Attest:

City Clerk

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

A special meeting of the City Council was held at 7:30 p.m. on Monday, July 23, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Request for special meeting for the purpose of approving Notice of Budget Hearing, Federal Revenue Sharing Funds Hearing, and the Budget Summary for 1980, was signed by councilmen present. Roll call was answered by Councilmen Wise, Funk, Reese, Jacob, Rinehart, Carper, Hodes.

Others present were Fire Chief Toman, Treasurer Golik, Tom Bieszczat, Frances Farrar, Dorothy Holtsclaw, the City Clerk, the Council Reporter, and Member of the Press, Sally Huggins.

Councilman Carper explained the meeting was for authorization to publish the budget; August 14 would be the date of the public hearing; August 20 would be the date for Council approval of the 1980 budget. He said the mill levy in 1979 was 16.164, the 1980 levy would be 17.4_7, an increase of .794 percent. He said the proposed 1980 levy would be a .391 percent increase over the 1978 mill levy of 17.379. Councilman Carper said the levy was lowered in 1979 because there was a relatively large carryover. He said the increase in 1980 was also attributed to the fact that the intangibles tax had been reduced and sales tax revenue would be reduced because of action by the legislature to abandon the sales tax on utilities. The budgeted amount for the general fund in 1980 was $1,853,860 as compared with $1,791,828 for 1979, which represented a 3.46 percent increase. He said there were increases in the sewer fund for the project in progress and the special highway fund; Federal Revenue Sharing and the recreation fund were reduced. He stated the Budget and Finance and Administrative Committees had spent many hours on the budget. There was discussion that $10,000 for recreation improvements originally in recreation was transferred to Federal Revenue Sharing. Fines and fees were increased to reflect expected activity with utilization of motorcycles. Councilman Carper stated the total budget for 1979 was $3,906,039, for 1980 it was $4,180,549, a difference of $274,510, or 7.02 percent increase.

Mayor Crippin recognized Mr. John Snyder who had served on the budget committee, and Messrs. Gordon Henke and Lloyd Lynd who had attended budget committee meetings. He said he felt this budget was probably the most understood budget the City had had in a long time because of the total number of people that actually participated on a continuing basis. He felt it was fortunate to have gotten by with such a small increase considering increases by other cities, and
he credited the committee for that. He also thanked staff members Frances Farrar and Dorothy Holtsclaw. Mayor Crippin invited all interested parties to review the budget and attend the budget hearing on August 14.

Councilman Carper moved that the public hearing for the proposed 1980 budget be held the evening of August 14 at 7:30 p.m.; seconded by Councilman Wise. Motion carried. Councilman Carper then moved that Form IV be published along with the Federal Revenue Sharing proposed budget and notice of public hearing to be held August 14; seconded by Councilman Wise. Motion carried.

On motion by Councilman Wise, seconded by Councilman Carper, the meeting was adjourned.
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, August 6, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Reese, Rinehart, Hodes.

Also present were Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, City Architect Sanders, Tom Bieszczat, Herbert Johnson, Frances Farrar, the City Clerk, and the Council Reporter.

Minutes - Meeting of July 16, 1979: On motion by Councilman Wise, seconded by Councilman Rinehart, the minutes of the meeting of July 16, 1979, were approved as submitted.

Minutes - Meeting of July 23, 1979: On motion by Councilman Hodes, seconded by Councilman Reese, the minutes of the special meeting of July 23, 1979, were approved as submitted.

Visitors: Bob Lacy, Richard Ink, Phil Kline. Member of the Press: Kathy Hamm.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance - Approval of Invoice - Workmen’s Compensation Quarterly Audit: City Clerk Jinny Oberlander stated the invoice was routine and that Councilman Carper had approved it. On motion by Councilman Wise, seconded by Councilman Rinehart, the Workmen’s Compensation quarterly audit was approved.

Ordinance:

Ordinance No. 642 - Creating Office of City Administrator, Appointment, Tenure, Qualifications, Etc. (Second Reading): Councilman Wise explained that the ordinance and two amendments had been distributed. She moved that the ordinance be placed on second reading. Mayor Crippin read the amendments. Ordinance No. 642 was adopted unanimously.

Ordinance Relating to Appointment of City Officers (First Reading): Councilman Wise explained this ordinance would simply remove the City Administrator from the required annual appointments. She moved that the ordinance be placed on first reading.

Ordinance Accepting Deed to Public Works Tract (First Reading): Councilman Wise moved that the ordinance be placed on first reading.

Plan Commission:
Resolution No. 506 - Approving Rezoning - Leawood Bank -
College Boulevard and Roe: Bob Sanders referred to a
resolution passed by the Plan Commission recommending
rezoning of the three-acre tract on the southeast corner
of College Boulevard and Roe from CP-0 to CP-1 for use
as a bank facility, and a proposed resolution for the
Council. He explained that the Plan Commission had not
approved the first application and the applicant had come
back, changing the exterior of the building, reducing the
size of the building to 12,000 sq. ft. (which in turn
reduced the number of required parking spaces), updating
the site plan so it had no variances, and making a number
of improvements in landscaping, showing almost total
cooperation. Mr. Sanders said a final site development
plan would be submitted later. Councilman Roberts moved
for adoption of the resolution approving rezoning of the
southeast corner of College Boulevard and Roe from CP-0 to
CP-1, Planned Business District, with the condition that
if the bank does not obtain a charter within 180 days the
property would revert to its previous zoning classification
of CP-0; seconded by Councilman Reese. Resolution No. 506
was adopted unanimously. A copy is attached hereto as part
of the record. Mayor Crippin stated an ordinance would be
forthcoming at the August 20th meeting of the Council.

Proposed Development East of State Line, 81st Street to
85th Street: Councilman Hodes stated the matter had been
discussed earlier in the evening by the Public Safety
Commission. He said Mr. Spradley had requested that
Messrs. Sanders and Johnson appear at the August 21st
meeting of the Kansas City plan commission. He said
Mr. Johnson had obtained a copy of the plan and had noted
a number of discrepancies from the way the property now
appeared. He said he felt it was premature for the Council
to discuss the matter at this point because it was not
certain what the developers were going to present. Herbert
Johnson had submitted a document setting forth certain
changes which must be made before the City of Leawood
could accept it. Councilman Hodes stated a portion of
Leawood in that area was east of State Line Road.

Richard Ink, 8450 State Line, expressed his concern and
offered input from himself and other residents, as did
Bob Lacy, 8435 Sagamore. Councilman Hodes said the Public
Safety Commission was astonished that Kansas City, Missouri,
made no attempt to notify Leawood that there was a zoning
application being made even though some of the property was
in Leawood. Mayor Crippin stated it would be heard by the
Leawood Plan Commission sometime in the future; he asked
Mr. Sanders to notify Mr. Ink when the plans came in. City
Attorney Winn said Leawood would primarily be reviewing
curb cuts and traffic. The proposed zoning was for office and commercial uses. Councilman Hodes explained that Leawood became aware of the zoning application because Mr. Johnson saw a sign on the property indicating there was going to be a hearing. Councilman Reese suggested that Leawood advise Kansas City that there was more than one entity that must approve any plan. Mayor Crippin will write a letter to the Mayor of Kansas City and some staff members.

Public Works:

#145 Contractor's Estimate No. 1 (Final) - 1979 Street Improvement Program: Tom Bieszczat recommended payment of contractor's estimate for the street overlay project in the amount of $43,721.03. On motion by Councilman Wise, seconded by Councilman Rinehart, Contractor's Estimate No. 1 (final) for the 1979 street improvement program was approved. Mr. Bieszczat said this included the 103rd and State Line improvements and right-of-way portions of the City Hall parking lot and Fire Station improvements.

#154 Engineer's Invoice - Observation of 1979 Street Improvement Program: Mr. Bieszczat recommended approval of the invoice. On motion by Councilman Wise, seconded by Councilman Hodes, the Shafer, Kline & Warren invoice in the amount of $840.00 for observation of the 1979 street improvement program was approved.

#160 Acceptance of Benefit District 78-1, Section 1: Mr. Bieszczat said upon installation of the carpet the project was complete; he recommended acceptance. On motion by Councilman Hodes, seconded by Councilman Wise, Section 1 of Benefit District 78-1 was accepted.

#175 Contractor's Estimate No. 9 (Final) - Benefit District 78-1, Section 1: Mr. Bieszczat recommended approval of the final contractor's estimate in the amount of $19,508.88. On motion by Councilman Wise, seconded by Councilman Hodes, the estimate was approved.

#185 Engineer's Payment Estimate No. 4 (Final) - Benefit District 78-1, Section 1: Mr. Bieszczat explained the estimate was actually a reimbursement in the amount of $26.62. On motion by Councilman Roberts, seconded by Councilman Wise, Engineer's Payment Estimate No. 4 was approved.

#189 Engineer's Payment Estimate No. 5 - Benefit District 78-2 (119th Street): Mr. Bieszczat recommended approval. On motion by Councilman Wise, seconded by Councilman Roberts, Engineer's Payment Estimate No. 5 in the amount of $1,407.28 was approved. Mr. Bieszczat stated 119th Street was basically complete.

#201 Engineer's Payment Estimate No. 3 - Benefit District 79-1: Mr. Bieszczat recommended approval of the payment estimate
in the amount of $4,810.89. On motion by Councilman Hodes, seconded by Councilman Wise, Engineer's Payment Estimate No. 3, Benefit District 79-1, was approved.

Engineering Payment Estimate No. 1 - Leawood Sewer System Improvements - Step 2 - Design: Phil Kline stated this was an invoice in the amount of $94,139.54 representing work done by his firm under contract with the Council in 1974 and 1975 for basic design decisions and represented about fifty percent of the plan preparation. He estimated they had completed fifty-five percent of the total design job, and anticipated that the work on Dyke's Branch plan would be completed by December 31. Mayor Crippin stated it was fortunate that Shafer, Kline & Warren worked with the City to the extent of getting the plans and necessary work done to assist in the work going on today and to serve as background material for discussions with Kansas City, Missouri. Mr. Kline said this work was seventy-five percent grant eligible. There was discussion that the amount would come from the sewer renovation fund. City Attorney Winn recommended that the City work out a firm procedure for submitting the billings. Mayor Crippin asked Mr. Bieszczat to follow up on this and work out the procedure with the Financial Clerk. Mayor Crippin recommended that the established procedures not be violated. On motion by Councilman Hodes, seconded by Councilman Wise, payment to Shafer, Kline & Warren was approved.

Leawood-Overland Park Joint Overlay Project: Mr. Bieszczat recommended approval of payment of the final invoice for the joint overlay project in the amount of $14,052.40; Overland Park had agreed to reimburse Leawood for fifty percent. On motion by Councilman Wise, seconded by Councilman Rinehart, payment to Union Construction Co. in the amount of $14,052.40 was approved.

Invoice for Mission Road Improvements - 135th Street to 143rd Street: Mr. Bieszczat explained a good price (as compared with gravel) was obtained for cold planed millings placed on Mission Road from 135th to 143rd Street. He said the millings compacted back to very near the consistency of asphaltic concrete and at the present time he was very pleased with the roadway. It would require sealing which city crews would do. Mr. Bieszczat recommended payment. On motion by Councilman Wise, seconded by Councilman Hodes, payment of the invoice of Reno Construction Company, Inc. in the amount of $7,560.00 was approved. Treasurer Golik requested that on future invoice submittals the estimates be indicated as a point of reference.

Engineering Services - Johnson, Brickell, Mulcahy and Associates: Mr. Bieszczat recommended payment of the invoice in the amount of $952.00 for a joint venture between the Planning and Public Works Departments. On motion by Councilman Hodes, seconded by Councilman Wise, the invoice for engineering services was approved.
MAYOR'S REPORT

#300
Mayor Crippin reported dates for interviews with candidates for the position of City Administrator had been established for August 27 through September 8. Councilmen will receive a schedule.

#304
Mayor Crippin stated an additional lawsuit had been filed against the City by Mr. Williams regarding the City's action on the drive-in theater. Mr. Winn reviewed the various suits filed. The situation was discussed.

#332
Mayor Crippin requested that a gift be sent to Sally Huggins, reporter for the Sun Newspapers, upon the birth of her baby.

OLD BUSINESS

#334
Extension of Extraordinary Sick Leave - Stagner: Mr. Bieszczat reported that Mr. Stagner's doctor had not released him and would not do so for at least another three weeks. He recommended that Mr. Stagner's extraordinary sick leave be extended. There was discussion that Mr. Stagner was a good employee prior to the injury and had indicated a desire to return to employment with the City. On motion by Councilman Wise, seconded by Councilman Roberts, extraordinary sick leave payments to Mr. Stagner were extended for the three-week period.

#350
Public Hearing on the 1980 Budget: Mayor Crippin urged councilmen to attend the public hearing on the 1980 budget, to be held on August 14.

NEW BUSINESS

#353
Application for Retail Liquor Occupation License - Mertz's Liquor Store: On motion by Councilman Wise, seconded by Councilman Reese, the application for retail liquor occupation license for Mertz's Liquor Store, 2519 Somerset, was approved contingent upon applicant's obtaining renewal of state license.

Chief Sellers reported a lady jogger was bitten on 83rd Street by a dog that was part of a non-domestic pack living in Missouri; Kansas City and Leawood police were still trying to apprehend the dog.

Treasurer Golik reported the audit report had been sent to the State of Kansas, the State requested supplemental information, and the auditor had responded.

#364
Mayor Crippin mentioned the bulletin board structure being erected in the parking lot. There will also be one at Fire Station No. 2.

At 9:03 p.m., on motion by Councilman Wise, seconded by Councilman Reese, the meeting adjourned to Monday, August 20, 1979, 7:30 p.m.

Council Reporter
Mayor
City Clerk
Minutes of a Budget Hearing of the Governing Body of the City of Leawood, Kansas.

A hearing in connection with the proposed 1980 City Budget was held at 7:30 p.m. on Tuesday, August 14, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Councilman John T. Carper presiding.

Mayor Crippin and Councilmen Roberts, Funk, Jacob, Carper and Rinehart were present. Also in attendance were Police Chief Sellers, Fire Chief Toman, Tom Bieszczat, Frances Farrar, Fred Krebs, Dorothy Holtsclaw, the City Clerk, and the Council Reporter.

Visitors: Jack Giesch, Gordon Henke, John Snyder, Frank Lawler.

Councilman Carper stated the total proposed budget for 1980 as published in The Johnson County Sun was $4,180,549 which was an increase over the 1979 budget of 6.7 percent; the increase in the mill levy was 7.93 percent, from 16.164 to 17.447 mills.

Mr. Jack Giesch noted an increase of almost fifty percent in the general fund. Councilman Carper stated the reason for the increase was the decline in the intangibles tax plus the fact that in the 1979 budget carryover was very significant which enabled the City to reduce the property tax, this year the City did not have that luxury and had to increase the property tax. Councilman Carper commented that the City needed new sources of revenue. He explained that property tax in 1979 was lower than it would have been had the carryover not been utilized.

Mr. Giesch asked if Leawood had an application for funds for park money that was allocated in 1979 by the Federal Government to certain cities in Johnson County. Fred Krebs said the City did not have an application in for any park funds. Mayor Crippin suggested that the funds Mr. Giesch referred to were probably Bureau of Outdoor Recreation funds for park development and acquisition. He added the City of Leawood had not purchased any park land since 1975. Mr. Giesch asked if $76,000 had been set aside for park acquisition as it was last year. Mayor Crippin said the amount set aside in the 1980 budget was $12,000 and the fund was for purchase and/or long-term maintenance of the properties. He said if the City desires to purchase additional property, he would advocate submitting an application. It had not been determined by the Council if any additional park land would be purchased.

Mr. Giesch suggested that a two or three foot extension be added to the width of Lee Boulevard. Councilman Roberts said the City was aware and concerned about the problem and
also about retaining the structure of the street. Councilman Rinehart said the Recreation Commission was concerned about children bicycling and walking along Lee Boulevard and it was determined that the whole city would have to participate in the improvements. Councilman Roberts added that it would take a bond issue to do the job.

Mayor Crippin explained that in the sewer fund and the recreation reserve fund the amount held over from year to year had to be budgeted as an expenditure each year.

Tom Bieszczat said the City was in the process of resurfacing all the area along the shoulders of Lee Boulevard; the work should be completed within a month.

Mr. Giesh asked for the total loss on the swimming pool, tennis and sports complex for the year 1978. Mr. Krebs said there was no loss on the tennis courts, in the swimming pool area there was a deficit of approximately $10,000. He said user fees were raised in 1979 and were proposed to be raised in 1980; the Recreation Commission was now working toward a goal of having the pool ninety percent self sufficient, including maintenance and long term capital investments, and every other program also be self sufficient, so that the only thing funded out of the mill levy would be some long term maintenance. He said the Leawood pool was about eighty-five percent self sufficient and all other areas were 98 to 102 percent self sufficient which was a higher percentage than other cities in the county.

Councilman Carper explained the alcoholic rehabilitation program which was instigated by the State Legislature.

Frank Lawler asked about allocations in the Special Highway Fund. Mr. Bieszczat said it included a curb and gutter renovation program, men to operate that program, a curb inlet renovation program, and overlay program. In the street department, $9,000 was for an asphalt recycling machine and $12,000 for a new vehicle. Mr. Lawler asked about the status of ordinance recodification. Mayor Crippin said the City had two proposals for the recodification; funds were included in the 1979 budget.

Councilman Roberts said he was concerned that the general fund of the budget was going up 3.61 mills, a 39 percent increase, and that the total mill levy showed an 8 percent increase. He said the payroll was computerized on the premise that it would effect some savings, the reports were becoming understandable, but he had not seen any savings from them; a Director of Public Works was hired on the premise that the City could reduce outside engineering costs but he saw substantial engineering consultant costs projected for 1980 plus four additional public works employees for a curb and gutter project, he wondered if it was prudent to go into that project at this time when there were other public works projects that needed to be effected. Councilman Roberts was concerned that the park maintenance
budget was going up 30 percent in spite of spinning off some vest pocket parks; he said the police budget was very realistic but he wondered why the overtime was so high and increasing. He said he was very reluctant to see the mill levy go up at this time of recession, residents were faced with an increase in the Blue Valley School District levy, some residents in south Leawood would be subjected to benefit district costs, and the Shawnee Mission School District was presenting a substantial budget.

Councilman Carper stated the Budget and Finance Committee had spent a significant number of hours to determine whether or not there were unnecessary expenditures included in the budget; he said it was his opinion that the budget was very realistic and conservative. In response to Councilman Roberts' comments, Councilman Carper stated the amount of time spent on the payroll had been significantly reduced, automation of expenditures had allowed the Council to be better informed as to where it stood with respect to expenditures, a lot of public works and engineering fees were involved in development in the south part of the city. Mr. Bieszczat said the majority of the engineering fees were for design of structures by consultant firms which had to be designed by licensed consulting firms (such as the storm sewer renovation program). Mayor Crippin explained "contractual services" under the Special Highway Fund included materials, maintenance of equipment and rental, and in the general fund included insurance, utilities, legal fees, building maintenance, etc. Councilman Rinehart commented regarding the increase in parks maintenance that most of the increase was for salaries, not to raise the wages of those working but to hire more people because they were maintaining City Hall and other properties in addition to parks. Mr. Krebs said in the last year and a half they had tried not only to have good lawn maintenance but to get into a program of fertilizing and seeding, good field maintenance and much-needed work in the area of landscaping. Gordon Henke commented that as the minimum wage goes up, City costs were affected even though the City was exempted.

Mr. Lawler said as far as City expenditures for upkeep of the physical plant, he was glad to see some money for work that had been needed for a number of years. Mayor Crippin said plans were being formulated to get the City in a position to obtain Federal and County assistance with storm drainage and street improvements. He said the Budget and Finance Committee had done an excellent job in face of increases in salaries, benefits, equipment, and motor fuel.

There being no further questions, at 8:33 p.m. Councilman Carper declared the public hearing on the 1980 City Budget closed.

[Signatures]

Council Reporter

Attest:

City Clerk
Minutes of Public Hearing on the 1980 Federal Revenue Sharing Budget of the City of Leawood, Kansas.

A public hearing on the 1980 Federal Revenue Sharing Budget of the City of Leawood, Kansas, was held at 8:34 p.m. on Tuesday, August 14, 1979, immediately following the public hearing on the City Budget, in the Police and Court Building, 9617 Lee Boulevard, with Councilman John T. Carper presiding.

Mayor Crippin and Councilmen Roberts, Funk, Jacob, Carper, and Rinehart were present. Also in attendance were Police Chief Sellers, Fire Chief Toman, Tom Bieszczat, Frances Farrar, Fred Krebs, Dorothy Holtsclaw, the City Clerk, and the Council Reporter.

Visitors: Jack Giesch, Gordon Henke, John Snyder, Frank Lawler.

Councilman Carper stated the total amount of the 1980 Federal Revenue Sharing Budget was $43,750.00 and referred to the outline of items distributed. Mrs. Farrar commented it seemed appropriate to include the $1,000 for Services for Seniors in revenue sharing funds, as well as radios for the Fire Department. Mr. Bieszczat explained the Public Works items included. Mr. Krebs said $10,000 for recreation improvements was for maintenance of the current fields and possible development of another baseball field in the park area, and $5,000 for landscaping and horticultural development of the park. Election expense was for one election.

There were no comments on the revenue sharing budget.

At 8:37 p.m., Councilman Carper declared the public hearing closed.

Chairman
Budget & Finance

Council Reporter

Attest:

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

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, August 20, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Jacob, Rinehart, Carper, Hodes. Councilman Wise arrived at 7:57 p.m.

Also present were Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, Tom Bieszczat, Frances Farrar, Fred Krebs, Herbert Johnson, the City Clerk, and the Council Reporter.


Resolution No. 507 - Commending Cindy Gieringer: Mayor Crippin read the proposed resolution commending Cindy Gieringer for her act of heroism in saving the life of a fellow citizen at the municipal pool on July 28, 1979. On motion by Councilman Rinehart, seconded by Councilman Hodes, Resolution No. 507 was unanimously adopted. A copy is attached hereto as part of the record.

Presentation of Resolution, Certificate of Recognition, and Key to City to Miss Gieringer: Mayor Crippin presented to Miss Gieringer the resolution of commendation, a certificate of recognition, and a key to the city. He expressed appreciation for her willingness to get involved.

Presentation of Certificate of Recognition to Dr. Ashley Zack: Mayor Crippin presented a certificate of recognition to Dr. Zack, a citizen who was at the pool at the time the young lady was pulled from the pool by Miss Gieringer and who took charge of the situation.

Resolution No. 508 - Honoring Leawood Swim and Diving Teams: Mayor Crippin read a proposed resolution recognizing the coaches and members of the Leawood City Swim Team and the Leawood City Diving Team for excellence in performance. On motion by Councilman Rinehart, seconded by Councilman Carper, Resolution No. 508 was unanimously adopted. A copy is attached hereto as part of the record.

Minutes - Meeting of August 6, 1979: On motion by Councilman Roberts, seconded by Councilman Rinehart, the minutes of the meeting of August 6, 1979, were approved as submitted.

Minutes - Budget Hearings of August 14, 1979: On motion by Councilman Carper, seconded by Councilman Rinehart, the minutes of the budget hearings of August 14, 1979, were approved as submitted.
Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Hodes. Mayor Crippin commented that there were two cases of arson involving motor vehicles mentioned in the Fire Department report, and that rodding of sewer mains and other activities were evidence that the Public Works Department was getting additional work done under Mr. Bieszczat's leadership.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance: Councilman Carper moved that the agenda be changed to put the Budget and Finance Committee report at the end of the reports; seconded by Councilman Hodes. Motion carried.

Ordinance:

#616 Ordinance No. 643 - Relating to Appointment of City Officers (Second Reading): On motion by Councilman Rinehart, Ordinance No. 643 was unanimously adopted.

#618 Ordinance No. 644 - Accepting Deed to Public Works Tract (Second Reading): On motion by Councilman Hodes, Ordinance No. 644 was unanimously adopted.

#619 Ordinance Accepting Deed for Park - Longwood Forest Plat (First Reading): Councilman Rinehart requested that action be deferred until after the Park Commission had had a chance to look at it. Mr. Bieszczat explained that the park was shown on the recorded plat of Longwood Forest as required by the Plan Commission and it was intended to be an extension of the Overland Park greenway. Councilman Rinehart said she did not think any park should be accepted unless the Park Commission looked at it because the Commission technically was in charge of maintenance. Following discussion that the Park Commission should consider the park before the second reading, Councilman Rinehart moved that the ordinance be placed on first reading.

#632 Ordinance Relating to Zoning of the Southeast Corner of Roe and College Boulevard (First Reading): On motion by Councilman Roberts, the ordinance was placed on first reading.

Public Works:

#634 Contractor's Payment Estimate No. 3 - Benefit District 78-I, Section 2: Councilman Jacob moved for approval of Contractor's payment estimate No. 3 on Benefit District 78-I, Section 2; seconded by Councilman Wise. Motion carried.

#636 Engineer's Payment Estimate No. 4, Benefit District 78-I, Section 2: Councilman Jacob moved for approval of engineer's payment estimate No. 4, Benefit District 78-I, Section 2; seconded by Councilman Hodes. Motion carried.
Contractor's Payment Estimate No. 3, Benefit District 79-1: Councilman Jacob moved for approval of contractor's payment estimate No. 3, Benefit District 79-1; seconded by Councilman Wise. There was discussion concerning the cost of Street Closed Signs, and that itemized listings were available at the time the bids were considered by the Council. Motion carried.

Engineer's Payment Estimate No. 4, Benefit District 79-1: On motion by Councilman Jacob, seconded by Councilman Hodes, engineer's payment estimate No. 4, Benefit District 79-1 was approved.

Request for Permission to Solicit Bids for 2½ Ton Dump Truck: Councilman Jacob said one of the reasons for purchase of the truck was for snow removal on the expanded amount of streets in the south Leawood area. Mr. Bieszczat said the truck was included in the 1979 budget. Councilman Jacob moved that the Council approve the solicitation of bids for a 2½ ton dump truck; seconded by Councilman Hodes. Motion carried.

Request for Permission to Solicit Bids for One-Ton Flat-Bed Truck: Mr. Bieszczat stated the truck being replaced was a pickup truck, but he would like to replace it with a one-ton flat-bed truck for better utilization for signs and other purposes. Councilman Jacob moved for approval of solicitation of bids for a one-ton flat-bed truck; seconded by Councilman Carper. Motion carried.

Request for Permission to Obtain Quotes for Snow Plow and Sand Spreader for 2½ Ton Dump Truck: Councilman Jacob said the reason this was couched in terms of obtaining quotes was that the Commission did not feel the items justified going out for bids and there were not many distributors in the area. Mr. Bieszczat said he would seek quotes on a rubber tipped snow plow which was in limited supply. Councilman Jacob moved that the Council approve the request for permission to obtain quotes for a snow plow and sand spreader. Richard Ink commented that as a distributor when he received a call for a quotation he was likely to give a higher figure than he would give on a bid; he said there was a distinct difference between a quotation and a bid. Motion was seconded by Councilman Roberts and carried. Mr. Bieszczat was asked to consider Mr. Ink's comments.

Request for Permission to Obtain Quotes for Used Truck for Leaf King: Councilman Jacob explained that the leaf vacuum had to be supported by a truck, the present truck was inoperable, and it was felt that a used truck would be sufficient to haul the device. Mr. Bieszczat added that the leaf vacuum was used in the fall only but it was difficult to remove it from the supporting truck. Councilman Jacob moved that the Council approve the request for permission to obtain quotes for a used truck for transporting the leaf vacuum; seconded by Councilman Roberts. Motion carried.
Fred Krebs requested that presentations to swim team gold medalists and to the coaches be deferred until the September 17th meeting of the Council.

Presentation of Trophies to Mayor Crippin: Pat and Wayne Conway presented to Mayor Crippin the Northeast Johnson County Community Pool Association Swimming Championship trophy and Divisional Championship trophy, stating it was the first time a team had been in existence for only four years and won the city championship. Fred Krebs presented to Mayor Crippin a hat and tee shirt from the Recreation Department.

Recreation:

Proposal for Visual Barrier: Councilman Rinehart presented a proposal for a visual barrier of trees between I-435 and the Leawood City Park. She said she was asking permission to submit the proposal to the State of Kansas for permission to plant the trees on the right-of-way on the south side of I-435. She said the Chief Landscape Architect for the State had encouraged submission of the proposal. There was discussion that the City would have to maintain the grass area among the trees. The proposal included seven planting sections at a probable cost of $680 per section. Mr. Krebs stated hardy trees had been selected which did not need a lot of water and care. There was discussion that the matter would come before the Council again before it was submitted for bids. Mr. Krebs said the State's Chief Landscape Architect had indicated that there was no highway beautification grant money available at this time. Councilman Wise added that the visual barrier was something the Recreation Commission had been considering since its inception. She urged approval of the proposal if the Park Department was willing to oversee maintenance. Councilman Roberts said he would be opposed to spending any money for plantings if the City was not prepared to spray and water them. Mr. Bieszczat was confident maintenance could be worked out. There was discussion that one or two gates would have to be installed in the fence. Councilman Funk commented that the plan seemed extravagant. Councilman Wise suggested that the Recreation Commission commit to the concept, guarantee the funds for it, and solicit donations from clubs and individuals. Mr. Bieszczat suggested that the proposal to the State indicate that the planting pattern would be repeated up to seven times, to give the opportunity for doing it in sections. There was no objection to submitting the proposal to the State.

Proposal for Resurfacing Tennis Courts and Resetting Net Posts: Councilman Rinehart referred to bid proposals which had been distributed to councilmen. She requested permission to solicit separate bids for resurfacing tennis courts 1 through 4 and for resetting net posts on courts 1 through 8. There was discussion concerning whether or not it would be best to resurface the courts in the fall or in the spring and whether it would be advantageous to do all the courts
August 20, 1979

at once. Mr. Krebs said the architect who designed the court area had recommended that the resurfacing be done in early fall on four courts and in early to mid spring on the other four. Councilman Hodes suggested that an expansion joint be cut all the way down the walkway and that tennis clubs in the area be contacted as to when they do their resurfacing. The request for permission to solicit bids was deferred to the next meeting.

MAYOR'S REPORT

No report.

Budget and Finance Committee Report:

Approval of Premium Invoice - Liability Insurance Audit: Councilman Carper presented the premium invoice for general liability coverages for the period 1/1/78 to 1/1/79, and moved for approval of the invoice in the amount of $2,274.00; seconded by Councilman Hodes. Motion carried.

Approval of 1980 Budget: Councilman Carper presented for approval the 1980 budget in the total amount of $4,180,519, representing an increase over the prior year of roughly 6.7 percent and mill levy increase of 3.67 percent. He noted the mill levy had been reduced since the budget hearing as a result of a new calculation on the debt service needs of the City. Councilman Carper moved for approval of the 1980 budget; seconded by Councilman Hodes. Motion carried.

NEW BUSINESS

Designation of Voting Delegates to Kansas Municipal League Convention: City Clerk Jinny Oberlander stated Leawood was entitled to three voting delegates and three alternates to the League's Annual City Conference to be held September 23-25 in Topeka. Mayor Crippin, Councilman Carper and Councilman Rinehart were designated as voting delegates.

Resolution No. 509 - Endorsing County Park Project: Mayor Crippin reviewed that there would be a Johnson County bond issue vote on September 18 for a proposed new park located between Pflumm and Lackman Road extending from 159th south to 175th Street, comprising potentially 1,150 acres with plans to construct a large lake. Councilman Rinehart moved for adoption of the resolution; seconded by Councilman Wise. Councilman Hodes questioned how many Leawood residents would use a park in that location. Councilman Wise thought a good percentage of Leawood land area was very accessible to that site. She added that it was a different kind of facility than what the City was providing. Councilman Roberts did not think the City should take a stand on it, but let the voters decide. Councilman Rinehart stated the Recreation Commission had recommended that the County acquire the large parcels of land and do large scale things, and that cities do recreation facilities. Mayor Crippin advocated support.
August 20, 1979

of the park. Resolution No. 509 was adopted on a 4 to 3 vote. A copy is attached hereto as part of the record.

Appropriation Ordinance: No. 398 in the amount of $498,136.49, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and approved on motion by Councilman Wise. Mr. Bieszczat stated it had been determined that the City could pay the engineering fee for design work on sewer system improvements without jeopardizing the grant and that the City had funds not in interest bearing notes to pay the bill. Mayor Crippin commented that over-expenditure in the Special Highway Fund was a computer error. Councilman Hodes noted that the City had done business during July with six office supply companies and four printers and that a significant number of checks under $10 had been written; he suggested that a petty cash fund be utilized for items under $10.

At the suggestion of Mayor Crippin, on motion by Councilman Carper, seconded by Councilman Wise, the Council went into executive session for fifteen minutes to discuss pending litigation.

The Council returned to regular session at 9:45 p.m. Mayor Crippin said the Public Works and Public Safety Commissions would discuss the lighting situation.

Mr. Bieszczat stated that the City had never given permission nor denial to the dredging of Somerset Acres Lake. When he was made aware of the dredging operation, he had written a letter stating several conditions that had to be met, they did not meet those conditions and were shut down. The contractor was now attempting to remove mud from the creek running through Leawood Heritage.

At 9:54 p.m., on motion by Councilman Roberts, duly seconded, the meeting adjourned to Tuesday, September 4, 1979, 7:30 p.m.
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Tuesday, September 4, 1979, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council Jean Wise presiding in the absence of the Mayor. Roll call was answered by Councilmen Wise, Roberts, Jacob, Rinehart, Carper, Hodes. Councilman Reese arrived immediately following the roll call and Councilman Funk entered the meeting at 7:42 p.m.

Also present were Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, City Architect Sanders, Frances Farrar, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Rinehart, seconded by Councilman Hodes, the minutes of the meeting of August 20, 1979, were approved as submitted.

Visitor: Bob Lacy. Member of the Press: Cathy Hamm.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

#8 Ordinance No. 645 - Relating to Zoning of the Southeast Corner of Roe and College Boulevard (Second Reading): On motion by Councilman Carper, Ordinance No. 645 was unanimously adopted.

#10 Ordinances Accepting Drainage Easements for Storm Sewer Purposes - Mission Road From 109th to 111th - From the Wuellners, Tom Masterson, Inc. and Andrew-Levy, Ltd. (First Readings): Councilman Carper moved that the three ordinances be placed on first reading.

#14 Ordinance Accepting Right-of-Way Grant for Street Purposes - West Side of Roe Boulevard from 111th to 112th (First Reading): Councilman Rinehart moved that the ordinance be placed on first reading. City Attorney Winn explained this was the dedication by Mr. Sailors of the required easement along Roe Boulevard.

#18 Ordinances Accepting Easements for Utility Purposes - Benefit District 79-1 - Two From Donald D. Alpert, One From Central Estates, Inc. (First Readings): Councilman Reese moved that the ordinances be placed on first reading.

#19 Ordinances Accepting Right-of-Way Grants for Street Purposes - Benefit District 79-1 - Two From Donald D. Alpert and One From Central Estates, Inc., Tomahawk Creek Sewer Sub-District No. 1, and Fire Station No. 2

2713
September 4, 1979

(First Readings): Councilman Hodes moved that the ordinances be placed on first reading.

Public Works:

#21 Approval of Maintenance Bond - Benefit District 78-2: Councilman Jacob moved for approval of maintenance bond for Benefit District 78-2; seconded by Councilman Hodes. Motion carried.

#25 Contractor's Payment Estimate No. 10 - Benefit District 78-2: On motion by Councilman Jacob, seconded by Councilman Reese, contractor's payment estimate No. 10, Benefit District 78-2, was approved.

Recreation:

#28 Recommendation Regarding Resurfacing of Tennis Courts: Councilman Rinehart reported that it had been learned that contractors tended to recommend that resurfacing of tennis courts be done in the fall but almost all cities and clubs did resurfacing in the spring because of the possibility of additional cracking in the winter; consequently, the Commission had decided to defer the resurfacing and resetting of the posts until spring. Treasurer Golik suggested that the funds be encumbered this year. The crack across the tennis courts was discussed. Mr. Sanders suggested that Mr. Bieszczat inspect the crack and make a recommendation.

Public Safety:

#50 Request for Permission to Solicit Quotes: Councilman Hodes stated the items (special nozzles, smoke ejectors, bracket forms, brooms, etc.) would amount to about $2,000; he moved that the Fire Chief be allowed to ask for quotations on the items contained in a document which he would submit; seconded by Councilman Carper. Motion carried.

#59 Request for Permission to Solicit Ticket Sales - Leawood Lions Club: Councilman Hodes moved that the Leawood Lions Club be allowed to solicit sale of tickets for their pancake day to be held in October; seconded by Councilman Rinehart. Motion carried.

At 7:48 p.m., on motion by Councilman Carper, seconded by Councilman Reese, the meeting adjourned to Monday, September 17, 1979, 7:30 p.m.

President of the Council

Attest:

City Clerk
GENTLEMEN:

WE ARE ASKING FOR QUOTATIONS ON THE FOLLOWING PIECES OF EQUIPMENT:

4 - SM-10F Elkhart 1½" Select-O-Matic Automatic Nozzle, NST, with swivel base and horseshoe handle.

4 - SM-3F Elkhart 1" Select-O-Matic Automatic Booster Nozzle, NST, with swivel base and tab handle.


2 - Super Vac San Jose Brackets.

6 - Ranger Flame-proofed Fire Brooms.

These are to be purchased all on the same order, and are to be quoted F.O.B. Leawood, Kansas.

Your prompt reply to the above request would be most appreciated.

Sincerely,

LEAWOOD FIRE DEPARTMENT

Jourdan A. Toman, Sr., Chief

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

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, September 17, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Reese, Jacob, Rinehart, Hodes.

Also present were Fire Chief Toman, Police Captain Cox, Tom Bieszczat, Herbert Johnson, Frances Farrar, Fred Krebs, the City Clerk, and the Council Reporter.

Visitors: Mike Lackovic, Doug Orloff, Dana, Kelly, Stephany and Tracy Orr, Bill and Tom Biggins, Marcia and Kevin Burke, Shane Sigetich, Dr. and Mrs. Larry Baker and David, Ralph L. Cunningham, Frances M. Walters, Ginger Anselmi, Mrs. Cathie Simmons, JoNell and Sharon Roberts, Pat, Wayne and Scott Conway. Member of the Press: Cathy Harem.

Presentation of Resolution and Certificates of Recognition to Swim Team Coach and Gold Medalists: Mayor Crippin read Resolution No. 508 adopted by the Council on August 20, 1979, honoring the coaches and members of the Leawood swimming and diving teams. Certificates of Recognition were presented to Swim Team Coach Doug Orloff and to Gold Medalists Julie Baker, Tom Biggins, Kevin Burke, Helene Caldwell, Scott Conway, Chris Cunningham, Danny, Kevin and Mike Dervin, Brad Dixon, Scotty and Terry Hopkins, Mike Lackovic, Kelly and Tracy Orr, Sharon Roberts, Shane Sigetich, Sally Watson.

Presentation of Award of Merit Plaque from Sports Foundation and National Recreation and Park Association to Leawood Recreation Department: Mrs. Anselmi presented to Mayor Crippin an Award of Merit Plaque in the field of park and recreation management. Mrs. Anselmi and the Mayor recognized Fred Krebs for his efforts in obtaining the plaque for Leawood.

Minutes: On motion by Councilman Wise, seconded by Councilman Roberts, the minutes of the meeting of September 4, 1979, were approved as submitted.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Roberts, seconded by Councilman Rinehart. Captain Cox explained that there was no report from the Animal Control Officer because she had been on vacation and was ill.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

#133 Ordinance No. 646 - Accepting Deed to Tract for Park - Forest Subdivision (Second Reading): Councilman Wise moved
that the ordinance be placed on second reading. Councilman Rinehart reported that the Park Commission recommended acceptance of the park as it is, with no maintenance, and that it be utilized only for horse trails and for hiking, not bicycle trails. Ordinance No. 646 was adopted unanimously.

Ordinance No. 647 - Accepting Drainage Easement from the Wueillners for Storm Sewer Purposes - Mission Road, 109th to 111th (Second Reading): On motion by Councilman Wise, Ordinance No. 647 was adopted unanimously.

Ordinance No. 648 - Accepting Drainage Easement from Tom Masterson, Inc. for Storm Sewer Purposes - Mission Road, 109th to 111th (Second Reading): On motion by Councilman Wise, Ordinance No. 648 was adopted unanimously.

Ordinance No. 649 - Accepting Drainage Easement from Andrew-Levy, Ltd. for Storm Sewer Purposes - Mission Road, 109th to 111th (Second Reading): On motion by Councilman Wise, Ordinance No. 649 was adopted unanimously.

Ordinance No. 650 - Accepting Right-of-Way Grant for Street Purposes from Leawood Corporate Manor I, Ltd. - West Side of Roe (Second Reading): On motion by Councilman Wise, Ordinance No. 650 was adopted unanimously.

Ordinance No. 651 - Accepting Easement for Utility Purposes from Donald D. Alpert - Benefit District 79-1 (Second Reading): On motion by Councilman Wise, Ordinance No. 651 was adopted unanimously.

Ordinance No. 652 - Accepting Easement for Utility Purposes from Donald D. Alpert - Benefit District 79-1 (Second Reading): On motion by Councilman Wise, Ordinance No. 652 was adopted unanimously.

Ordinance No. 653 - Accepting Easement for Utility Purposes from Central Estates, Inc. - Benefit District 79-1 (Second Reading): On motion by Councilman Wise, Ordinance No. 653 was adopted unanimously.

Ordinance No. 654 - Accepting Right-of-Way Grant for Street Purposes from Donald D. Alpert - Benefit District 79-1 (Second Reading): On motion by Councilman Wise, Ordinance No. 654 was adopted unanimously.

Ordinance No. 655 - Accepting Right-of-Way Grant for Street Purposes from Donald D. Alpert - Benefit District 79-1 (Second Reading): On motion by Councilman Wise, Ordinance No. 655 was adopted unanimously.

Ordinance No. 656 - Accepting Right-of-Way Grant for Street Purposes from Central Estates, Inc. - Benefit District 79-1 (Second Reading): On motion by Councilman Wise, Ordinance No. 656 was adopted unanimously.
September 17, 1979

Ordinance No. 657 - Accepting Right-of-Way Grant for Street Purposes from Tomahawk Creek Sewer Sub-District No. 1 - Benefit District 79-1 (Second Reading): On motion by Councilman Wise, Ordinance No. 657 was adopted unanimously.

Ordinance No. 658 - Relating to Dedication of Right-of-Way for Street Purposes from Fire Station No. 2 Property - Benefit District 79-1 (Second Reading): On motion by Councilman Wise, Ordinance No. 658 was adopted unanimously.

Public Works:

Recommendation to Purchase Sand and Salt Spreader: On recommendation of the Public Works Commission, Councilman Jacob moved that the low bid of G. W. Van Keppel in the amount of $3,053.00 for the purchase of a sand and salt spreader be accepted; seconded by Councilman Hodes. Motion carried unanimously.

Recommendation to Purchase 2½ Ton Dump Truck: On recommendation of the Public Works Commission, Councilman Jacob moved that the low bid of Feld Chevrolet for a 2½ ton dump truck with automatic transmission in the amount of $13,885.00 be accepted; seconded by Councilman Wise. Motion carried.

Recommendation to Purchase Two 1-Ton Flat Bed Trucks: On recommendation of the Public Works Commission, Councilman Jacob moved that the Council accept the low bid of Van Chevrolet for the purchase of two 1-ton flat bed trucks, one from the 1979 budget and one from the 1980 budget, in the amount of $7,715.99 each; seconded by Councilman Reese, Motion carried.

Recommendation to Purchase Snow Plow: Mr. Bieszczat stated he was recommending purchase of a Henke snow plow, Model SR-11, explaining that it attached to the front and to the sides giving a better weight distribution to the vehicle. Councilman Jacob moved that the Council approve the purchase of a Henke snow plow, Model SR-11, from Mobile Hydraulic Equipment Co., Inc. in the amount of $2,289.00 installed; seconded by Councilman Wise. Motion carried.

Recommendation to Install V-Plow on Motor Grader: Councilman Jacob explained that this type plow was the only effective way of removing snow from rural roads. Councilman Roberts added that last year the City rented equipment several times in order to open some of the rural roads and paid rental fees which probably exceeded the cost of installation of the V-plow. Bids for the installation had been received from Mobile Hydraulic Equipment Co., Inc. in the amount of $1,880.00 and from Shawnee Welding in the amount of $1,500.00 to $2,000.00. Mr. Bieszczat requested approval for up to $2,000.00 for installation; he would then make a determination as to which bid to accept. Councilman Jacob moved that the Council approve the expenditure of up to $2,000.00
for the installation of a V-plow on the city's Caterpillar motor grader; seconded by Councilman Roberts. Motion carried.

Approval of Invoice for Engineering Services - Johnson, Brickell, Mulcahy and Associates: Councilman Jacob moved for approval of payment of the invoice of Johnson, Brickell, Mulcahy and Associates for consulting services in the amount of $1,292.00; seconded by Councilman Wise. Motion carried.

Contractor's Payment Estimate No. 4 (Final) - Benefit District 78-1(2): Mr. Bieszczat noted that the estimate was $3,000 over the original proposal submitted by the contractor, primarily for sod, electrical conduit and asphalt surfacing materials. Councilman Jacob moved for approval of payment estimate No. 4 (final), Benefit District 78-1(2), in the amount of $82,292.16; seconded by Councilman Wise. Motion carried.

Engineer's Payment Estimate No. 5 (Final) - Benefit District 78-1(2): Councilman Jacob moved for approval of engineer's payment estimate No. 5 (final) on Benefit District 78-1(2) in the amount of $3,390.25; seconded by Councilman Wise. Motion carried.

Acceptance of Project - Benefit District 78-1(2): Councilman Jacob moved that the letter of acceptance of that portion of the project as indicated by the final contractor's estimate be received by the Council and that the maintenance bond begin as of September 12 as indicated in the letter; seconded by Councilman Roberts. There was discussion that street lighting would be a separate contract. Motion carried.

Contractor's Payment Estimate No. 4 - Benefit District 79-1: Councilman Jacob moved for approval of the payment estimate in the amount of $134,934.69; seconded by Councilman Wise. There was discussion that the detailed listing of quantities of work completed was required and that submitting a copy of it was the easiest way to present the invoice to the Council. Motion carried.

Engineer's Payment Estimate No. 5 - Benefit District 79-1: Councilman Jacob moved for approval of engineer's payment estimate No. 5, Benefit District 79-1, in the amount of $6,746.74; seconded by Councilman Wise. Motion carried.

MAYOR'S REPORT

City Administrator Update: Mayor Crippin reported approximately sixty applications had been narrowed to four interviews and the City was presently under negotiation with one; the negotiations would be discussed in executive session at the end of the meeting.

Comprehensive Plan: Mayor Crippin reported that Rod England would submit a proposal with two alternatives for update of
the comprehensive plan, the flavor of the proposal would be to develop land use corridor studies, as well as design concepts, for the southern part of the city.

Water District No. 1 - Meeting September 20: Mayor Crippin explained the Water District meeting on September 20 would be to develop a recommendation for the adoption of an expansion plan to meet future water needs; he hoped Councilman Carper would be able to attend the meeting.

Storm Drainage Plan - Final Report: Mayor Crippin announced the final report had been submitted, maps were on display in the City Hall building, and the report, including a breakdown of costs, was available.

Kansas Municipal League Cities Convention: Mayor Crippin reminded the Council and staff of the convention to be held on September 23-25.

Appointment of Wage and Salary Review Committee: Mayor Crippin appointed Councilman Wise as chairman of the Wage and Salary Review Committee, with the chairmen of Public Safety and Public Works as members.

Appropriation Ordinance: No. 399 in the amount of $217,037.64, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and approved on motion by Councilman Hodes. Mr. Bieszczat was asked to check Warrant No. 964 and report to Councilman Hodes.

Mr. Krebs expressed his appreciation for the recognition given the recreation program at this meeting.

Request for Permission to Submit Bid on Pumper: Chief Toman reported he had just received a call from the Chief of Fire District No. 2 that he was accepting bids on a 1960 Mack pumper. Chief Toman said he would like to submit a bid of $5,000 for use as a reserve pumper for which the City would receive credits in the grading system of Insurance Service Office for determination of fire insurance rates. There were no objections to submitting a bid of $5,000.

Bulletin Boards: Mayor Crippin reported the bulletin board in the City Hall parking lot would soon have shingles. The location of another bulletin board in the south area of the City was discussed.

On motion by Councilman Wise, duly seconded, the Council went into executive session at 9:15 p.m., to discuss personnel matters in the Public Works Department and negotiations currently occurring with a potential city administrator, to reconvene in public session at or before 10:00 p.m.

The Council returned to regular session at 9:54 p.m.
On motion by Councilman Wise, seconded by Councilman Rinehart, the meeting adjourned to Monday, October 1, 1979, 7:30 p.m.

[Signature]

City Clerk

Attest:

[Signature]

Council Reporter

[Signature]

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

A regular meeting of the City Council was held at 7:30 p.m. on Monday, October 1, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Reese, Jacob, Rinehart, Carper.

Also present were Dick Garefano, Police Chief Sellers, Fire Chief Toman, Tom Bleszczat, Bob Sanders, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, duly seconded, the minutes of the meeting of September 17, 1979, were approved as submitted.

Visitors: Don Wheelock, Mr. Doepke, Bob Lacy. Member of the Press: Cathy Hamm.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance - Police Liability Insurance: On recommendation of the Budget and Finance Committee, Councilman Carper moved that the City remain with the Drake Insurance Company for police liability insurance at the rate of $168.75 per officer (the same rate as last year); seconded by Councilman Wise. In answer to inquiry by Councilman Roberts, Chief Sellers recalled two instances in the last ten years when such insurance was used. Councilman Carper said the committee did not recommend a $1,000 deductible on the policy. Motion carried.

Public Works:

Recommendation to Approve Engineering Contract - Preliminary Engineering Studies for Mission Road Between 103rd and 111th Streets: Councilman Jacob stated the purpose of the study would be to provide the City with engineering and economic data to qualify the project for Johnson County's road funding and also hopefully for some assistance from the federal bridge replacement fund. On recommendation of the Public Works Commission, Councilman Jacob moved that the Council approve the contract with Johnson, Brickell, Mulcahy and Associates, Inc., in association with Boyd, Brown, Stude and Cambern, for preliminary engineering studies for Mission Road from 103rd to 111th Street; seconded by Councilman Roberts. Herbert Johnson explained the funding referred to was Johnson County bond money which would be available over the next four years; cities that had projects in the preliminary design stage would have a better chance of obtaining some of that money. Mayor Crippin stated it had become apparent that Mission Road and the bridge that now exists south of the Saddle and Sirloin Club will not be
October 1, 1979

Repaired by Overland Park; therefore, to have a route from 103rd Street south between Roe and State Line, it was necessary that Leawood take the initiative with whatever work was necessary for the bridge as well as the roadway on south. Mayor Crippin stated the method of financing had not been discussed and would not be discussed until the time the project was actually submitted. Councilman Roberts added that there was no improvement program imminent at this time for this particular street. Motion carried.

Recommendation to Approve Final Engineering Plans and Specifications for Certain Drainage Structures: Councilman Jacob explained this would be a contract with Larkin & Associates for final engineering plans and specifications for drainage structures at 86th Street between Cherokee and Belinder, 97th Place between Wenonga and Ensley Lane, 98th Street and Ensley Lane, and 98th Street and Belinder. The Public Works Commission had recommended approval. Mr. Bieszczat stated it was recommended that the engineering plans and drawings be ready when and if funding becomes available. He said there was a good possibility of federal funding becoming available in the public works segment. He said these four structures were the four worst in the city as far as potential damage to homesites was concerned. The estimated total cost would be $30,000 for the design with a $1,000 fee for possible sub-surface investigation if the engineer deemed it necessary. Mr. Bieszczat said the channels would not be affected by this improvement. Councilman Carper commented that if they were not cost prohibitive he thought single span structures should be used if at all possible. However, Mr. Bieszczat felt the possibility of a single span structure would be remote, but modern day design of multiple cell structures had lessened the problem of debris catching on the interior cells. Mr. Bieszczat said if there was any money left in the contract, a study would be done between the structures downstream from the Overland Park improvement. Councilman Jacob moved that the Council approve the engineering contract with Larkin & Associates for final plans for bridge and culvert replacement; seconded by Councilman Carper. Motion carried.

Recommendation to Purchase 1-Ton Flat Bed Truck (1980 Budget): Councilman Jacob requested that the matter be deferred.

City-County Agreement for Maintenance of Roe Avenue - 111th to 135th Street: Councilman Jacob explained this was an agreement between the City and the County with regard to work on Roe Boulevard from 111th to 135th Street; approval of the expenditure of approximately $6,000 to purchase materials for sealing and paving this area was being requested. He said the project grew out of special efforts by Mr. Bieszczat and Mayor Crippin; they succeeded in getting the county's agreement to cooperate and furnish
October 1, 1979

the manpower and machinery to seal, pave and patch this particular area of Roe Boulevard; the City would only be required to furnish materials. Mr. Bieszczat said to his knowledge this was the first time the county had entered into such an agreement with a municipality for maintenance. Mayor Crippin commented the $6,000 was coming from the Special Highway Fund. Councilman Jacob moved that the Council approve the expenditure of approximately $6,000 for maintenance work on Roe Boulevard from 111th to 135th Street; seconded by Councilman Wise. Motion carried.

Resolution No. 510 - Documenting the Basis for Selecting Shafer, Kline & Warren as Engineers for Step II Sewer Renovation Project: Councilman Jacob moved for approval of the resolution; seconded by Councilman Wise. Mr. Bieszczat explained that in order to get the funds the City had to show proof that the engineers had been appointed and the reasoning behind the appointment. Resolution No. 510 was adopted unanimously. A copy is attached hereto as part of the record.

Councilman Roberts moved that an addition to the agenda be made for a report by the Public Safety Commission; seconded by Councilman Carper. Motion carried.

Presentation of Bids for Miscellaneous Fire Equipment: Chief Toman presented bids for nozzles, smoke ejectors, brackets and grass fire brooms. He said O'Brien Equipment Co. had agreed to furnish all the equipment other than the nozzles, and Hayes Fire Equipment Co. agreed to furnish the nozzles only, combining those bids would save approximately $200; the total would be $2,161.36. On motion by Councilman Roberts, seconded by Councilman Carper, the bids received for fire equipment were approved as presented.

MAYOR'S REPORT

Letter Indicating Offer to Dick Garofano with Regard to City Administrator Position: Mayor Crippin stated Mr. Garofano had accepted the position and began work on September 24. Mayor Crippin officially proposed the appointment of Dick Garofano as City Administrator of the City of Leawood. On motion by Councilman Carper, seconded by Councilman Rinehart, the appointment was approved.

Ward Parkway Corridor: Mayor Crippin explained that Wilson Williams was attempting to revise his plan of 1976 for the Ward Parkway Corridor, from approximately 81st to 85th Street; he had withdrawn his application before the Leawood Plan Commission and would appear before the Kansas City Plan Commission to request a change in plans; a newspaper article indicated he would then come to the City of Leawood for approval of the plans. Mayor Crippin requested authorization to write a letter to Kansas City indicating Leawood's concerns, the major concerns being
that site details such as parking, lighting, trash receptacles, curb cuts and signing should be reviewed and approved by the City of Leawood; that all curb cuts on State Line Road must be approved by Leawood; street improvements would be the responsibility of the developer; and a traffic study should be required by Leawood and Kansas City. Mayor Crippin explained that the Missouri-Kansas state line was actually 10 to 50 feet east of the curb of State Line Road. He said Leawood would be saddled with tremendous expenditures in police work and utility costs, as well as potential installation of facilities. Mayor Crippin said what Mr. Williams was now requesting was that all of the office buildings be at one end of the project and all of the commercial be at the other end, the commercial part of the project would be to the south (directly across from Leawood residences). The matter was discussed. Councilman Carper moved that the Mayor be authorized to write a letter expressing concerns of the City of Leawood to the Plan Commission of the City of Kansas City, Missouri, regarding the development from 81st to 85th Street along State Line; seconded by Councilman Wise. Mr. Johnson stated the developer had been thoroughly informed that even if he stayed with the 1976 plan, traffic improvements would be required. Motion carried. Mayor Crippin cautioned councilmen and the staff that conversations with Mr. Williams could affect the lawsuits against the City.

Mayor Crippin announced that he and Mr. Garofano would meet with department heads following every council meeting to insure that the staff was well aware of Council action taken and had a clear understanding of the direction they were to pursue.

At 8:35 p.m., on motion by Councilman Rinehart, seconded by Councilman Wise, the meeting adjourned to Monday, October 15, 1979, 7:30 p.m.

Jane Lile
Council Reporter

Attest:

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

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, October 15, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Wise, Reese, Jacob, Rinehart, Hodes.

Also present were City Administrator Carofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Golik, Tom Bieszczat, Bob Sanders, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Wise, seconded by Councilman Rinehart, the minutes of the meeting of October 1, 1979, were approved as submitted.


DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Hodes, seconded by Councilman Wise.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

A memorandum from the City Administrator concerning the ordinances had been distributed.

#627 Ordinance Accepting Roadway Easement - 113th Terrace and Roe (First Reading): Councilman Wise moved that the ordinance be placed on first reading.

#629 Ordinance Repealing Acceptance of Deed to Public Works Tract (First Reading): Councilman Wise moved that the ordinance be placed on first reading.

#630 Ordinance Accepting Right-of-Way Grant for Street Purposes - 143rd West 143rd Street (First Reading): Councilman Wise moved that the ordinance be placed on first reading.

#631 Parks - Vest Pocket Park Update: Councilman Rinehart reported that Mr. Bieszczat and she had met with citizens concerning vest pocket parks; the parks at 81st and Manor Road and 88th and Meadow Lane were acceptable to the surrounding property owners; as to the one at 92nd to 93rd, Belinder to Manor Road, a method that was acceptable had been found but it had been discovered that the two former plats did not mesh by approximately ten feet; consequently, additional work in the amount
of $1,500 would be necessary by the engineers in order to
determine where the error was and to prepare a plat as
required by ordinance. Councilman Rinehart commented that
in many cases the property owners did not necessarily want
the park land. Councilman Rinehart moved that the Council
approve expenditure of up to an additional $1,500 to Shafer,
Kline & Warren to try to dispose of the park at 92nd to
93rd, Belinder to Manor Road; seconded by Councilman Wise.
Motion carried.

Public Works:

#641 Engineer's Payment Estimate No. 6 (Final) - Benefit District
78-2: Councilman Jacob moved that the Council accept the
credit in the amount of $269.69 shown on the engineer's
final payment estimate; seconded by Councilman Wise. Motion
carried. City Attorney Winn reviewed the procedure for
terminating the benefit district.

#650 September Invoice for Engineering Services - Johnson,
Brickell, Mulcahy and Associates, Inc.: Councilman Jacob
moved for approval of the invoice for engineering services
of Johnson, Brickell, Mulcahy and Associates, Inc. in the
amount of $1,156.00; seconded by Councilman Wise. There
was discussion concerning the amount of money being charged
to the City concerning the E9th Street-State Line plans.
Motion carried.

#663 Payment to Contractor - Estimate No. 11 - Benefit District
78-2: Councilman Jacob moved for approval of payment to
contractor, Estimate No. 11, in the amount of $12,476.22;
seconded by Councilman Wise. Motion carried.

#666 Payment to Contractor - Estimate No. 5 - Benefit District
79-1: Councilman Jacob moved for approval of payment to
contractor, Estimate No. 5, Benefit District 79-1, in the
amount of $226,398.77; seconded by Councilman Hodes.
Motion carried. Mr. Bieszczat reported there was pavement
on all of Mission Road and 123rd Street in this benefit
district, fulfilling the contractor's commitment that the
public would have a hard surface to drive on by winter.
Motion carried.

#674 Engineer's Payment Estimate No. 6 - Benefit District 79-1:
Councilman Jacob moved for approval of engineer's payment
estimate No. 6, Benefit District 79-1, in the amount of
$11,319.94; seconded by Councilman Wise. Motion carried.

#676 Extraordinary Sick Leave - Jack Moore: A memorandum from
the City Administrator had been distributed. Councilman
Jacob reported it was the conclusion of the Public Works
Commission to recommend approval of sick leave which would
in essence pay Mr. Moore one-half his ordinary salary for
a period of four weeks. He explained that Mr. Moore was
to have cataract surgery. Councilman Jacob moved for
approval of extraordinary sick leave for Jack Moore of
the Public Works Department; seconded by Councilman Wise. Motion carried.

MAYOR'S REPORT

#680 Resignation of City Treasurer Donald E. Golik: Mayor Crippin announced that Donald E. Golik was moving to Springfield, Missouri. At the suggestion of the Mayor, Councilman Rinehart moved that a resolution thanking Mr. Golik for his service to the City of Leawood be prepared; seconded by Councilman Wise. Motion carried.

#685 Resignation of James Balderson from Plan Commission: Mayor Crippin announced that James Balderson had resigned from the Plan Commission. Councilman Wise moved that a resolution thanking Mr. Balderson for his service to the City of Leawood be prepared; seconded by Councilman Rinehart. Motion carried.

#689 Mayor Crippin reported that he had met with the City Administrator, City Attorney, Chief of Police, City Prosecutor, and Municipal Judge and they had determined that to reduce attendance at court sessions and expedite the flow of cases, persons with delinquent license tags would no longer be required to appear before the Municipal Judge.

#695 Mayor Crippin stated he had forwarded to Mr. Bieszczat pictures of the Oxford Hills drainage problem.

OLD BUSINESS

#698 Resolution No. 511 - Renewing Temporary Note 78-2: City Attorney Winn stated the note on Benefit District 78-2 was technically due on October 3rd; however, the bank had agreed to extend it to the end of the year. The interest due through October 3rd had been paid. On motion by Councilman Wise, seconded by Councilman Hodes, Resolution No. 511 was unanimously adopted. A copy is attached hereto as part of the record.

NEW BUSINESS

#702 Application for Retail Liquor Occupation License - Ranch Mart Liquor Store: Councilman Hodes moved that the Council approve renewal of the liquor occupation license of Ranch Mart Liquor Store contingent upon applicant obtaining renewal of state license. The motion was seconded and carried.

#705 Appropriation Ordinance: No. 400 in the amount of $155,246.58, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and approved on motion by Councilman Rinehart. Councilman Rinehart asked for a summation of expenditures of the Parks Department. Councilman Hodes requested that the City Administrator make sure the
invoice relating to 95th Street-Mission Road improvement be charged to the project.

#718 Update on Dyke's Branch Sewer: Mr. Bieszczat reported that it appeared the plans and specifications would be completed by the first of the year, and that the right-of-way research was well under way.

#724 Discussion of Septic Tank Situation in Leawood Meadows: Barbara Wallis said there was raw sewage in her area from septic tanks in Leawood Meadows. Mayor Crippin said the problem had been turned over to the County Health Department. He requested that Mr. Bieszczat contact the County concerning the problem and suggested that Mrs. Wallis call Mr. Bieszczat after a couple of weeks.

#736 Debate on Equal Rights Amendment: Chief Sellers announced there would be a debate on the Equal Rights Amendment on October 19th at Ranch Mart Auditorium.

#738 Mr. Johnson reported the Public Safety Commission had reviewed a maintenance agreement with Kansas City, Missouri, for the signal at 103rd and State Line Road which would require Council action before the agreement was initiated. Mr. Johnson said Wilson Williams would be going back before the Plan Commission of Kansas City, Missouri, on November 6 with regard to the Ward Parkway Corridor plan.

At 8:28 p.m., on motion by Councilman Wise, seconded by Councilman Rinehart, the meeting adjourned to Monday, November 5, 1979, 7:30 p.m.

Attest:

City Clerk

Council Reporter

October 15, 1979
Minutes of a Public Hearing on Proposed Assessments for Benefit District 78-2 (119th Street).

A public hearing on the final assessments for Benefit District 78-2 (119th Street) was held at 7:00 p.m. on Monday, November 5, 1979, in the Police and Court Building, 9617 Lee Boulevard, with City Attorney Winn conducting the hearing.

Mayor Crippin and Councilmen Wise, Roberts, Funk, Reese, Jacob, Rinehart, Carper, and Hodes were present. Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, Tom Bieszczat, Bob Sanders, Herbert Johnson, Project Engineer Phil Kline, the City Clerk, and the Council Reporter.


City Attorney Winn explained the purpose of the meeting was to finally determine the assessment for each parcel of land or lot within Benefit District 78-2, extending 1,320 feet either side of the center line of 119th Street from approximately Ensley to Mission Road. He stated the district was created by petition filed by more than fifty percent of the landowners. The original estimated and probable cost of the project was $246,000; the actual cost had been certified to be $260,000 which included a $15,000 cost overrun from Gas Service Company on utility relocation work and increased temporary note interest. Mr. Winn stated the City would pay five percent of the costs, and amounts indicated on notices of individual assessments would be reduced by five percent. He explained that the petitioners were primarily the developers along 119th Street.

Terry Dunn presented a letter which stated his position. He brought photographs of faulty street construction which Mr. Bieszczat determined was on existing streets to the east, not part of this benefit district. Mr. Bieszczat said the City was attempting to resolve the problems on those streets with the contractor. Mr. Dunn stated a dangerous condition existed at the intersection of Ensley Lane and 119th Street, and there were no street lights on 119th Street. Mr. Bieszczat said the City was attempting to resolve the problem at the intersection and hopefully the street light situation would be resolved later in the evening. Mr. Dunn stated the logic behind the assessment was never explained. He objected to the benefit district.
<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cathie Simmons</td>
<td>12303 Overbrook</td>
</tr>
<tr>
<td>Karen Head</td>
<td>12407 Overbrook</td>
</tr>
<tr>
<td>Terence Dunn</td>
<td>12008 Ensley Lane</td>
</tr>
<tr>
<td>Nancy Murray</td>
<td>12012 Ensley Lane</td>
</tr>
<tr>
<td>Dennis Murray</td>
<td>12012 Ensley Lane</td>
</tr>
<tr>
<td>John Daviynstock</td>
<td>4105 W 132 Street</td>
</tr>
<tr>
<td>Patricia Green</td>
<td>400 S 138 Street</td>
</tr>
<tr>
<td>Thomas D. Hansen</td>
<td>4008 W 138 Drive</td>
</tr>
<tr>
<td>Sharon Day</td>
<td>4017 W 138 Pl</td>
</tr>
<tr>
<td>Kelly Schmitt</td>
<td>4200 W 127 St</td>
</tr>
<tr>
<td>Evelyn Stabler</td>
<td>14000 Mission Rd</td>
</tr>
<tr>
<td>Carl Jones</td>
<td>3916 W 140 Ave</td>
</tr>
<tr>
<td>Kara Dishon</td>
<td>13821 Alhambra</td>
</tr>
<tr>
<td>Susannah Pitman</td>
<td>13722 Alhambra</td>
</tr>
<tr>
<td>Joe Mitchell</td>
<td>2518 W 91st</td>
</tr>
<tr>
<td>Linda Bender</td>
<td>3918 W 140 Ave</td>
</tr>
<tr>
<td>R. W. Acker</td>
<td>4417 W 114 TEN</td>
</tr>
<tr>
<td>R. B. Giarepputo</td>
<td>4005 W 137 Terrace</td>
</tr>
<tr>
<td>Karen Dunn</td>
<td>3916 W 142nd</td>
</tr>
</tbody>
</table>
line being a straight line a distance of a quarter of a mile and at right angles to the point of beginning, instead of following property lines.

Ray Soderberg stated the assessments were inequitable because of the inclusion of portions of Lots 51, 52, 53, 54, and 55. Mayor Crippin explained that 119th Street was the type of street that most everyone in that area would use between Roe and State Line.

Denis Murray said to him it made sense to pass on any type of assessment to people who were going to be moving into the unoccupied area behind his home; he suggested that the line be changed to follow the property line so the lots in line with his would not be assessed. The map was examined. Mr. Murray said he did not think it was fair because Lots 62, 63 and 64 would not be assessed. Mr. Dunn said most of the people felt the developer was deriving the benefit of the street and could pass the cost on to purchasers of lots, while it was questionable whether the people being assessed were deriving any benefit.

Councilman Wise said while the Council understood the citizens' position, she did not think boundary lines could be changed at this time. She suggested, especially in a developing area, that citizens appoint someone in their subdivision to keep up with what is going on so someone can come in or contact their representative when things are happening and express an opinion. She emphasized that all the processes were public.

Mr. Murray asked if residents might have a written letter from the City as to the Council's decision on whether they would have to pay the taxes or not.

A letter from Mr. and Mrs. Steve Vogeli was submitted to the City stating their opposition to the way the assessments had been scheduled.

City Attorney Winn stated an ordinance was before the Council approving the assessment roll as reduced by the five percent that the City was responsible for paying. There was discussion that the ordinance should be adopted on an emergency basis at the Council meeting following the public hearing.

The public hearing on proposed assessments for Benefit District 78-2 (119th Street) was closed.
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was called to order at 7:50 p.m. on Monday, November 5, 1979, immediately following a public hearing on proposed assessments for Benefit District 78-2, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent C. Crippin presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Reese, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Tomsn, City Attorney Winn, Tom Bieszczat, Bob Sanders, Herbert Johnson, the City Clerk, and the Council Reporter.


Ordinance No. 659 - Approving Special Assessments Proposed for Benefit District 78-2 (119th Street) (First Reading): Councilman Wise moved that the ordinance be approved on an emergency basis; seconded by Councilman Reese. Ordinance No. 659 was adopted unanimously. Councilman Wise commented that it was not that the Council was unsympathetic with those who expressed opposition at the public hearing, but there just did not seem to be any other way.

At the request of Molly Schwab, Councilman Carper moved that discussion of financing of collector streets be added to the agenda following the Public Works report; seconded by Councilman Rinehart. Motion carried.

Minutes: On motion by Councilman Roberts, seconded by Councilman Wise, the minutes of the meeting of October 15, 1979, were approved as submitted.

Budget and Finance - Approval of Invoice - Workmen's Compensation Quarterly Audit: Councilman Carper moved for approval of invoice for Workmen's Compensation quarterly audit (third quarter) in the amount of $4,000; seconded by Councilman Hodes. Motion carried.

Ordinance:

Ordinance No. 660 - Accepting Roadway Easement for Street Purposes - 113th Terrace and Roe (Second Reading): Councilman Wise moved that the ordinance be placed on
second reading. Ordinance No. 660 was adopted unanimously.

Ordinance No. 661 - Repealing Ordinance No. 664, Relative to Public Works Facility (Second Reading): Councilman Wise moved that the ordinance be placed on second reading. Ordinance No. 661 was adopted unanimously.

Ordinance No. 662 - Accepting Right-of-Way Grant for Street Purposes - 4319 West 143rd Street (Second Reading): Councilman Wise moved that the ordinance be placed on second reading. Ordinance No. 662 was adopted unanimously.

Ordinance Relating to Private Streets (First Reading): Councilman Wise moved that the ordinance be placed on first reading. Mayor Crippin explained that the ordinance established criteria for developers in the event they may desire to construct private streets within cluster, condominium or garden apartment type developments. He added it pertained to future development only, and provided that a sign be posted indicating a private street, vehicles would go over a curb to get into the private street, the streets would be 28 feet wide, and would meet city construction standards. Mr. Bieszczat suggested some revisions in paragraphs a and d. Councilman Wise suggested that homes associations that had expressed interest in dedicating their private streets to the City be informed that this ordinance was under discussion. It was agreed that the wording of paragraph c should be clarified to reflect that the ordinance did not deal with existing streets.

Plan Commission:

Resolution No. 512 - Approving Major Street Plan Report:
Mr. Sanders explained that the report was a culmination of work consultants had been doing for approximately a year; street lighting, sidewalks and other street standards were included in the report, along with a ten-year improvement plan. Mr. Johnson explained that the speeds referred to were design speeds, not speed limits. He stated at the present time intersection improvements at Somerset and Lee Boulevard had extremely low priority for obtaining federal funding. Mayor Crippin read the proposed resolution. Councilman Wise moved that the resolution be approved; seconded by Councilman Reese. Molly Schwab said she objected to the large roads, such as 119th Street, Mission Road, 123rd Street. She said people in Leawood South had signed a petition that they did not want this kind of roads. Another lady stated a 41-foot street was not a Leawood residential street as far as she was concerned. Resolution No. 512 was adopted unanimously. A copy is attached hereto as part of the record.

Public Safety:

Approval of Purchase of Police Car: Councilman Hodes stated the Public Safety Commission recommended that the Council
November 5, 1979

approve purchase of a 1980 Pontiac out of 1979 budget funds; the vehicle could be added to the bid submitted last year from Andy Klein Pontiac, at a cost of $7,393.29. The Public Safety Commission had determined that there was need for the vehicle immediately. Councilman Hodes moved for approval of the purchase of a 1980 Pontiac police car; seconded by Councilman Roberts. Councilman Hodes explained it would be used to replace one of the 1979 Pontiacs with approximately 30,000 miles which would be the first of the four scheduled automobiles to be cycled into city service in lieu of the present car allowance to certain city employees. Motion carried.

Resolution Setting Forth Policy for Installation of Street Lights: Councilman Hodes read the proposed resolution, indicating changes in the original wording. He said the Public Safety Commission felt one of the critical factors which needed to be addressed was street lighting for pedestrian and home safety in residential areas. Karyn Dickson said the people in Leawood Meadows did not want street lights. She said more than fifty-one percent of the people in Leawood Meadows had petitioned not to have street lights. Mr. Bieszczat stated in 1978 the City received a petition from the homeowners in Leawood Meadows for street lights and the power and light company was just now getting around to putting in the lights; when the residents became aware of it, they passed a petition not to have street lights. Mrs. Dickson stated there were only seven residents who signed the first petition (she was one of them); considerably more people had signed the new petition not to have street lights. Chief Sellers said the primary reason for street lights was traffic safety. Mrs. Dickson and Mrs. Day said they moved away from street lights to the rural atmosphere of Leawood Meadows. Councilman Roberts stated it seemed there should be some way a majority of the people in a given subdivision could say they did not want street lights. Councilman Hodes asked that the matter be referred back to the Public Safety Commission to figure out a way that areas that did not want street lights would not be forced to have them. He said a stop order would be issued to the power and light crews in the Leawood Meadows area.

Molly Schwab said she thought every new development ought to have a voice as to whether or not it would have street lights. Mayor Crippin said the City of Leawood had been built on deed restrictions placed on subdivisions by the developers, and simply could not allow everyone who came into the City to vote on what restrictions he wanted. He said city ordinances were for the general welfare of the public and there had always been people who disagreed with those ordinances. A gentleman stated he felt the decision on whether or not to have street lights should be decided by the people in a subdivision after the majority of the homes were occupied. A lady stated the petition for street lights in Leawood Meadows was filed after April of
this year. Mayor Crippin stated Mrs. Dickson would be notified of the Public Safety Commission meeting when the matter of street lights would be considered.

Request for Permission to Solicit Bids for Police Cars: Councilman Hodes reported the Public Safety Commission recommended Council approval to solicit bids for four 1980 police cars for April delivery. He added the Commission had reviewed the specifications and recommended intermediate sized vehicles in an attempt to conserve on gasoline consumption. Councilman Hodes moved that the Council grant permission to the Police Department to go out for bids on four 1980 automobiles; seconded by Councilman Funk. Motion carried.

Public Works:

Resolution No. 513 - Relative to Renovation of Leawood Sewer System: Councilman Jacob stated the Council had previously authorized Mayor Alt to make a Step One Grant application; the present resolution was to authorize Mayor Crippin to execute sewer renovation grant applications to EPA and accept such grant offers. He moved for approval of the resolution; seconded by Councilman Rinehart. Resolution No. 513 was adopted unanimously. A copy is attached hereto as part of the record.

Discussion of Financing of Collector Streets in the City: Molly Schwab stated it seemed Overland Park’s 41-foot streets were funded one-half by the county, one-fourth by the city, and one-fourth by an improvement district based on frontage foot or allocated as to distance from the road. She said that seemed a lot more equitable for building large roads. She said other cities considered 41-foot streets major roads, but Leawood did not consider them major roads for funding. She said residents were assured at the time Fire Station No. 2 was built that a major road would not be needed, but, in fact, that had occurred. She suggested that the Council find another way to fund streets. Mayor Crippin pointed out that 119th Street in Overland Park was a four-lane divided roadway; he said the county would not participate in funding unless it was a four-lane divided roadway. Mr. Bieszczat said 119th Street in Leawood was 41 feet back to back of curb which left 37 feet of driving width, and was a major collector street. Councilman Wise stated she felt an inequity was imposed upon Molly Schwab in the 119th Street benefit district but the Council felt it was an important street and the benefit district was the only way it was going to be built. Councilman Wise pointed out that one predominant source of revenue in Overland Park was sales tax which meant that city could have a backlog of staff to prepare plans to have ready for federal funding, and it gave that city a tremendous amount of money, some of which could be put into road construction. Leawood was
in a position of not having the money to go out and build the entire road network in south Leawood. Mayor Crippin said the staff was in the process of working out the details of a proposal for financing roads in the future. He said he was opposed to accepting fifty percent funding from the county if it had to be a four lane divided road.

Recreation - Request for Permission to Purchase Pump: Councilman Rinehart reported the Recreation Commission had determined a need to buy an additional pump rotating assembly with shaft and bearings to have available as a standby in case of a breakdown in mid-season. The cost would be $1,863.90. She said there was only one company which distributed the brand needed. Councilman Wise stated acquisition of pieces of equipment for reserve had been under discussion from the time the pool was opened. City Administrator Garofano said the cost could conceivably be lower than the amount stated because a cushion had been added to cover possible price increases. Councilman Wise moved that the Council authorize the Recreation Commission to purchase an additional pump rotating assembly as requested; seconded by Councilman Rinehart. Motion carried.

MAYOR'S REPORT

Police Sting Operation: Mayor Crippin commented on the sting operation and said $2,250,000 worth of goods had been bought by police officers for $180,000. Councilman Hodes explained Leawood provided the services of a police officer for six months. Chief Sellers said Leawood had recovered 80 to 85 percent of all major burglaries since the first of the year. Mayor Crippin stated the Leawood officer involved would be recognized at the next Council meeting.

Council of Mayors Meeting: Mayor Crippin announced the Council of Mayors meeting would be at Leawood City Hall on November 7.

Ward Parkway Corridor: Mayor Crippin stated Mr. Sanders, Mr. Johnson and he would appear before the Kansas City Plan Commission with regard to the property at 85th and Ward Parkway. The Mayor had written a letter to the Kansas City Plan Commission and city officials.

Wage and Salary Committee: City Administrator Garofano will set up a meeting of the committee.

Utilization of Space at City Hall: Mayor Crippin reported James Balderson had been obtained to determine whether or not some of the ideas for better utilization of space were feasible.

Septic Tank Problems in Leawood Meadows: Barbara Wallis inquired what had been done about the septic tank problem in Leawood Meadows. Mr. Bieszczat said Mrs. Dickson had
arranged a meeting with the Johnson County Sewer District with regard to sanitary sewers for the area. He said he would continue to try to get something resolved regarding the septic tanks. Mayor Crippin said Leawood had talked to county health officials about the problem.

NEW BUSINESS

#1102 Applications for Renewal of Cereal Malt Beverage Licenses - Ranch Mart Barbeque and Pumpernik's: Chief Sellers reported the applications had been checked and found to be in conformity with regulations. Councilman Wise moved for approval of the applications for renewal of cereal malt beverage licenses of Ranch Mart Barbeque and Pumpernik's; seconded by Councilman Roberts. Motion carried.

#1105 Police Department Cooperation with Kansas City Chiefs Organization: Chief Sellers said the police department would cooperate with the Kansas City Chiefs organization in an arrangement whereby youngsters would approach uniformed officers for football cards. He felt it would open lines of communication with police.

At 9:55 p.m., Mayor Crippin declared the meeting adjourned to Monday, November 19, 1979, 7:30 p.m.

Attest:

[Signature]

Mayor

[Signature]

Council Reporter

City Clerk

2736
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, November 19, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Reese, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Tom Bieszczat, Bob Sanders, Herbert Johnson, the City Clerk, and the Council Reporter.

Recognition of Sergeant Ronald L. Anderson and Presentation of Award: Mayor Crippin presented to Sergeant Ronald L. Anderson a Police Department Distinguished Service Award for distinguishing himself by meritorious achievement while participating in an undercover sting operation in support of law enforcement in Johnson County, Kansas, during the period May 7, 1979 to November 1, 1979, displaying the highest order of discipline and acting in accordance with the best traditions of service of the police profession. Mayor Crippin and Public Safety Chairman Hodes presented to Sergeant Anderson a Leawood Police Department distinguished service award for outstanding professionalism and devotion to duty in connection with the sting operation. Sergeant Tucker expressed thanks to Sergeant Anderson on behalf of the Police Department.


Minutes: On motion by Councilman Carper, seconded by Councilman Rinehart, the minutes of the public hearing on proposed assessments for Benefit District 78-2 and the minutes of the Council meeting of November 5, 1979, were approved as submitted.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Hodes, seconded by Councilman Rinehart.
COMMITTEE AND COMMISSION REPORTS

Ordinance:

Ordinance No. 663 - Relating to Private Streets (Second Reading): Councilman Wise moved that the ordinance be placed on second reading. Ordinance No. 663 was adopted unanimously.

Plan Commission:

Resolution No. 514 - Approving the Replatting of Three City Parks: Mr. Sanders presented a Plan Commission resolution and a proposed Council resolution concerning deeding three city parks to adjacent property owners based on discussions with the surrounding landowners. It was noted that the Plan Commission recommended that Section 17-301 of the Subdivision Regulations be waived. On motion by Councilman Rinehart, seconded by Councilman Wise, Resolution No. 514 was adopted. A copy is attached hereto as part of the record.

Public Safety:

Request for Permission to Keep Three Dogs: Councilman Hodes presented the request of H. M. Krieger and family for renewal of permission to keep a third dog at 9318 State Line. On recommendation of the Public Safety Commission, Councilman Hodes moved that the request for permission to keep three dogs be approved for a period of one year. The motion was seconded. Councilman Reese said it seemed continual variances were defeating the ordinance. City Administrator Garofano will research the possibility of delegating the responsibility for granting such permission to the Public Safety Commission. Motion carried, Councilman Reese opposed. Councilmen Roberts and Carper spoke in favor of having requests for permission to keep more than two dogs considered by the Council.

Traffic Signal Maintenance Agreement - 103rd and State Line: Councilman Hodes explained the contract related only to the new electronic signal presently installed at 103rd and State Line. He said when the City received the grant for the signal it was believed there was maintenance for one year on it, but it was only for thirty days. Through the efforts of Mr. Johnson, a contract was effected with Kansas City, Missouri, to have its Traffic Control Division maintain the signal at the rate of $150.00 per month. On recommendation of the Public Safety Commission, Councilman Hodes moved for approval of the contract with Kansas City, Missouri; seconded by Councilman Rinehart. Motion carried.

Councilman Hodes moved that the agenda be changed to add consideration of bids for a new station wagon for the Fire Department; seconded by Councilman Wise. Motion carried.

Bids for Station Wagon for Fire Department: A tabulation of four bids was presented. Chief Toman recommended acceptance of the low bid of Bill Holtom Ford for a 1980 Ford
November 19, 1979

station wagon per specifications. Councilman Hodes moved that the Council approve a purchase order to Bill Holtom Ford in the amount of $7,873.44; seconded by Councilman Roberts. Councilman Hodes stated this would replace a six-year-old station wagon which would be used by an employee of the city in lieu of car allowance. Motion carried.

Ordinance No. 664 - Approving Maintenance Agreement for Traffic Signal at 103rd and State Line: It was determined that the maintenance agreement for the traffic signal at 103rd and State Line had to be approved by ordinance. Mr. Johnson explained that the ordinance should be passed on an emergency basis since Kansas City, Missouri, would pass its ordinance on November 21. Councilman Wise moved that the ordinance approving the maintenance agreement for the traffic signal at 103rd and State Line be passed on an emergency basis; seconded by Councilman Rinehart. Ordinance No. 664 was adopted unanimously.

Public Works:

Approval of Final Invoice for Legal Services - Benefit District 78-2: Councilman Jacob moved for approval of final invoice for legal services on Benefit District 78-2 in the amount of $1,750.00; seconded by Councilman Carper. Motion carried.

Approval of Final Invoice for Legal Services - Benefit District 78-1: Councilman Jacob moved for approval of final invoice for legal services on Benefit District 78-1 in the amount of $2,675.00; seconded by Councilman Rinehart. Motion carried.

Approval of Monthly Invoice - Engineering Services: Councilman Jacob moved for approval of the monthly invoice for engineering services of Johnson, Brickell, Mulcahy and Associates, Inc. in the amount of $816.00; seconded by Councilman Carper. Motion carried.

Resolution No. 515 - Establishing Minimum Criteria for Acceptance of Existing Private Streets as Public Streets: Councilman Jacob explained that this resolution would apply only to existing private streets while the ordinance placed on second reading at this meeting would apply to all streets to be constructed in the future. He moved for approval of the resolution; seconded by Councilman Rinehart. There was discussion that not all private streets in Leawood would meet the criteria. Councilman Wise pointed out that even if a private street met the criteria, because of the right-of-way requirement, there had to be approval of one hundred percent of the property owners in order to get the street dedicated. Resolution No. 515 was adopted unanimously. A copy is attached hereto as part of the record.

Final Contractor's Payment Estimate - Benefit District 78-2: Councilman Jacob moved for approval of Payment Estimate No. 12
November 19, 1979

showing $4,181.83 due the contractor; seconded by Councilman Wise. Mr. Bieszczat explained the work represented was actually completed under Benefit District 79-1 and that the total project had been accepted previously by the Council. Because of the configuration of the two projects, it was necessary to do certain work at the intersection of 119th and Mission Road in the 79-1 project; it did not change any of the costs pertaining to the assessment hearing. Mayor Crippin pointed out that on the budget sheet it appeared the money for the sidewalk along 119th Street had not been spent. He asked Mr. Bieszczat to check it. Motion carried.

Wage and Salary - Salaries for 1980: Councilman Wise presented the recommendations of the Wage and Salary Committee, as follows: (1) To adjust all salaries upward by 6 percent effective January 1, 1980; (2) to continue to have merit increases from 0 to 6 percent, effective on the employee's anniversary date; and (3) to assume the entire cost of health insurance as provided by The Hartford beginning January 1, 1980, employees currently enrolled in Prime Health to pay the difference. Councilman Wise added that the whole salary step plan would be reviewed during the coming year. The cost of the salary increases would amount to about $16,500 over what was originally budgeted and the increased insurance cost would amount to approximately $13,500, or a total of $30,000. Mayor Crippin added that in order to take care of existing employees, some new positions were being eliminated for the coming year. Councilman Wise moved for approval of the report and that the appropriate actions be taken to implement the plan as proposed; seconded by Councilman Carper. Motion carried. Mayor Crippin thanked the Wage and Salary Committee for an excellent job.

CITY ADMINISTRATOR'S REPORT

Agreement for Street Lights in Longwood Forest: Mr. Garofano reported discussions had been going on for some time regarding the maintenance of the street lighting in Longwood Forest since it was a different type than was normally found in subdivisions in the City. The agreement stated the City would be responsible for energy costs to operate the system and also for replacement of the lamps, while the homes association would be responsible for maintenance and replacement of the rest of the system. The agreement had been reviewed by Mr. Johnson and City Attorney Winn. On motion by Councilman Roberts, seconded by Councilman Wise, the Council authorized execution of the agreement for street lights in Longwood Forest.

MAYOR'S REPORT

Council of Mayors Dinner: Mayor Crippin announced that a Council of Mayors dinner would be held December 8. The City will pay dinner costs for councilmen, department heads, and spouses.
Newsletter: Councilman Funk reported the newsletter should be mailed within the week.

Report on Lawsuits: City Attorney Winn reported the real estate sign suit had been tried and taken under advisement pending the submission of briefs, and that the drive-in theater lawsuit was being held up pending transcription of tapes of the various Plan Commission and Council meetings pertaining to the matter for Colonial Investment Company.

Appropriation Ordinance: No. 401 in the amount of $232,008.87, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted. Councilman Hodes said he understood that the animal that bit the animal control officer escaped due to the negligence of State Line Animal Hospital, the City bore the expense and loss of time to have the officer undergo a series of painful rabies shots, now the City was paying the same company $100 for performing services for the City. He said he thought there should be some negotiation before the check was released. Councilman Carper mentioned there were several items of the same nature being purchased at many different places. The appropriation ordinance was approved, Councilmen Hodes and Carper voting to hold up Warrant No. 01209 to State Line Animal Hospital. Mr. Garofano will check into the matter.

Chief Sellers directed the Council's attention to the monthly police report showing burglaries 41 percent lower than last year, which he felt was due to the efforts of Sergeant Anderson and the sting operation. Chief Sellers said the department was experiencing an increase in the number of calls for services. He said having the court clerk handle expired license violations had relieved court congestion.

Mr. Bieszczat reported the street and storm sewer portion of Benefit District 79-1 was substantially complete; he said the contractor and the engineers had worked very hard and diligently to complete the project before winter. He said Roe Boulevard had been sealed by the County in a cooperative effort. Letters of appreciation will be written by the Mayor to Reno Construction Company, Shafer, Kline & Warren, and the Board of County Commissioners.

Chief Sellers, Chief Toman and Mr. Bieszczat expressed appreciation to the Wage and Salary Committee for its efforts on behalf of city employees.

At 9:15 p.m., Mayor Crippin declared the meeting adjourned to Monday, December 3, 1979, 7:30 p.m.

Attest: 

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

A regular meeting of the City Council was held at 7:30 p.m. on Monday, December 3, 1979, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Wise, Roberts, Funk, Reese, Jacob, Rinehart, Hodes.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Tom Bieszczat, Bob Sanders, Herbert Johnson, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Rinehart, seconded by Councilman Wise, the minutes of the meeting of November 19, 1979, were approved as submitted.

Visitors: Karyn Dickson, Sharon Day, Cheryl Cowan, Nancy Davis, Karen Hess, Cathie Simmons, Walt Foster, Brad Sanders, Mike Middleton, Joseph Eaton, Zack Shafran. Member of the Press: Cathy Hamm.

At the request of Mayor Crippin, Councilman Jacob moved that the agendas be amended to include a resolution pertaining to sale of bonds for Benefit District 78-2 (119th Street); seconded by Councilman Roberts. Motion carried.

COMMITTEE AND COMMISSION REPORTS

Public Safety:

Request for Permission to Solicit Funds - New Haven Seventh Day Adventist Church: On recommendation of the Public Safety Commission, Councilman Hodes moved that the Council approve the request of New Haven Seventh Day Adventist Church for permission to solicit funds; seconded by Councilman Wise. Upon inquiry by Councilman Reese, Mr. Garofano explained the ordinance provided that there would be no solicitors in the City with exception for religious organizations, etc. that go through a process of applying for permission from the Governing Body. Councilman Reese said he thought ordinances were on the books designed for protection of citizens and he was opposed to variances from those ordinances. City Attorney Winn advised that the courts ruled against absolutely prohibiting such activity. He said the Leawood ordinance conformed to the generally accepted norms to try to control it. Motion carried, Councilman Reese opposed.

Payment to State Line Animal Hospital: Councilman Hodes reviewed that at the last meeting payment of a warrant to State Line Animal Hospital in the amount of $100.00 had been held up pending a claim against the Animal Hospital
for negligence in an earlier activity. He reported the Public Safety Commission recommended that the Council approve payment of the warrant for $100.00 owed the animal hospital for services performed.

Traffic Signal - 103rd and Mission Road: Councilman Hodes reported the Public Safety Commission, after lengthy discussion, had decided against recommending approval of a traffic signal at 103rd and Mission Road. He explained that Overland Park had requested that Leawood share the cost of installing a temporary signal. The Public Safety Commission did not feel the signal was warranted; however, the staff felt it was warranted. Councilman Wise asked the reasoning. Councilman Hodes said the Commission considered whether or not funds might be used in a better way, would it improve traffic flow, and would it be safer or less safe for pedestrians, and concluded that it would be less safe to have the signal as opposed to all cars having to stop. Councilman Roberts said he had never had any problem at that intersection; he felt with a signal drivers would attempt to beat the amber light, hence it might become more hazardous with a signal. Councilman Wise asked for Mr. Johnson's opinion on a traffic signal versus stop signs. Mr. Johnson said his opinion was contradictory to the recommendation of the Commission. He said speaking from a professional traffic engineering point of view a signal was warranted and should be in place. He said Overland Park would be totally responsible for a guard if and when a guard would be required. Councilman Rinehart reported there was a great deal of concern among parents at Brookwood School for the safety of their children at that intersection. Councilman Hodes stated the justification was based on traffic volumes, not pedestrian traffic. He added that it would only be a temporary signal, it was anticipated that in a few years 103rd Street would be widened with major intersection improvement and a permanent electronic signal. Mr. Johnson said there would be an energy conservation factor in a signal which would allow some cars to go through without stopping. In all due respect to the Public Safety Commission, Councilman Wise said she would tend to go with the recommendation of the staff because she felt it was a matter of great concern to the people in the elementary school. She moved for approval of the signal; seconded by Councilman Rinehart. Councilman Funk said she would go with what was the safest for the children. Councilman Rinehart said the people at Brookwood Elementary School wanted a traffic light, so she was in favor of the light. Following discussion, motion carried by a vote of 4 to 3.

Approval of Police Vehicle Bid: Councilman Hodes reported the Public Safety Commission recommended that the Council not accept the low bid but instead accept a higher bid from Van Chevrolet for four police cars in the amount of $29,904.48 because Chevrolet was the only one that submitted bids meeting all the specifications, including
common keys, heavy duty police package, suspension, and tires. Chief Sellers recommended the Chevrolet because it was built as a police package and in view of the change to smaller vehicles. Councilman Roberts pointed out that $200 of the $500 difference per car was made up in not having to paint the vehicles, and the balance would probably be made up in the locks and not having to replace the tires. Councilman Hodes moved for approval of the bid of Van Chevrolet in the amount of $29,904.48; seconded by Councilman Roberts. There was discussion that all of the bidders had an equal opportunity to bid the car desired. Chief Sellers said the specifications were geared toward a mid-size police package vehicle which Chevrolet, Ford and Plymouth manufactured. Motion carried unanimously.

Resolution No. 516 - Setting Forth Policy for Installation of Street Lights: Councilman Hodes reviewed that a resolution regarding street lighting in areas platted prior to January 16, 1978, was sent back to the Public Safety Commission for further study. He reported that the Public Safety Commission recommended unanimously that the resolution presented be adopted. Mr. Bieszczat said the only change was that the wording "south of I-435 Highway" was removed; it now included the entire city. Councilman Hodes moved that the resolution be adopted; seconded by Councilman Reese. He said the Public Safety Commission addressed only the public safety aspects of minimum standards for lighting. Mayor Crippin explained that in the past no street lights were put in unless someone requested them, this policy stated that there would be minimum lighting throughout the city. Karyn Dickson asked how residents of Leawood Meadows could be assured that the same fixture would be used throughout all four phases of that subdivision. Mayor Crippin explained that the City wanted continuity in street lighting as far as color and type of poles. He said Mr. Bieszczat was in the process of meeting with representatives of Kansas City Power & Light Company to get those details worked out. Councilman Hodes recommended that the resolution be passed but before any type of light was installed in Leawood Meadows that the color and pole type be coordinated by the staff. Mr. Bieszczat assured Mrs. Dickson and the Council that he would make every effort to have the street lights conform as nearly as possible from area to area. He thought the resolution permitted some leeway as far as location of lights was concerned. Resolution No. 516 was adopted. A copy is attached hereeto as part of the record.

CITY ADMINISTRATOR’S REPORT

Resolution No. 517 - Pertaining to Opening of Bids for Sale of General Obligation Bonds for Benefit District 78-2: City Attorney Winn stated in order to open bids for the bonds on January 9th, the resolution would have to be passed at this meeting to set the procedures in motion. The resolution was for approval of the notice of sale, the proposal form and official statement. Mr. Winn reviewed
those documents. He said it would be sent out regionally. At least five councilmen would need to be present at the bid opening on January 9th at 11:00 a.m. Councilman Roberts moved for approval of the resolution with the provision that in the event any assessment was paid off within the time allowed, the total amount of bonds would be reduced accordingly; seconded by Councilman Reese. Resolution No. 517 was adopted. A copy is attached hereto as part of the record.

Resolution No. 518 - Designating Holidays: Mr. Garofano presented a resolution designating holidays on which City Hall would be closed during 1980 and 1981. He said they were basically the same holidays that had been observed in the past. Mayor Crippin stated he would assume it was understood that it was permissible for an employee to be absent to participate in activities on religious holidays not designated in the resolution. Councilman Wise moved for approval of the resolution; seconded by Councilman Funk. Resolution No. 518 was adopted. A copy is attached hereto as part of the record.

MAYOR'S REPORT

Purchase Order for Repair of V-Plow: Mayor Crippin reported he had signed a purchase order in the amount of $1,750.00 for repair and installation of the V-plow on the grader; the Council had approved it for $1,500.00 but it came in over the estimated cost.

Council of Mayors Meeting: Mayor Crippin reminded councilmen and staff of the Council of Mayors dinner on December 8th at 6:30 p.m. at the Breech Academy.

Authorization of Signature: Following discussion, the City Clerk was authorized to prepare the necessary resolution to authorize Mr. Garofano's signature in the absence of Mrs. Oberlander on documents requiring her signature.

Council Work Session: Mayor Crippin asked councilmen to remain after the Council meeting for a work session.

Newsletter: Councilman Wise commended Councilman Funk for a great job on the newsletter.

Resignation of Councilman Jean Wise: Councilman Wise announced that she was resigning from the Council effective December 7, saying she was beginning to feel her energy was waning, it was becoming clear to her that she was trying to do too many things, and she was feeling a lot of pressure for time and attention from her family. She said she felt the City was being run extremely well, with an excellent Mayor, Council and staff. Mayor Crippin expressed regret upon her resignation, saying it was a very sad day for the City of Leawood to lose Jean Wise from the Council. Other councilmen agreed and expressed appreciation for her excellent service to the City.
Karyn Dickson thanked the Council and the Public Safety Commission for keeping residents posted on the street lighting policy.

Chief Sellers cautioned that the usual rash of burglaries at this season of the year was being experienced.

At 9:14 p.m., on motion by Councilman Reese, duly seconded, the meeting adjourned to Monday, December 17, 1979, 7:30 p.m.

[Signature]
Mayor

[Signature]
Council Reporter

Attest:

[Signature]
City Clerk
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, December 17, 1979, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Reese, Jacob, Rinehart, Hodes. Councilman Carper arrived at 7:55 p.m.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Tom Bieszczat, Bob Sanders, Herbert Johnson, Fred Krebs, the City Clerk, and the Council Reporter.

Minutes: On motion by Councilman Rinehart, seconded by Councilman Jacob, the minutes of the meeting of December 3, 1979, were approved as submitted.

Visitors: Cathie Simmons, Barbara Wallis, Nancy Davis, Tim O'Brien, Clark Ullom, Evans Thomas, Barry E. Warren. Member of the Press: Cathy Hamm.

Approval of Departmental Reports: Departmental reports were submitted and approved on motion by Councilman Roberts, seconded by Councilman Rinehart.

COMMITTEE AND COMMISSION REPORTS

Plan Commission:

Rezoning - Northwest Corner of 103rd and State Line Road: Mr. Sanders presented a resolution of the Plan Commission recommending rezoning from R-1, Single Family Residential District, to RP-4, Planned Cluster Residential District, of property at the northwest corner of 103rd Street and State Line Road. He stated the plan being shown to the Council was not exactly the plan which the Plan Commission recommended, and explained that when the developer's architect was asked for additional copies of the proposed plan, a new plan was sent. The basic difference in the two plans was that the plan which the Plan Commission recommended had a total of 19 units on 2.6 acres with two units to the west with a loop drive and two dead end streets. The plan before the Council had a total of 18 units (the two units to the west had been removed with some changes of location of other units on the property).

Mr. Sanders stated the requested zoning was in conformance with the comprehensive plan of 1975 which showed medium density development for the site. He said the streets were 28 feet wide with turn-around spaces on the ends of the dead end streets. At the main entrance on the north there would be a modification in the median in State Line
Road to allow lefthand turns into the entrance; the second entrance would be for right turn in and right turn out only with a median to guard against left turns in or out. There were three garage units in place of the two dwelling units on the previous plan. Mr. Sanders said there were two covered garage spaces for each unit. The streets would be private streets.

James Bynan, the applicant, explained that one building would be eliminated, another would be repeated on the north end, which eliminated objection to the height of the buildings abutting neighboring properties on the west. Councilman Roberts asked if a lot of grading would be done. Mr. Bynan said the site encompassed a great deal of rock; the plan was to build on and around the rock.

Councilman Roberts was concerned about storm drainage. Mr. Bynan said provision had been made for storm drainage. He added they would have to form their own homes association because of the private streets and common areas that had to be maintained. Mr. Johnson stated the traffic generated by the proposed development would not interfere with normal traffic movement. Mr. Bynan, in response to inquiry by Councilman Rinehart, said the development would act as a suffer of both sound and lights on State Line Road; low yard-type lights were contemplated. Mr. Bynan stated the units would sell for $90,000 to $100,000 and would be of the highest quality construction with elaborate landscaping. He said he did not anticipate any blasting. The right turn only on the southernmost entrance-exit was discussed. Councilman Hodes said it did not appear too restrictive; he thought there should be some sort of setback and the island curved more to the south so it would be virtually impossible for a vehicle to go around and head north. Mr. Bynan said they would comply with recommendations of the staff; they had added the southernmost driveway because they thought it was an important asset to have, it was not required.

With regard to existing deed restrictions, Mr. Sanders said they had not been a part of the consideration at the Plan Commission level. Mr. Bynan said originally he elected to approach the zoning first; he had prepared a petition which he was asking homeowners involved to sign to allow modification of the deed restrictions changing the front footage requirements on Lots 565 and 566 and allowing a change from single family to multi-family density on the two lots. He said he was within less than 200 front lineal feet of having the required signatures—there were people who were taking the position that they would like to see what the City did before they made a judgment and some he had not had time to visit with yet. He was confident that he would soon have enough signatures. It required fifty-one percent of the front lineal footage in the same plat as the two lots involved. Mr. Sanders stated at the public
hearing before the Plan Commission there seemed to be as many people in favor of the project as there were against it; the people speaking against the project were basically objecting to multi-family development and the density. Mr. Bynan said there would be 1900 square feet in the average unit and the market for such townhomes would be from Leawood residents who no longer wanted to keep up their lawns.

Councilmen Jacobs and Roberts were concerned about storm drainage. Mr. Bieszczat said he had reviewed it and found no problem in the schematic concept of the storm sewer; he would review it at the final design stage. Mayor Crippin mentioned that the homes association had passed a resolution against this rezoning. He said he personally had no objection to the project; he personally felt no one would ever build single family residences on that corner; at the same time he had mixed feelings about giving approval to a project so the developer could use that as a tool to get residents to sign the waiver of deed restrictions. He suggested that it be put on first reading with a deadline for the required signatures by the second reading in thirty to sixty days.

Councilman Roberts moved that the ordinance be placed on first reading, and that the developer be given ninety days in which to secure the necessary signatures. Mayor Crippin explained that the second reading would be in ninety days, or before that time if the required signatures were obtained.

Resolution No. 519 - Changing the Street Name "High Drive" to "Eaton Circle" as it Appears on the Plat of Royse: Mr. Sanders explained on the plat there was a cul de sac inadvertently labeled and it conflicted with an address on the existing High Drive. It was proposed that the new cul de sac be called Eaton Circle to resolve the conflict. Chief Toman said that name came from the County master plan. Councilman Roberts pointed out there was a similar confusing situation in Leawood South with two Cherokee Lanes intersecting with Overbrook. Messrs. Toman and Bieszczat will work out a plan whereby conflicting street names will not occur. On motion by Councilman Hodes, seconded by Councilman Reese, Resolution No. 519 was adopted. A copy is attached hereto as part of the record.

Public Works:

Approval of Monthly Invoice for Engineering Services: Councilman Jacob moved for approval of the monthly invoice for engineering services of Johnson, Brickell, Mulcahy and Associates in the amount of $816.00; seconded by Councilman Rinehart. Motion carried.

Approval of Purchase of Mobile Radios: Councilman Jacob presented a bid tabulation form for eight two-way radios for public works vehicles and the public works building. He said the radios would be consistent with those used by
December 17, 1979

the rest of the City; total cost $6,000.00. Councilman Jacob moved for approval of the purchase of the radios; seconded by Councilman Roberts. Mr. Bieszczat indicated the line items in the 1979 budget in which funds were available. Motion carried.

Approval of Purchase of Sewer Rodder: Councilman Jacob reported the Public Works Commission recommended that an order be placed at this time for the purchase of a jet rodding sewer cleaning device for which $30,000.00 was budgeted in 1980. The recommended purchase was a trailer unit from Murphy Machinery Company in the amount of $15,888.00. It would result in a saving because it did not require a truck as originally envisioned. He said the reason they were asking for approval now was to avoid a price increase of approximately $2,500.00. Councilman Carper questioned whether the funds could be committed until January of 1980. Councilman Jacob moved that the Council authorize Mr. Bieszczat to pursue the ordering of a sewer rodding machine based upon expenditure from next year's budget and that the purchase order would not be authorized until after the first of the year to prevent encumbering 1979 funds; seconded by Councilman Roberts. Motion carried, Councilman Rinehart opposed.

Acceptance of Benefit District 79-1 - Mission Road and 123rd Street: Councilman Jacob explained that this was a request for acceptance of the work, not a request for final payment. Mr. Bieszczat stated he had inspected the project and found that it conformed to the plans. Final estimate will probably be ready for the first council meeting in January. Councilman Jacob moved for acceptance of the Benefit District 79-1 project; duly seconded. Motion carried. Mr. Bieszczat reported the project had been placed on the list of the Kansas Asphalt Pavers Association as an award project.

MAYOR'S REPORT

Vacancy on the Council: Mayor Crippin announced that in selecting a new councilman from Ward 3 the City would accept letters with resume attached up through December 31; the Mayor, Councilman Roberts, and the new President of the Council would interview candidates the second or third week of January and select one for the position. To date, there were no official candidates.

Work Session: Mayor Crippin announced there would be a council work session following the Council meeting to discuss the City's insurance, to discuss a proposal from the Police Department on Public Service Officers, and perhaps to discuss generally a newspaper article regarding salaries of councilmen in the Johnson County area.

NEW BUSINESS
Election of President of the Council: Councilman Roberts nominated Councilman Hodes as President of the Council; seconded by Councilman Carper. Motion carried unanimously.

Appointment of City Treasurer: Mayor Crippin proposed the appointment of Joe Herring as City Treasurer effective February 1, 1980. On motion by Councilman Rinehart, duly seconded, the appointment was unanimously approved.

Resolution No. 520 - Establishing a Policy for Improvement Districts Involving Construction of Residential, Minor and Major Collector Roadways Not Constructed Under the Sub-division Regulations: Mayor Crippin reviewed the proposed resolution which provided that a resident where a minor or major collector street would be constructed would pay no more than a typical residential street (28 feet back to back of curb) with the City financing the cost over and above the 28 feet, as well as culverts and relocation of utility lines. The resolution provided that for persons living on large parcels of land, the initial ten acres would be considered residential property which generally had a lower cost per square foot for construction of streets than properties to be subdivided for new housing development. City Attorney Winn pointed out that even though this was a general policy, its practical effect would be to relatively few areas falling within the transition stage, including Benefit Districts 79-1, 78-1, Mission Road south of 135th Street, and 111th and Roe.

Scheduling of Public Hearing to Apportion Costs on Benefit District 78-1 (123rd Street, State Line to Cherokee): City Attorney Winn reported that J. C. Nichols Company had not yet recorded the Fourth Plat of Verona Gardens; if that plat were to be filed, the assessments would have to be calculated on a per lot basis. Following discussion, the public hearing on Benefit District 78-1 was scheduled for January 21, with the hearing on Benefit District 79-1 planned for the first council meeting in February.

Resolution No. 521 - Authorizing City Administrator to Sign City Warrant Checks: Mayor Crippin explained that the City Clerk had requested that the City Administrator be authorized to sign warrant checks in the event of her absence. On motion by Councilman Roberts, seconded by Councilman Carper, Resolution No. 521 was adopted unanimously. A copy is attached hereto as part of the record.
Applications for 1980 Cereal Malt Beverage Licenses: Chief Sellers reported that record checks revealed no criminal record on any of the applicants. On motion by Councilman Rinehart, seconded by Councilman Carper, applications for cereal malt beverage licenses of Martin's Finer Foods, King Louie Ranch Mart Lanes, and Gates & Sons Barbecue were approved.

Appropriation Ordinance: No. 402 in the amount of $159,010.51, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and approved on motion by Councilman Rinehart.

Councilman Roberts moved that the Council go into executive session to discuss litigation, to return to regular session by 9:50 p.m.; seconded by Councilman Jacob. Motion carried.

The Council went into executive session at 9:35 p.m. and returned to regular session at 9:50 p.m.

Chief Sellers reported there had been four burglaries in isolated areas of Verona Gardens on December 13th.

At 9:51 p.m., on motion by Councilman Rinehart, the meeting adjourned to Monday, January 7, 1980, 7:30 p.m.