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

A regular meeting of the City Council was held at 7:30 p.m. on Monday, January 7, 1980, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Reese, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

Approval of Agenda: Mayor Crippin explained that it seemed advisable to add approval of the agenda at the beginning of the Council agenda rather than adding items as the meeting proceeds. Councilman Rinehart moved that Presentation of Certificate of Recognition and Key to the City to Jean Wise be added to the agenda; seconded by Councilman Carper. Motion carried. Councilman Roberts moved that the agenda be approved with the addition; seconded by Councilman Reese. Motion carried.

Presentation of Certificate of Recognition to Eldred Evans: Mayor Crippin presented to Eldred Evans a Certificate of Recognition for his service on the Board of Zoning Appeals from 1976 to 1979.

Presentation of Certificate of Recognition and Key to the City to Jean Wise: Mayor Crippin presented a Key to the City and Certificate of Recognition to Jean Wise for her contribution and service as Councilman from 1976 to 1979.

Visitors: Joe Herring, Karen Hess, Bobbi Lampman, Jim Riccardi, Nancy Davis, Cathie Simmons, Mr. and Mrs. William M. Textor, Jr., Mr. and Mrs. Eldred E. Evans, Mary Ann Novosel, Anna Brown, Jim Borders. Member of the Press: Cathy Hamm.

Jim Borders asked if he might read a letter which he had brought. Since the matter was not on the agenda, Mayor Crippin asked Mr. Borders if he wished to appear at the next Council meeting. Mr. Borders handed copies of the letter to councilmen and requested to be on the agenda of the next Council meeting.

Minutes: On motion by Councilman Rinehart, seconded by Councilman Reese, the minutes of the meeting of December 17, 1979, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Public Works - Request to Purchase Used Wood Chipper: Councilman Jacob stated the request had not been through the Public Works Commission, but because the wood chipper
was used and would only be available until January 8, it was brought to the Council's attention. Mr. Bieszczat explained the wood chipper was needed to dispose of brush along approximately ten miles of rural type roads the City maintained. He said there was no place in the City to dispose of brush; funds were available in the 1980 budget. He was asking authorization to purchase the wood chipper for a cost not to exceed $3,000 which would include approximately $500 maintenance to the present wood chipper. On motion by Councilman Jacob, seconded by Councilman Roberts, purchase of the used wood chipper for approximately $3,000 was approved.

CITY ADMINISTRATOR'S REPORT

Discussion of Sewer Renovation Project: Mayor Crippin stated an application had to be filed immediately with EPA in order to obtain money for sewer construction in the Dyke's Branch area, and there was a deadline of February 14 for the preparation of engineering drawings and application for construction in the James Branch area. He said hearings on this project would be held January 8, 16 and 24. Mr. Garofano stated final plans and specifications had been submitted to EPA for the Dyke's Branch project. He said the City was currently working on the application for the Step 3 grant, the actual construction costs; the engineer's final cost estimates should be completed within the next day or two and the documentation submitted to EPA. After the public hearings are completed, the City will begin to obtain the necessary right-of-way. Once right-of-way is obtained and documentation supplied to EPA, the Step 3 grant can be approved by EPA, estimated to be sometime around May 1; it was anticipated that the earliest a bid could be awarded would be August 1.

Mr. Bieszczat displayed a map of the sewer project, stating a parallel supplementary line would be constructed. He said the Dyke's Branch system should take approximately eighteen months to construct. There was one area that would still be basically septic tanks around 83rd and Lee, although the capability was there to hook on. He said there would be six times the present capacity in the new system.

Mr. Garofano distributed a paper on financing both the Dyke's Branch and the James Branch sections of the project. Estimated construction costs were $5,000,000 ($3,300,000 for Dyke's Branch and $1,700,000 for James Branch), engineering costs for both projects amounted to $222,000, estimated right-of-way cost $125,000, total estimated project cost was $5,347,000. He said construction and engineering costs were subject to seventy-five percent financing by EPA (EPA share would be $3,917,000, the City's share would amount to $1,430,000). It was proposed that $900,000 from the Sewer Renovation Fund be
used, leaving $530,500 to be financed through an improvement district which would spread the cost over the 5,420 users. A total of $80.52 per year would be required for an annual user charge as opposed to the $65.00 now being charged.

City Attorney Winn pointed out that $39.36 of that for treatment cost was based on contractual obligations with Kansas City, Missouri, which was subject to change. He said the City would have to ultimately work up a series of user charges to be approved by EPA which would impact commercial or industrial users. Without participation of EPA, the annual user charge would be $152.78. Mayor Crippin said there would be a meeting on January 11 of EPA and representatives of local governments involved.

City Attorney Winn recalled that the City had a contract to do this same thing in the 1960's for $400,000. There was discussion that persons in the area of the septic tanks would have responsibility for at least that part of the costs relating to debt service or their portion of the trunk main.

Mr. Bieszczat displayed a map indicating 284 properties on which there would be construction. Notices of the sewer hearings had been forwarded to those people specifically. Councilman Hodes moved that the City utilize $900,000 from the Sewer Renovation Fund for construction of the Dyke's Branch and James Branch sewer renovation project; seconded by Councilman Reese. Motion carried.

MAYOR'S REPORT

Change in Effective Date of Appointment of City Treasurer: Mayor Crippin explained that the new check signing plate had already arrived and he would like the minutes to reflect that Joe Herring would be sworn in at the next meeting, January 21, the effective date of his becoming City Treasurer would be January 22.

Council of Mayors Meeting: Mayor Crippin announced a Council of Mayors meeting would be held on Thursday, January 10, and there would be discussion by the Mayor of Overland Park with regard to the Council of Mayors or similar body in Johnson County serving as a Board of Directors to administer alcohol abuse funds. Since Mayor Crippin could not attend, Councilman Carper will represent the City at that meeting.

Johnson County Intergovernmental Forum: Mayor Crippin reported the Intergovernmental Forum would meet on January 9 to discuss legislative proposals for Johnson County as well as a delegation from Johnson County going to the Legislature sometime in late January. Possibly a staff member could attend that meeting.

MARC Dinner - January 25: Mayor Crippin asked councilmen who would like to attend to get in touch with Loraine Miller.
Meeting Concerning Update of Comprehensive Plan: Mayor Crippin said he would attend a meeting with Dick Garofano, Dick Kellenberg, Bob Sanders, Tom Bieszczat, Cal Spradley and Rod England on January 10 to develop a work program for updating the comprehensive plan, as well as including activities that would need to be undertaken for planning for the southern part of the City. He added the plan needed to be more definitive than the existing plan. The work program would be oriented toward the studies to be undertaken in order to properly display to potential developers what the City desired in a particular area and would focus upon what improvements needed to be made to City policies, other than the zoning ordinance, in order to see that the City remained in its current state as far as residential property with the appropriate limited number of commercial properties in the right location to improve the City's tax base. The work program and its cost will be presented to the Council. Approximately $12,000 had been budgeted but additional cost is anticipated. Mayor Crippin explained Rod England's Chicago firm was currently involved in nationwide experiences representing shopping center developers, as well as being involved with several large landholders in the Chicago area and working with cities, resulting in the kind of thing people would like to see in Leawood. Councilmen were invited to the work session on January 10 beginning at 5:00 p.m.

Meeting with Presidents of Homes Associations: Mayor Crippin reported that at a meeting with presidents of the homes associations to explore the possibility of a homes association council, they had been more than receptive. The homes associations will meet quarterly; they will be asked to designate a person to serve on the homes association council, the first official meeting to be the first week in April. Councilmen were invited to attend.

Authorization to Attend National League of Cities Meeting: Mayor Crippin requested permission to attend the National League of Cities meeting as a part of the League of Municipalities delegation, at the expense of the City of Leawood, due to importance of legislation coming before Congress, including Federal revenue sharing. The group would meet with the Kansas Congressional delegation. On motion by Councilman Hodes, seconded by Councilman Rinehart, Mayor Crippin was authorized to attend the National League of Cities meeting March 16 through 18 in Washington, D.C., with the Kansas Municipal League.

NEW BUSINESS

Appointment to City Council - Ward 3: Mayor Crippin reported that Councilmen Hodes and Roberts and he had interviewed four candidates for Councilman, Ward 3, to serve the unexpired term of Jean Wise. The committee recommended to the Council that Mrs. Karen Hess serve as councilman from Ward 3. On motion by Councilman
January 7, 1980

Carper, seconded by Councilman Reese, the appointment was approved. The City Clerk then administered the Oath of Office to Mrs. Karen Hess as Councilman, Ward 3.

Authorization for Public Service Officers: A distribution had been made concerning the public service officer program. Councilman Hodes stated it would represent a savings and would allow additional personnel power in the Police Department to handle some of the tasks either not being done at the present time or that could be done more expeditiously with this type of program. The Public Safety Commission had recommended adoption of the program, or at least a trial program for the ensuing year. Mayor Crippin said he thought the program would be extremely helpful to the City and to the Police Department. Chief Sellers explained the duties would be non-enforcement activities, such as traffic direction, accident investigation, security checks, crime prevention duties, to open the police station in the evening until 11:00 p.m., administrative duties such as transporting cars, errands, etc. The Shift Commander on duty would have immediate supervision, under the Operations Officer.

Meeting for Opening of Bids for Bonds: City Attorney Winn stated there needed to be a meeting of the Council on Wednesday, January 9, at 11:00 a.m. for the opening of bids for bonds.

At 8:45 p.m., on motion by Councilman Rinehart, seconded by Councilman Roberts, the meeting adjourned to Wednesday, January 9, 1980, at 11:00 a.m.

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 11:00 a.m. on Wednesday, January 9, 1980, with Mayor Kent E. Crippin presiding, in the Police and Court Building, 9617 Lee Boulevard. Roll call was answered by Councilmen Roberts, Funk, Reese, Hess, Rinehart.

Others present were City Administrator Garofano, City Attorney Winn, Tom Bieszczat, the City Clerk, and the Council Reporter. Visitors included representatives of Stifel Nicolaus & Company, Inc. and United Missouri Bank.

Mayor Crippin announced the meeting had been called to accept bids for bonds for paying the cost of improvement of 119th Street between Ensley Road and Mission Road. He stated the order of the agenda would be to open the bids, adopt the resolution accepting the bids, and adopt the ordinance. City Attorney Winn explained the ordinance should be adopted on an emergency basis in order to deliver the bonds on February 8, as provided in the notice to bidders.

Opening of Bids for Bonds: Bids were opened, as follows:

**George K. Baum & Company, Inc.:**
- $43,300 of bonds maturing 1981-1985 7%
- $115,000 " " " 1986-1993 6.75%
- $45,000 " " " 1994-1996 7%
- $15,000 " " " 1997 7.10%
- $35,000 " " " 1998-2000 7.25%

Total interest cost to the City - $199,991.75
Total premium - 0
Net interest cost to City of Leawood - $199,991.75
Average annual net interest rate - 6.96844%

**Stifel Nicolaus & Company, Inc.:**
- $253,300 bonds maturing 1981-2000 6.7%

Total interest cost to the City - $192,287.49
Total premium - 30.00
Net interest cost to City - $192,257.49
Average annual net interest rate - 6.698955%

**United Missouri Bank:**
- $3,300 of bonds maturing 1981 6.75%
- $110,000 " " " 1982-1990 7.25%
- $60,000 " " " 1991-1994 6.75%
- $15,000 " " " 1995 6.80%
- $15,000 " " " 1996 6.90%
- $50,000 " " " 1997-2000 7.00%

Total interest cost to the City - $200,157.55
Total premium - 34.23
Net interest cost to the City - $200,123.32
Average annual net interest rate - 6.971320%
First Securities Company, Wichita, Kansas:
$43,300 of bonds maturing 1981-1986 7.50%
$40,000 " " 1986-1989 7.25
$105,000 " " 1989-1996 7.00
$45,000 " " 1996-1999 7.25
$20,000 " " 1999-2000 7.50
Total interest cost to City - $206,230.04
Total premium - 0
Net interest cost to City - $206,230.04
Average annual net interest rate - 7.1858087%

Zahner and Company:
$128,300 of bonds maturing 1981-1991 7.00%
$30,000 " " 1992-1993 6.70
$15,000 " " 1994 6.75
$30,000 " " 1995-1996 6.90
$50,000 " " 1997-2000 7.00
Total interest cost to City - $198,811.50
Total premium - 25.33
Net interest cost to City - $198,786.17
Average annual net interest rate - 6.92474%

A deposit check in the amount of $5,066.00 accompanied each bid. City Attorney Winn stated the bid of Stifel Nicolaus & Company, Inc. was the low bid and recommended that it be accepted.

Resolution No. 522 - Accepting Bid of Stifel Nicolaus & Company, Inc. for the Purchase of $253,300.00 of General Obligation Bonds for the Purpose of Paying the Costs of Improvement of 119th Street: Councilman Roberts moved for approval of the resolution; seconded by Councilman Reese. Resolution No. 522 was adopted unanimously. City Attorney Winn commented that the bid was an excellent one and expressed appreciation for all the bids received.

Ordinance No. 665 - Providing for the Issuance of General Obligation Bonds in the Sum of $253,300.00 for the Purpose of Paying for the Costs of Improvement of 119th Street: Councilman Roberts moved for adoption of the ordinance on an emergency basis; seconded by Councilman Reese. Ordinance No. 665 was adopted unanimously.

City Attorney Winn requested that a letter thanking bidders for their interest and informing them of the result be sent at the time the other deposit checks were returned. The Stifel Nicolaus representative pointed out that $260,000.00 on the back of the bid form had not been changed to $253,300.00.

At 11:27 a.m., on motion by Councilman Rinehart, the meeting adjourned to Monday, January 21, 1980, 7:30 p.m.
Minutes of a Public Hearing on Proposed Assessments for Benefit District 78-1 (123rd Street).

A public hearing on the final assessments for Benefit District 78-1 (123rd Street, State Line to Cherokee), was held at 7:00 p.m. on Monday, January 21, 1980, in the Police and Court Building, 9617 Lee Boulevard, with City Attorney Winn conducting the hearing.

Mayor Crippin and Councilmen Roberts, Funk, Hess, Jacob, and Rinehart were present. Councilmen Carper and Hodes arrived at approximately 7:30 p.m. Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, Tom Bieszczat, Bob Senders, Herbert Johnson, the City Clerk, and the Council Reporter.

Visitors: Joan Ragsdale, Mr. and Mrs. Ralph Merrill, Tom and Margaret McGraw, Bill and Linda Sears, W. B. and Catherine Royse, Cathie Simmons, Fred Gibson, Frank Motley, Cindy West, Steve and Mary Lou Doolittle. Member of the Press: Cathy Hamm.

City Attorney Winn explained that Benefit District 78-1 started at State Line and ended at approximately Cherokee. It was completed at a total cost of $592,500.00, within a fractional percentage of the original cost estimate. Everyone involved in the assessment had been sent a copy of the proposed apportionment. He said an adjustment was made in the assessment to come in compliance with Council Resolution No. 520 which provided for assessment of pre-existing property owners only with the cost of a 28-foot street. The overage of $3,053.24 would be paid by the city at large. The adjustment had already been made in the notice of assessment to thirteen single family homes in Leawood South along Cherokee Lane. Mr. Winn noted the overwhelming majority of the improvement district was paid for by the larger property owners. He said if an assessment were not paid within thirty days, it would be spread over the property on a twenty year basis.

Jacqueline Hunter said she did not understand why so few people were being charged for a road that was obviously a community road. Mr. Winn explained the concept of a quarter of a mile benefit district was used to arrive at an area reasonably served by a collector street. He explained the reason residents were paying at all was that under the old subdivision regulations the developer was not required to put in the adjacent streets and did not pass the cost on to the residents, now the city was having to come back after the fact and try to build the street. Mr. Winn said Benefit District 79-1 would be assessed in precisely the same manner unless a district court judge ordered it done differently. Mrs. Hunter said they
expected a street like Lee Boulevard. David Hunter said it seemed arbitrary and capricious to assume that 1320 feet defined the boundaries of the road's usage; he added what was being done did not seem to be in concert with the character of the community as a whole. Mayor Crippin explained the 1320 feet was the normally accepted distance by traffic engineering standards for servicing a collector street. Mr. Hunter explained that the developer's portion would be spread over all the lots in the development area, rather than assigning the costs to a selected few based on a number picked out of a hat. He said they felt they had been singled out because the Council did not have the foresight to set up subdivision cost assignment rules. Mayor Crippin explained in order for that cost to have been apportioned out over the entire area of Leawood South, it would have had to be done in 1967. Mr. Hunter suggested that the city as a whole absorb all of the burden of this issue.

Mr. Royse said when his land was annexed by Leawood they were assured there would be no assessments until the land was developed. Mr. Winn said the annexation ordinances had been reviewed and there were no covenants or restrictions on the original annexation of the area. Rod Richardson asked for an explanation of how the costs for a 28 foot residential street were broken out from a 41 foot street. Mr. Bieszczat said it was determined by computing the quantity for a 28 foot street times the unit price bid.

A lady in the audience wondered why a developer was allowed to come in and get a benefit district formed which would assess individual property owners while the developer could pass his cost on to the purchasers of his lots. Joan Ragsdale said she felt the cost of roads should be divided equally among all residents of Leawood. Mayor Crippin said that would require a bond issue and he doubted that it would pass.

Councilman Roberts said when he first came on the Council it was of much concern to residents that 123rd Street be improved. He said he could not foresee that anything would have been done to 123rd Street if some developers had not shown an interest in developing that property and signing to form a benefit district. He further said he did not think the district could have gone deeper than 1320 feet because it would have meant double assessment for people in Verona Gardens since they were being assessed for 119th Street.

The public hearing on proposed assessments for Benefit District 76-1 (123rd Street) was closed.
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was called to order by Mayor Kent E. Crippin at 8:05 p.m. on Monday, January 21, 1980, immediately following a public hearing on proposed assessments for Benefit District 78-1, in the Police and Court Building, 9617 Lee Boulevard. Roll call was answered by Councilmen Roberts, Funk, Hess, 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.

Approval of Agenda: Councilman Jacob moved to amend the agenda to show the addition of a contract with Virginia Walsh to assist the City in review of landscaping and possible damages from construction in the sewer renovation project; seconded by Councilman Rinehart. Motion carried. On motion by Councilman Roberts, seconded by Councilman Jacob, the agenda was approved as revised.

Presentation of Check from Mayor's Christmas Tree Bowling Tournament: The representative of King Louie Ranch Mart was not present, so the presentation was deferred to the next Council meeting.

Visitors: Joan Ragsdale, Mr. and Mrs. Ralph Merrill, Tom and Margaret McGraw, Bob and Judy Barackman, David W. and Jacqueline K. Hunter, Bill and Linda Sears, W. B. and Catherine Royse, Cathie Simmons, Fred Gibson, Frank Motley, Cindy West, Steve and Mary Lou Doolittle. Member of the Press: Cathy Hamm.

Ordinance No. 666 - Levying Assessments for Paying the Cost of Improvements to 123rd Street Between State Line Road and Cherokee Street (Improvement District No. 78-1): Councilman Funk moved that the ordinance be adopted on an emergency basis; seconded by Councilman Carper. Ordinance No. 666 was adopted, Councilmen Roberts and Hess voting nay.

Minutes: On motion by Councilman Rinehart, seconded by Councilman Funk, the minutes of the meetings of January 7, 1980 and January 9, 1980, were approved as submitted.

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

COMMITTEE AND COMMISSION REPORTS

Public Safety:
January 21, 1980

#539 Request for Permission to Keep Three Dogs on Premises - 2809 West 90th Street: On recommendation of the staff and the Public Safety Commission, Councilman Hodes moved for approval of permission for V. P. Ryder, 2809 West 90th Street, to keep three dogs for a period of one year; seconded by Councilman Carper. Motion carried.

#542 Request for Permission to Solicit Funds - American Heart Association: Councilman Hodes reported the Public Safety Commission had reviewed the request, and moved for approval of the request of American Heart Association to solicit funds; seconded by Councilman Hess. Motion carried, Councilman Funk opposed.

Public Works:

#545 Contractor's Estimate No. 6 (Final) - Benefit District 79-1: Councilman Jacob pointed out that the actual cost was $22,106.60 under the original estimate. He moved for approval of payment of Contractor's Estimate No. 6 in the amount of $347,284.21; seconded by Councilman Hodes. Motion carried.

#548 Engineer's Payment Estimate No. 7 (Final) - Benefit District 79-1: Councilman Jacob pointed out that the actual cost was $2,266.59 below the original estimate, and moved for approval of Engineer's Payment Estimate No. 7 in the amount of $10,658.70; seconded by Councilman Rinehart. Motion carried.

#552 Request to Purchase Signs and Sign Materials: Councilman Jacob presented a request to purchase signs and sign materials not only for replacement of existing street signs but also for signs in new areas. Councilman Jacob moved for approval of the purchase of signs and sign materials from the 3M Company in the amount of $2,896.32; seconded by Councilman Rinehart. Councilman Carper noted that in 1979 there was an expenditure of $10,128.00 for signs when only $5,000.00 was budgeted; in addition, a full time individual was employed. Mr. Bieszczat explained the City furnished all signs for new subdivisions, the developers reimbursed the City for street signs, etc., but the money did not come back to Public Works but went to the General Fund. Motion carried.

#571 Contract with Virginia Walsh, Landscape Architect: Councilman Jacob moved that Virginia Walsh be hired to obtain waivers from individual property owners for the work to proceed in the Dyke's Branch sewer renovation district, determine what items of landscaping would be damaged, and place a value on the items to be replaced, at $8.00 per hour plus 20¢ per mile car allowance; duly seconded. Mr. Bieszczat estimated the total bill would be somewhere in the area of $2,000.00. There was discussion as to whether or not a ceiling should be included in the contract. Councilman Carper moved to amend the motion to approve
the contract, subject to legal review, not to exceed $1,500.00; seconded by Councilman Hodes. Amendment carried. Motion as amended carried.

Recreation - Bid for Resurfacing Eight Tennis Courts: A bid tabulation form was presented for resurfacing eight tennis courts at Leawood Park and re-setting net posts as needed. It showed bids received from Centre Court for $15,360.00, Athletic Supply Co. for $17,400.00, and American Tennis Court Builders for $14,933.40. Councilman Rinehart reported the Recreation Commission recommended that the award go to the low bidder, American Tennis Court Builders. Councilman Carper asked how the large crack would be treated. Mr. Bieszczat stated Bob Sanders and he had inspected the crack to make a recommendation as to whether or not an expansion joint was needed. They felt the crack could be overlaid if it were filled with a mastic material. Councilman Rinehart suggested that the discussion be deferred until Fred Krebs arrived.

MAYOR'S REPORT

Meeting on Updating Comprehensive Plan: Mayor Crippin reported he had met with Messrs. Garofano, Sanders, Bieszczat, Kellenberg, England, Spradley, Mrs. Rinehart and Mrs. Hess to discuss updating the comprehensive plan as well as undertaking additional studies to develop a plan for growth in the southern part of the city. On January 31st, a proposal will be explained to members of the staff, the Council, the Plan Commission, and the Recreation Commission.

Bus Tour to Observe Street Lighting: Mayor Crippin announced a bus tour to observe street lighting had been arranged immediately following the Council meeting.

OLD BUSINESS

Oath of Office Administered to Treasurer: The City Clerk administered the Oath of Office to Joe Herring as City Treasurer.

Appropriation Ordinance: No. 403 in the amount of $177,959.58, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and approved on motion by Councilman Carper.

Bid for Resurfacing Eight Tennis Courts (continued): Councilman Rinehart read a description of items included in the bid from the minutes of the Recreation Commission. Mr. Bieszczat said for the amount of money involved he would recommend the resurfacing procedure described. Councilman Carper moved that the Council approve the low bid of American Tennis Court Builders in the amount of $14,933.40 for resurfacing eight tennis courts; seconded by Councilman Roberts. Motion carried.
Mr. Bieszczat announced that the City had received a check for $70,600.00 from EPA on the Step 2 sewer renovation grant.

Chief Sellers stated police personnel would be on hand on January 22 outside Ranch Mart Auditorium where a candlelight ceremony was planned in conjunction with the meeting of the Plan Commission.

Mayor Crippin stated the City had been talking to the sewer district about utilizing some of the property at the Indian Creek treatment plant for recreation purposes and potentially other purposes of the City.

At 9:05 p.m., Mayor Crippin declared the meeting adjourned to Monday, February 4, 1980, 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 4, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Hess, Jacob, Rinehart, Hodes. Councilman Carper arrived at 7:36 p.m.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, Herbert Johnson, the City Clerk, and the Council Reporter.

Approval of Agenda: Councilman Jacob requested addition of an item, Public Works Report, Contract for Determining Final Property Assessments on Benefit District 79-1. On motion by Councilman Roberts, seconded by Councilman Rinehart, the agenda was approved as amended.

Presentation of Check from Mayor's Christmas Tree Bowling Tournament - King Louie Ranch Mart: Mike Light of King Louie Ranch Mart stated $233.00 was raised in the Mayor's Christmas Tree Bowling Tournament and their choice of charities was the Salvation Army. Mayor Crippin expressed appreciation for the check and, in turn, presented it to Major Clarence W. Harvey of the Salvation Army. Major Harvey commented it would help pay for the cost of taking care of 44,000 people in the Metropolitan Kansas City area.

Visitors: Major Clarence Harvey, Mike Light, Richard Graham, Mike Scalora. Member of the Press: Cathy Hamm.

Minutes - Hearing of January 21, 1980: On motion by Councilman Rinehart, seconded by Councilman Hodes, the minutes of the hearing of January 21, 1980, were approved as submitted.

Minutes - Council Meeting of January 21, 1980: On motion by Councilman Roberts, seconded by Councilman Rinehart, the minutes of the Council meeting of January 21, 1980, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Ordinance:

Ordinance Accepting Deeds to Vest Pocket Parks and Ordinance Vacating Three Vest Pocket Parks (First Readings): Councilman Hodes explained this was the first reading on two ordinances, the first accepting five vest pocket parks and the second vacating three of the parks. He reported the Ordinance Committee recommended that the ordinances be placed on first reading. In answer to inquiry by Mayor

2766
Crippin, Councilman Rinehart stated Brook Besty Park would remain a part of Leawood. She said there would be discussions with owners surrounding another small park in the near future.

**Public Works:**

Contract for Determining Final Property Assessments on Benefit District 79-1: On recommendation of the Public Works Commission, Councilman Jacob moved for approval of a contract not to exceed $3,000.00 with Shafer, Kline & Warren to complete the final assessments for property owners in Benefit District 79-1, commonly referred to as 123rd Street and Mission Road; seconded by Councilman Rinehart. Mr. Bieszczat stated this was normal procedure and would be added to the benefit costs. Motion carried.

**MAYOR'S REPORT**

Hearing on Sales Tax Legislation: Mayor Crippin reported there would be a hearing on sales tax legislation in Topeka on February 5. Mr. Garofano stated the legislation proposed was to allow cities to levy up to one percent sales tax as opposed to the present authorization of one-half percent.

**NEW BUSINESS**

Resolution No. 523 - Authorizing Renewal of Temporary Notes - Benefit District 78-1: City Attorney Winn explained the resolution was for renewal of Temporary Notes 78-1 A-K in the total amount of $550,000.00. He explained the notes needed to be extended. On motion by Councilman Carper, seconded by Councilman Roberts, Resolution No. 523 was approved. A copy is attached hereto as part of the record.

Resolution No. 524 - Authorizing Renewal of Temporary Note - Benefit District 79-1: City Attorney Winn commented that the rate was higher on this renewal because the City had no deposits in United Missouri Bank so it had no compensating balances for establishing the rate. The amount of the note was $1,200,000.00 at 7.875%, to be renewed until May 15, 1980. On motion by Councilman Hodes, seconded by Councilman Rinehart, Resolution No. 524 was adopted. A copy is attached hereto as part of the record.

Date for Public Hearing to Apportion Costs - Benefit District 79-1: Mr. Bieszczat stated March 3rd would be the first Council meeting at which the hearing could be held. Mayor Crippin commented that March 3rd would probably be the date the Plan Commission recommendation on rezoning for the clinic at 10345 State Line would be coming to the Council. The Council agreed the public hearing to apportion costs on Benefit District 79-1 should be held on Wednesday, March 5, at 7:30 p.m., at the Leawood South Country Club or the Leawood Elementary School, with Thursday, March 6, as an alternate date.
Approval of Contract for Update of Comprehensive Plan:
Councilman Rinehart moved for approval of a contract with Richard H. Keilenberg & Company for update of the comprehensive plan; duly seconded. Mr. Garofano explained that in the 1979 budget there was $14,000 set aside for update of the plan; that amount was carried over; it was suggested that the $14,000 plus additional carryover be allocated for update of the plan. He suggested a budget revision in the near future; in the meantime, there was money in the administrative budget to see the project through to the budget revision. Motion carried.

Authorization to Proceed to Negotiate for Flood Plain Recreation Areas: Mayor Crippin explained action requested was authorization for the Mayor, Councilman Rinehart and the staff to talk with property owners who had ownership of flood plain property for the most part along Tomahawk Creek; any contract or expenditure would come before the Council for approval. Councilman Roberts moved that authorization be granted to Mayor Crippin, Councilman Rinehart and the staff to proceed with negotiations toward athletic fields in the flood plain area; seconded by Councilmen Rinehart. Motion carried.

Authorization to Proceed with Negotiations with Johnson County Sewer District for Use of Land in Vicinity of Indian Creek Treatment Plant: Mayor Crippin reported the City staff, Councilman Rinehart and he had been discussing property shown on a map presented, presently owned by the Johnson County Sewer District, comprising approximately 11 acres, to allow the City to utilize the property for recreation purposes. There would be another meeting on February 19. It was not anticipated that any major cost, if any, would be incurred in the use of this property other than preparation of the ball fields and expense of relocating the fence. Councilman Hodes moved that the Mayor, Councilman Rinehart and the staff be authorized to proceed with negotiations with Johnson County Sewer District for use of land in the vicinity of the Indian Creek treatment plant; seconded by Councilman Rinehart. Motion carried.

There was a short recess.

Discussion of Street Lights: Mr. Bieszczat displayed a map showing street lights presently existing or proposed under existing ordinances and resolutions. Green lines depicted Kansas City Power & Light mercury vapor safety lighting (eastern portion of Verona Gardens and some in Leawood South); brown lines, Kansas City Power & Light mercury vapor (for the most part), continuous lighting; yellow lines indicated City standard safety lighting; orange lines were City standard continuous lighting; red lines were post top lights (Longwood Forest, Leawood Meadows and Roys). The orange lines were on collector streets and yellow lines on typical residential streets.
Mr. Bieszczat said as far as he was concerned public safety was the only reason for street lighting. Chief Sellers said he did not feel there would be any more danger on the streets in orange than those in yellow at the present time, but as development occurs and streets are opened up, the streets in orange would become more dangerous and that was the basis on which the continuous lighting would be installed on the collector streets. Mr. Bieszczat said the continuous lighting was predicated on the same reasoning that the street was 41 feet wide. He pointed out that the present ordinance indicated that all collector streets, major and minor, and all arterial streets would have continuous lighting with approximately 200 foot centers. Mr. Bieszczat clarified that the Council was being asked to make a determination (1) did it want the continuous street lighting or the safety street lighting and (2) did it want to retain the present ordinance requiring street lighting. He explained if land was platted prior to January 16, 1978, it did not require street lighting, after that date street lighting was required; in addition, a resolution had been passed stating that all subdivisions would have safety lighting to be provided by Kansas City Power & Light under the franchise tax.

Mr. Johnson said cities all over the country were going to high pressure sodium lighting simply for energy conservation. Mayor Crippin explained that if the philosophy were adopted that on collectors there would be continuous lighting, it meant on 123rd Street and on Mission Road there would be continuous lighting. Mr. Johnson said the national standard to warrant continuous lighting was 200 vehicles during the nighttime hours or 50 pedestrians in the nighttime on residential, collector or arterial streets; then the question was lighting intensity, as volumes increase, intensity of lighting increased based on nationally accepted standards. Mr. Bieszczat explained that as Benefit District 79-1 stands, street lights would be included in the project, the cost apportionment date being in one month. Councilman Roberts said he suspected national standards were optimum standards; he thought the responsibility rested with the Council to adopt judgment with respect to those standards.

Mr. Bieszczat explained in the event the Council chose not to stay with the ordinance requiring continuous lighting, the City would be faced with two dilemmas (1) repeal of the ordinance and (2) if safety lighting were installed and additional lights were needed in the future, how those lights would be funded and what type of light they would be. He added the City was running short of franchise money to finance street lighting. In answer to inquiry by Mayor Crippin, Mr. Johnson stated if safety lighting were provided on 123rd Street and on Mission Road, Kansas City Power & Light could add lights at a later date; the City would have difficulty adding lights because of long runs with cable to the power source.
Councilman Hess pointed out 123rd Street had safety lighting from State Line to Cherokee, it would only have continuous lighting within Benefit District 79-1. Mr. Bieszczat estimated it would cost the City $45,000 to provide continuous lighting on that portion of 123rd Street in Benefit District 78-1. Mr. Johnson said safety lighting in Benefit District 79-1 would lower construction cost $40,000. Councilman Hess said the people out there felt it was already overkill to have a 4-lane road and to add continuous lighting to that was more overkill.

Mr. Bieszczat said in essence the discussion concerned all new collector streets. He recommended, if the Council were considering separating major and minor collector streets, that the major collector streets and arterial streets have continuous lighting and that minor collector streets have safety lighting. He added that 123rd Street and Mission Road were major collectors; 119th Street was an arterial; Aberdeen, Wenonga and High Drive were minor collector streets. Mr. Johnson believed with the school on 123rd there would be pressure for continuous lighting from Cherokee to State Line because there was a crosswalk and there were periods when children were walking in dusk and darkness. Councilman Carper asked from a safety standpoint would safety lighting be all right as opposed to continuous lighting on 123rd Street and Mission Road. Chief Sellers said the City could get by with safety lighting for five years or so, but as the trees grew up and there was more density, there would be requests for more street lights. Councilman Hodes said he thought a few years from now residents would be glad the street lights were in, and he thought it would be wise to go ahead with what the ordinances called for. Mr. Johnson said the life of one child was worth more than the whole street lighting system. Councilmen Hess and Roberts said cost was not the main factor in the residents being opposed to street lighting.

Mr. Winn recommended that a decision be made on street lighting before an apportionment ordinance was adopted on Benefit District 79-1. He stated sooner or later the Council would have to have a lighting policy. Councilman Hess did not think anyone would want continuous lighting on a minor collector; she felt the City would have the same problem on streets to the south. Councilman Roberts thought the area of minor as opposed to major collector streets needed to be looked into.

Councilman Hess moved that there be only safety lighting in Benefit District 79-1 (123rd Street and Mission Road); seconded by Councilman Roberts. Motion failed with 5 nay votes. Mayor Crippin stated the City would proceed with what was contained in the ordinances which would mean continuous lighting on 123rd Street and also on Mission Road. Councilman Hess suggested that the staff look at
the resolution on street lighting for minor collector streets and possibly have a recommendation at the next Council meeting.

Appropriation Ordinance: No. 403-A (final appropriation ordinance for 1979) in the amount of $42,762.13, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and approved on motion by Councilman Hodes.

Date for Adjourned Meeting: The third Monday being on a holiday, the date of the adjourned meeting was set for Tuesday, February 19, 1980.

At 9:17 p.m., on motion by Councilman Rinehart, seconded by Councilman Hodes, the meeting adjourned to Tuesday, February 19, 1980, 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 Tuesday, February 19, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Reese, Hess, Jacob, Rinehart, Carper, Hodes. Councilman Roberts arrived at 8:45 p.m.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Herring, Tom Biesczat, Bob Sanders, Herbert Johnson, the City Clerk, and the Council Reporter.

Visitors: Nancy Davis, Cathy Simmons, Scott Evans, J. E. Middleton, R. H. Smith. Member of the Press: Cathy Hamm.

Approval of Agenda: On motion by Councilman Carper, seconded by Councilman Jacob, the agenda was approved as submitted.

Minutes: Councilman Rinehart moved for approval of the minutes of the meeting of February 4, 1980; seconded by Councilman Jacob. Councilman Rinehart then moved that the minutes be amended on page 2768 to reflect that Councilman Hess seconded the motion authorizing negotiations for flood plain recreation areas and that Councilman Jacob seconded the motion authorizing negotiations for use of land in the vicinity of the Indian Creek treatment plant; seconded by Councilman Jacob. The minutes were approved as amended.

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

COMMITTEE AND COMMISSION REPORTS

Ordinance:

Ordinance No. 667 - Accepting Deeds from Kroh Brothers Development Company Conveying Five Vest-Pocket Parks (Second Reading): City Attorney Winn stated the deeds had already been recorded. Councilman Rinehart explained there had to be the formality of accepting the deeds to five vest-pocket parks and then disposing of three excess properties by ordinance. Councilman Rinehart moved that the ordinance accepting the deeds be placed on second reading. Ordinance No. 667 was adopted unanimously.

Ordinance No. 668 - Vacating Three Vest-Pocket Parks (Second Reading): Councilman Rinehart moved that the
ordinance be placed on second reading. Ordinance No. 668 was adopted unanimously.

Public Safety:

Request for Permission to Keep More than Two Dogs on Premises - 9626 Sagamore: Councilman Funk reported that the Public Safety Commission recommended that the request of R. H. Smith to keep three dogs at 9626 Sagamore be denied because of a neighbor's complaint. Bob Smith stated they did have four dogs, two were pups, now one of the pups had been given away; in addition, one of the dogs had cancer and was not expected to live much longer, and the female had been spayed. He said he had a petition signed by six of five adjoining neighbors stating they had no objections to the dogs. He asked that the decision of the Public Safety Commission be reversed. Councilman Funk stated the petition signed by five neighbors had not been presented to the Public Safety Commission. Councilman Hess pointed out that the ordinance provided that there had to be two written protests to revoke a permit. Chief Sellers said the information that the dogs presented an odor and health hazard to the Hamtil children came from Dr. and Mrs. Hamtil.

While he was sympathetic to Mr. Smith, Councilman Reese said he thought it was time the Council followed a policy of consistency on whether or not it was going to allow five, three or two dogs per yard. Councilman Rinehart said she thought the Council had to deal with the particular circumstances presented—a dog that had cancer and was not going to live. Councilman Hess suggested that a permit be given for less than a year. Councilman Reese said it was unfair to the resident who owned no dogs at all to have somebody who owned two dogs say he would like to keep three or more. Mr. Smith said the complaining neighbor did have a dog and at times the dog had been let loose, had litters of pups, and had been kept in a kennel in the yard under extremely poor conditions in cold weather. He said the problem was not a neighbor that objected to dogs, but two neighbors that apparently could not get along. Councilman Rinehart moved that the Council allow Mr. Smith to keep three dogs and suggested that Councilman Reese might want to limit the permit to until the ailing dog died; seconded by Councilman Funk. Councilman Reese moved to amend the permit to add a time limit of three months.

There was discussion that the ordinance was written the way it was because there was quite a bit of rural area where there was no reason why a person could not have three or four dogs because there were no adjacent neighbors, while in populated areas of the City it did make a difference. Councilman Reese suggested that perhaps the ordinance could be classified in relation to ground area. Mayor Crippin suggested that the staff investigate the
wording of the ordinance to allow persons in rural areas to have more than two dogs. He suggested if it be the wisdom of the Council to vote for the motion, that there be the understanding that if there is any problem within the neighborhood and two or more neighbors felt it had become a nuisance, that Mr. and Mrs. Smith would be called upon to decrease the number of dogs on their property. With that understanding, Councilman Reese withdrew his amendment. Motion carried.

#156 Request for Permission to Keep More than Two Dogs on Premises - 12320 Mission Road: On recommendation of the Public Safety Commission, Councilman Funk moved for approval of the request of Teri Lynn Ostroviak to keep six dogs at 12320 Mission Road, where there were no other residences within 200 feet of the property; seconded by Councilman Jacob. Councilman Funk added that the family had been cautioned about allowing any of the dogs to roam outside the fenced yard. Motion carried.

#169 Request for Authorization to Solicit Bids for 1980 Range and Reloading Materials: Chief Sellers stated that probably only one bid would be received. Councilman Funk moved that the Police Department be authorized to go out for bids for 1980 range and reloading materials; seconded by Councilman Jacob. Motion carried.

CITY ADMINISTRATOR'S REPORT

#174 Snow Removal Efforts: Mr. Garofano reported for the period from the end of January to February 9, the City spent $3,000 in overtime wages for snow removal. He felt the snow removal program had been successful, and added that it was fortunate that the City had some new equipment on hand because three dump trucks had to have major repairs. He said the equipment breakdowns pointed out the need to make plans for a regular equipment replacement program.

#206 Survey of Cities Relative to Pay of Mayor and Councilmen: A summary of results of the survey had been distributed. Mr. Garofano commented that the range was from no pay to $3,600 per year.

MAYOR'S REPORT

#214 Date for Assessment Hearing on Benefit District 79-1: Mayor Crippin stated the date of the hearing would be Thursday, March 6, at 7:30 p.m. at the Leawood South Country Club.

#219 Budget Carryover: Mayor Crippin stated there was approximately $217,000 more carryover to 1980 than was anticipated. Mr. Garofano had suggested that it would be best that the Council recognize the additional $217,000 and make a decision as to what to do with it, whether to put it in an account to accrue interest or allocate it to resolve some of the existing
February 19, 1980

problems. Mayor Crippin mentioned that cost of update of
the comprehensive plan was greater than estimated, some
proposals would be forthcoming with regard to general
management and space problems at City Hall, equipment
considerations, etc. Councilman Carper suggested that
the process start by department heads taking a second
look at their budgets, then, with Mr. Garofano, making
a presentation to the Council at a work session.

Date for Council Work Session: Mayor Crippin stated there
were several items to be considered by the Council in a
work session in the next couple of weeks--budget, considera-
tion of space, wage and salary classification study, and
an explanation of a class action lawsuit against the Water
District. The work session was set for Monday, February 25,
7:00 p.m. Mr. Johnson suggested that funding for traffic
signal improvements at 95th and Mission Road be added.
Mayor Crippin requested that the Wage and Salary Committee--
Councilmen Jacob, Hodes, and Carper--meet with the Mayor,
City Treasurer, and City Administrator and then make a
presentation at the Council work session. Councilman
Roberts was appointed chairman of the Wage and Salary
Committee.

Council Development Program (IPA Grant): Mayor Crippin
stated the Council of Mayors had an Intergovernmental
Personnel Act grant which would pay for fifty percent of
the cost of having Bob Saunders conduct sessions with the
Leawood Council, discussing development of the southern
part of the city, leading to input by the Council into the
comprehensive plan process. He suggested the first session
be held on March 24 at 5:30 p.m.

Bonds to Subsidize Interest Rate on Housing: Upon inquiry
by Councilman Reese, Mayor Crippin explained that if cities
wanted to participate in bonds to subsidize the interest
rate on housing they had to file a letter with the County
Commissioners by a certain date indicating that they were
in favor of the bonds. Such a letter would not mean that
the city would participate but kept the option open. John
Moffitt had submitted to the City a letter from the
National Homebuilders Association indicating that it
favored this method for allowing persons to purchase
homes especially in light of the current interest rate,
and Mr. Moffitt had contacted the City about being on the
Council agenda to discuss the program. There was dis-
cussion that if a person with income of $30,000 or less
wished to purchase a home with a loan limit of $60,000,
the County could sell the bonds allocated to the respective
cities. Mayor Crippin said the City had been approached
by individuals selling the bonds for an opportunity to
appear before the Council about the program. It was the
consensus of the Council that it forego the opportunity
to have a presentation on the bonds.

Councilman Roberts entered the meeting during the discussion.
OLD BUSINESS

Discussion of Street Lighting: Mayor Crippin explained that the reason street lighting was on the agenda was that since the last meeting when it was decided that there would be continuous lighting on 123rd Street from Cherokee west to Mission Road and on Mission Road from 119th Street south to 127th Street, part of the rationale for that decision being that the subdivision regulations had not been approved at the time the benefit districts for 119th Street and 123rd Street east of Cherokee had been established, Councilman Kathy Hess had discovered that the subdivision regulations were passed in January of 1978 rather than in November of 1978. Therefore, when the benefit districts for 123rd Street from State Line to Cherokee and for 119th Street were formed, they violated the regulations by not having street lighting. Mayor Crippin said he brought this to the Council's attention as a point of information in case individual councilmen had based their decision on that rationale. Mayor Crippin said the alternatives would be that the City would have to finance the costs or the City would request Kansas City Power & Light to install safety street lighting. City Attorney Winn pointed out that on Benefit Districts 78-1 and 78-2 there were subdivisions already platted and approved before January, 1978. Mr. Bieszczat said the cost to install continuous lighting in Benefit District 78-1 (123rd Street, State Line to Cherokee) would be $45,000; the cost for street lights in 78-2 (119th Street) had never been computed (he thought it could be justified for not having street lights).

Mr. Johnson stated on 119th Street, the plats were in existence prior to the adoption of the subdivision regulations; on the first part of 123rd Street, State Line to Cherokee, property was platted and school plans were approved prior to the subdivision regulations, and a transition policy was written by the Plan Commission that the developer was not responsible for street lighting if the land was platted under the old regulations. Mr. Bieszczat clarified that the resolutions creating the benefit districts were approved after the adoption of the subdivision regulations but some of the adjoining plats were platted prior thereto. Councilman Hess said under that logic, Leawood South would fall in the same category. Mr. Johnson explained that Benefit Districts 78-1 and 78-2 were created as a vehicle for providing a full street width, and the benefit district was used as a tool to develop 119th Street at a better interest rate. Mr. Johnson added that the Plan Commission had suggested a moratorium on all development until the zoning ordinances and subdivision regulations were fully approved but the developers objected, so the transition policy was developed.

Councilman Hess pointed out there would be inequities to people in Benefit District 79-1 if the City provided
street lighting in 78-1 and 78-2. Mr. Bieszczat said a third alternative open to the City would be to require Kansas City Power & Light to install continuous lighting which would be the same color but the light standard would be a little different. Cathy Simmons pointed out that the major street plan for 123rd Street from State Line to Cherokee included the 41 foot street plus sidewalks and street lights. Mr. Johnson said that was a description of projects under way at the time of adoption of the major street plan. There was discussion concerning coordination between ordinances, resolutions, etc. City Attorney Winn stated street lights were not included in the description of the work to be performed in 78-1; it could be argued that it triggered from the filing of the plats or the filing of the subdivisions. He added that street light conduits were installed in 78-1. City Attorney Winn said from a common sense standpoint, if the City was going to pay for street lights in 78-1, it should pay for them in 79-1, or that somehow street lights be put in 78-1 so that the people there would pay for them. Councilman Carper said his position was that the Council considered safety and health variables in its decision for continuous lighting in 79-1, and he was not in favor of dropping the continuous lighting for safety lighting just because of the inconsistency in cost allocation; Councilman Rinehart agreed.

Mayor Crippin said there could be continuous lighting with the responsibility for the lighting left up to Kansas City Power & Light which meant it would not be put in until it was specifically requested and at that time the city as a whole would participate in it. City Attorney Winn said the cost of street lights could be deleted from 79-1, street lights could be installed by Kansas City Power & Light, and would be the same all the way down 123rd Street and all the way down Mission Road and neither benefit district would have incurred a capital cost to put them in; it would be deleted from 79-1 and it would not be confronted in 78-1. Mayor Crippin said safety lighting could be installed initially and, as development warranted, the continuous lighting could be added. Mr. Bieszczat said the resolution on street lighting stated that street lights would be placed at every intersection and if additional street lights were requested a petition signed by fifty-one percent of the people on a block-to-block basis would have to be submitted. Mr. Winn added that nothing in the resolution prohibited the City from installing the lighting. Mr. Bieszczat noted that on 123rd Street safety lighting would be almost continuous lighting because of the spacing of the intersections. Mayor Crippin said he thought at the public hearing on allocation of costs for Benefit District 79-1, the Council should tell the people whether or not street lighting would be eliminated from the cost. Councilman Carper moved that the cost of street lighting be eliminated from Benefit District 79-1; seconded by Councilman Reese. Motion carried.
NEW BUSINESS

#512 Appointment to Board of Zoning Appeals: Mayor Crippin suggested the appointment of Robert E. Rohlfing, 2229 West 121st, to the Board of Zoning Appeals. On motion by Councilman Hess, seconded by Councilman Rinehart, the appointment was approved.

#517 Appropriation Ordinance: No. 404 in the amount of $296,965.21, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and approved on motion by Councilman Roberts.

#531 Newsletter: Councilman Funk asked that information for the next newsletter be submitted. It would be included with the annual recreation newsletter.

#535 Burglaries: Chief Sellers stated there had been a rash of burglaries in Leawood South, the victims had established a $500 reward fund for information leading to apprehension of persons responsible, and the problem seemed to have disappeared.

Telephone Service: Councilman Funk said there was a problem with telephone service in her area and the telephone company had said they had a lot of trouble in Leawood.

Right to Life Information on Doorknobs: Councilman Rinehart commented that a Right to Life group was leaving information on doorknobs without a permit.

Rescue Squad: Chief Toman related that the Leawood rescue squad and Med-Act had revived a gentleman in a code blue operation in which a dentist had administered cardio-pulmonary resuscitation prior to their arrival.

Plan Commission Meeting: Mayor Crippin reminded the Council that the Plan Commission meeting would be on Tuesday, February 26, at 7:30 p.m. at Ranchmart Auditorium. Mr. Sanders added that there would be a Plan Commission work session on February 20 at 7:30 p.m. to which councilmen were invited. Mayor Crippin stated if the Plan Commission forwarded a recommendation on rezoning at 10345 State Line, the March 3rd meeting of the Council would be held at Ranchmart Auditorium.

At 9:55 p.m., Mayor Crippin declared the meeting adjourned to Monday, March 3, 1980, 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, March 3, 1980, in Ranchmart Auditorium, 3736 West 95th Street, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Reese, Hess, Jacob, Carper, Hodes.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, Herbert Johnson, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

Councilman Roberts moved that the agenda be approved as submitted; seconded by Councilman Reese. A gentleman said most of the people were present for the request for rezoning and asked if that might be first on the agenda. Mayor Crippin explained that the other items were normal City business and would take only a short time. Motion carried.

Visitors: The visitors roster is attached to these minutes.

APPROVAL OF MINUTES

Councilman Roberts moved for approval of the minutes. Councilman Hess moved that the minutes be amended to include the name "Cathy Simmons" in place of "Councilman Hess" on lines 9 and 10 of the first paragraph on page 2776; seconded by Councilman Reese. Motion carried. Motion to approve the minutes was seconded by Councilman Hess. The minutes of the meeting of February 19, 1980, were approved as amended.

COMMITTEE AND COMMISSION REPORTS

Public Safety:

Request for Permission to Distribute Advertising Matter - Eastern Kansas Right to Life: Councilman Hodes stated the request had been withdrawn.

Request for Permission to Distribute Advertising Material - Rainforest Lawn Irrigation & Landscape Co.: On recommendation of the Public Safety Commission, Councilman Hodes moved that the Council disapprove the request of Rainforest Lawn Irrigation & Landscape Co. for permission to distribute advertising material; seconded by Councilman Carper. Motion carried.
# VISITORS ROSTER
## COUNCIL MEETING OF 3/3/80
### CITY OF LEAWOOD, KANSAS

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
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<tbody>
<tr>
<td>Susan Wilkerson</td>
<td>7710 W 63rd ST KS</td>
</tr>
<tr>
<td>Bobbi Hampson</td>
<td>15308 Overbrook CT</td>
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<td>Grace Davis</td>
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<tr>
<td>Pearl Alan Landerle</td>
<td>10317 Wenonga</td>
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<tr>
<td>Helen Ashmury</td>
<td>10211 Fort ST WC 6413</td>
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<tr>
<td>Florence Vandeven</td>
<td>9729 Cherokee Lane, Leawood KS</td>
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<tr>
<td>Maggy Vandeven</td>
<td>9729 Cherokee Lane, Leawood KS</td>
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<tr>
<td>Mrs. Thomas A. Coffin</td>
<td>9515 Buen Veste O.R. 66207</td>
</tr>
<tr>
<td>Mrs. Frank Nottal</td>
<td>9525 Buen Veste O.R. 66207</td>
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<tr>
<td>Mrs. J. M. Dortat</td>
<td>300 S 81st ST Leawood 66206</td>
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<tr>
<td>John Blair</td>
<td>3420 NE 124th St Leawood</td>
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<tr>
<td>Thomas Kelley J.</td>
<td>3909 W 140th St Leawood 66224</td>
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<tr>
<td>THEOBALD</td>
<td>10313 Emley Lane 66204</td>
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<tr>
<td>Kathleen</td>
<td>10301 Wenonga</td>
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<tr>
<td>Leo Kaschman</td>
<td>10301 Wenonga, Leawood</td>
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<tr>
<td>Emma Nateu</td>
<td>8308 Meadow Lane Leawood</td>
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<tr>
<td>Vardin Nateu</td>
<td>8308 Meadow Lane Leawood</td>
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<td>Caryl Nemer</td>
<td>Sun Newspapers Overland</td>
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<td>Mary Louise Kelove</td>
<td>3510 W. 97th St. Leawood KS</td>
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<td>Helen Wendlerstedt</td>
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<td>George Hetherington</td>
<td>9320 Mohawk Leawood</td>
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<tr>
<td>Pearl Nellens</td>
<td>8841 Aberdeen Leawood</td>
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<td>NAME</td>
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<tr>
<td>Jim Watts</td>
<td>2315 W. 120th Ave</td>
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<tr>
<td>Shirley King</td>
<td>6211 E. 101st Ave</td>
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<tr>
<td>Beth Kammerer</td>
<td>9509 E. 101st Ave</td>
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<tr>
<td>Greg Kalchevsky</td>
<td>9308 Manor Road</td>
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<tr>
<td>DP Goodfellow</td>
<td>9285 Santa Fe Trail</td>
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<tr>
<td>Mr. &amp; Mrs. Cutakovich</td>
<td>6158 S. 101st St</td>
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<tr>
<td>Mr. &amp; Mrs. J.E. Smith</td>
<td>2315 W. 103rd Ave</td>
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<tr>
<td>Lottie Dayan</td>
<td>4036 W. 106th Ave</td>
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<tr>
<td>Gustav Steinberg</td>
<td>4149 W. 100th Place</td>
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<tr>
<td>John P. Dick Jr.</td>
<td>9946 Neira Drive</td>
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<tr>
<td>Ed McGuffin</td>
<td>9208 Ashmore</td>
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<tr>
<td>William F. Wann</td>
<td>1106 Chena</td>
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<tr>
<td>Michael Waters</td>
<td>10333 Cherokee Lane - Leawood</td>
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<tr>
<td>Sylvia Scherer</td>
<td>3309 West 99th St.</td>
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<tr>
<td>Jack Potter</td>
<td>8686 W. 96th St.</td>
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<tr>
<td>Douglas V. Hendler</td>
<td>3408 W. 92nd St.</td>
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<tr>
<td>Rosalyn Baker</td>
<td>7524 W. 97th St. Ks</td>
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<tr>
<td>Randy McDill</td>
<td>9539 Kansas Dr</td>
</tr>
<tr>
<td>B.J. McGuffin</td>
<td>900 W. 114th Ave</td>
</tr>
<tr>
<td>B.J. McAvoy</td>
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<td>Virginia Pitcher</td>
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<td>Robert Scofield</td>
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<tr>
<td>Jack Newmark</td>
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## VISITORS ROSTER
### COUNCIL MEETING OF
### CITY OF LEAWOOD, KANSAS

<table>
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<td>Claretta North</td>
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<tr>
<td>Annette Nye</td>
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<td>Mrs. &amp; Mr. Ted Master</td>
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<tr>
<td>Max McCormick</td>
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<td>Lister Betty Caron</td>
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<td>Alfred J. Heim</td>
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<tr>
<td>Johnny Cooke</td>
<td>617 N. Santa Fe Trail Kansas</td>
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<tr>
<td>Mr. &amp; Mrs. Paul Stabler</td>
<td>3921 W. 96th St. O.p.k.</td>
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<td>Larry L. Lewis</td>
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<td>Chalice Miner</td>
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Public Works:

Approval of Invoice for Engineering Services - Benefit District 78-1 Assessment: Councilman Jacob stated the invoice was by Shafer, Kline & Warren for engineering services in the amount of $1,623.25 on Benefit District 78-1 (123rd Street, State Line to Cherokee). He noted the original estimate for these services was $500.00 but the addition of Verona Gardens Fourth Plat required additional work. Councilman Jacob moved for approval of the invoice in the amount of $1,623.25; duly seconded. Motion carried.

Approval of Supplemental Agreement to Contract for Engineering Services for Step 3 of the Sewer Renovation Project: Councilman Jacob explained that the City had originally entered into a contract with Shafer, Kline & Warren in 1974 with the compensation to be on a percentage basis of the sewer renovation project cost; however, EPA would not accept a contract on a percentage basis which necessitated a supplemental contract whereby the engineers would be paid on a flat fee basis. The supplemental agreement provided for a fixed fee of $16,500 which was approximately the same as that provided in the original contract. Councilman Jacob moved for approval of the supplemental agreement; seconded by Councilman Carper. Motion carried.

Plan Commission:

Special Use Permit - Ron B. Felkner - 8002 Lee Boulevard: Mr. Sanders referred to the Plan Commission resolution recommending approval of the special use permit for a period of two years. The permit had been in existence since 1975 and had been renewed on an annual basis by the Council; because of a change in the zoning regulations, the procedure for special use permits is now the same as for zoning, requiring a public hearing by the Plan Commission, etc. Mr. Sanders explained the location of the property and stated it was occupied by a real estate company's administrative offices. He referred to the seven conditions attached to the special use permit which were recommended to be carried along with the permit. There had been no complaints and no opposition at the public hearing. On motion by Councilman Roberts, seconded by Councilman Reese, the special use permit for Ron B. Felkner for 8002 Lee Boulevard was approved.

Resolution No. 525 - Approving the Fifth Plat of Verona Gardens: Mr. Sanders reported the Plan Commission recommended approval of the fifth and final plat of Verona Gardens, the site comprising approximately 40 acres on the northeast corner of Mission Road and 123rd Street; the public works elements had been approved. Mr. Sanders explained in working out the street lighting additional pathways for connecting street lighting circuits were required so easements were requested between Lots 35 and
March 3, 1980

36 and 28 and 29. On motion by Councilman Roberts, seconded by Councilman Reese, Resolution No. 525, approving the Fifth Plat of Verona Gardens, was approved. A copy of the resolution is attached hereto as part of the record.

MAYOR'S REPORT

#63 Requests to Appear before Council on Housing Mortgage Bond Program: Mayor Crippin reviewed that at the last Council meeting it appeared the Council did not desire to have a representative appear before it on the mortgage bond program, but the request had been made an additional two or three times. He said the housing cost limit had been raised to $69,500 and the income limit had been raised to $30,000. Councilman Reese said he felt very few houses in Leawood would qualify but he would like to see a presentation put on the agenda of the next meeting. A presentation will be on the agenda of the March 17th meeting.

#70 Public Hearing on Benefit District 79-1: Mayor Crippin reminded the Council of the Council meeting and public hearing on Benefit District 79-1 to be held on March 6th at Leawood South Country Club. He emphasized that it was very important that all members of the Council be present at that meeting.

NEW BUSINESS

#72 Request for Rezoning - 10346 State Line Road: Mayor Crippin explained the procedure to be followed. The Council had the reports filed with the Plan Commission and the minutes of the Plan Commission public hearing. Mr. Sanders reviewed that the application for rezoning was submitted in December, 1979; because of scheduling problems during the Christmas holiday, the Plan Commission did not entertain the rezoning until January; it then made a recommendation at its February meeting. Mr. Sanders said the application was for rezoning from MF-1 to CP-1 for a single one-story building at the corner of 10th and State Line Road, previously used as a medical office building; it was originally built in 1975 and occupied and used for approximately two years; thereafter it was vacated and had been vacant since that time; there had been a number of proposals presented for the building's use, none of which had gone this far. A considerable number of persons appeared at the public hearing in January and the planning staff went through some rather exhaustive, detailed reports preparing information on this matter contained in two staff reports. The Plan Commission recommended approval of rezoning from MF-1 to CP-1, with several technical details accompanying the case. Councilman Roberts asked that Mr. Sanders explain the impact of the flood plain. Mr. Sanders explained that regulations embodying the restrictions and use within a flood plain district which were basically drafted by the Federal government were encompassed within the zoning regulations adopted by the City in 1978. The building is located within
the designated floodway; the City has no exact information as to the flood elevation at that location nor did it have the exact finished floor elevation. The flood plain regulations state that if a non-conforming use building has been unoccupied for 12 consecutive months it must then be in full compliance with the regulations—that it then must be flood-proofed in some way.

Virginia Brooks, 9218 State Line, attorney representing Comprehensive Health Associates, P.A. with respect to the rezoning on the building at 10346 State Line from MP-1 to CP-1, said the proponents had for the past five years maintained an office in 4,300 sq. ft. of space at 7700 West 63rd Street in Overland Park, which was not enough space for the size staff they had; the building at 10346 State Line contained 6,000 sq. ft. and was constructed in 1975 for Tolley International Corporation which utilized it as a dental and optical clinic. Mrs. Brooks said her client contracted to purchase the building provided they could utilize it for medical offices. At the present time, Tolley International Corporation was forced to pay rent on an empty building which was creating a substantial financial hardship on Tolley. She said the building was perfectly suited as a medical building which was its original purpose.

DeeDee Appel, administrator of Comprehensive Health, described their functions. She said during its five years' operation in Overland Park, Comprehensive Health had developed a positive stance in the medical community as witnessed by the patients referred to them by other physicians. They primarily offered women's health care with an emphasis on family planning and obstetrics; however, they had also developed an internal medicine program, as well as a professional counseling service. Comprehensive Health currently has two full-time physicians specializing in obstetrics and gynecology—Dr. Herbert C. Hodes and Dr. Naim Kassar—and offered the services of two specially trained family planning nurse practitioners. They see approximately 275 patients per week; of these, approximately 70 were abortion patients. The primary focus was to offer health care which included patient education, professional counseling, and a speakers bureau. Ms. Appel said first trimester abortion was only one of the many medical services they offered—it was a safe, legal, medical procedure offered in a dignified and respectful way.

Mrs. Brooks reviewed that the three contingencies in the Plan Commission recommendation for approval of the rezoning were that all requirements for flood-proofing would be satisfied, that no parking be allowed on the north side of the building, and that the sewer be repaired and/or protected. With respect to flood-proofing, she said she understood the floor of the building was two inches below the flood plain level found by the Corps of Engineers in
1977. She said the applicant had discussed this with architects and engineers and while an exact solution had not been arrived at, applicant now believed that compliance with the flood-proofing was feasible. Applicant agreed that there should be no parking on the north side of the building; she pointed out that there was more than adequate parking space in the parking lot. With respect to the sewer contingency, applicant was willing to do whatever was necessary and reasonable in order to comply with this requirement. The engineering firm of Shafer, Kline & Warren had been retained to study the problem and a report should be forthcoming within a week or two. They would work with the Johnson County Sewer District to determine what corrections were necessary. A landscaping plan had been submitted to the City Architect. Mrs. Brooks stated it was important to recognize that the issue before the City Council was not flood-proofing or sewers or landscaping, it was a land use problem. She stated the staff had indicated in its report dated January 22, that the applicant's proposed use of the building was an appropriate use for the building and was the identical use which the City approved for the building when it was constructed and the only use to which the building had ever been put. She reviewed that it was obvious that there was substantial opposition to this rezoning. She said at the public hearing it was obvious that many of the opponents were not residents of Leawood, for the most part were not claiming that the land use was bad but merely that they did not want a facility that performed abortions. She stated the staff and Plan Commission had recommended the rezoning with contingencies which applicant had agreed to meet, and there was no sound basis for not granting the rezoning. She asked members of the Council to follow the recommendation of the staff and Plan Commission in approving the rezoning based on its merits as a proper land use rather than emotionally react to vocal opposition.

William E. Roche, Prairie Village, appeared as an attorney representing Mr. and Mrs. Wayne L. Vandeveer, Mr. and Mrs. Kenneth C. Scherrer, Jr., Mrs. Marguerite V. Wristen, Mrs. Edith Shepherd, Mrs. Sue Thomas and the Citizen's Actions for a Better Community Council, Inc. (a not-for-profit Kansas corporation whose primary purpose was to work for civic and civil betterment through proper and fair enforcement of existing zoning regulations, ordinances and laws on a state, city and federal basis), all of whom were opposed to the rezoning of the property at 10346 State Line. He had offices in Missouri and was associated on this matter with a Kansas attorney, Tom C. Owens, of Lenexa. Mr. Roche said the applicant performed numerous services, some of which were quite reprehensible to many people, but the issue was zoning. He said an examination of the application disclosed that W. W. Bennett was the property owner, and that an applicant who did not own must have an option to buy or a contract allowing purchase. He maintained that Comprehensive Health Associates, P.A., was not the proper
applicant in this proceeding. He said the application was supported by a document that was not filed until after the initial hearing before the Plan Commission on January 26; that document was a real estate contract regarding the property. Because it was not filed until after the public hearing, his clients did not have a chance to raise some of the questions which were evident in the contract. He said the contract disclosed that the area comprised 1.9 acres, he said two buildings were located on that tract of land; the tract had not been subdivided; there was another building at 10342 and a piece of property to the west which was unimproved. Mr. Roche said the contract gave applicant a limited right to buy the undeveloped property; he said it appeared other interests would ride in on the coattails of the applicant in the other building; he said the contract contained the contingency that applicant obtain appropriate zoning approvals before November 10 or the contract was not enforceable. He maintained the applicant could not enforce its contract. He further said the contract was with Comprehensive Health Services, Inc., and Comprehensive Health Services, Inc. and Comprehensive Health Associates, P.A., were separate entities, so the applicant could not purchase the property.

Referring to staff comments, Mr. Roche said the application for rezoning was not filed in the correct format. He said the map submitted by the applicant did not show the area within 200 feet of the area to be rezoned. He said Section 15-3102C of city ordinances required four items to be shown on the same drawing but those points had not been complied with; the staff conclusion was improper because public streets were only shown in part, not 200 feet beyond the perimeter, etc. He suggested that the applicant misleading the staff should be considered. As to Section 15-3102D, Mr. Roche said the applicant did not submit photographs of the building at 10342. He said under Section 15-3102E the consideration was only to 10346 State Line. Mr. Roche said the placement of the rezoning sign was probably improper, facing on a private drive when the ordinance stated it shall face on the most public or heavily traveled thoroughfare. He acknowledged that several people were present so they had received a notice.

Mr. Roche stated four protests had been filed. He said he thought the Council should direct the applicant to have a survey made to determine all persons affected within the 200 feet; he said there may be people who had a right to protest who had not been aware of it. As to Article 15-1406, Mr. Roche did not feel the staff response was proper because two buildings were involved. He said prior use of the building was over two years ago and statutes provided that when a building has been abandoned for more than six months the use of that building will conform with the existing zoning, MP-1, which was passed only on April 17, 1978, and was an attempt to finally bring stability to a very transitory area. To allow people to come in and expand the use
and expand the burden would be opening the doors for catastrophe and betraying the people of the City who were looking for strict compliance, with no special privileges for people from New York. He asked the Council on behalf of his clients to reject and deny the application.

Architect James E. Taylor, retained by the same citizens mentioned by Mr. Roche, reviewed his own community council and planning commission experience. He displayed an old ownership map of the industrial district, pointed to the subject property originally owned by A. Y. McDonald Plumbing Co., and questioned why or how an owner would start slicing it up without any subdivision of the parcel. He noted the rear parking lot setback, the side yard setback, and the side yard setback for parking had been waived. He said no legal survey or legal description had been presented, Exhibit B was out of scale so could not be used to determine setbacks, widths of streets or building sizes. He said the existing street was 29 feet from back to back of curb while in a planned district all secondary streets were to be 30 to 40 feet of paving, and the five foot contour requirement was waived. Mr. Taylor presented his own sketches of the buildings at 10346 and 10342 State Line and said the setback on the north would be 20 feet 9 inches, not 32 feet as described in the staff report, and it could lead to elimination of parking spaces in the future. Mr. Taylor pointed out that the area was in the floodway, not the floodway fringe, and there could be no building unless it were established so as not to impede any flooding or contribute to any flooding. He said the 100-year flood elevation required by the federal insurance program in this floodway was 832.3 feet, city ordinances required that the elevation be increased by one foot which would require that the elevation be 833.3 feet. He added the four buildings between Gates Barbeque and the subject property were all in the floodway which meant the elevation of those buildings had to be 833.3 feet. Mr. Taylor said the concrete floor elevation of the subject building was 831.2 feet. He said at the southeast corner, from the concrete floor to the grade elevation, 2.9 feet of this building would be encroaching in the floodway, not 2 inches. Mr. Taylor introduced Mr. Eric Jenkins, federal manager of the flood plain requirements, who said there may be a few points of clarification but other than that Mr. Taylor described the flood plain requirements rather accurately. Mr. Taylor said the building (whether for industrial use or commercial zoning), having been vacated for more than twelve months, would have to be raised out of the ground so it would not impede the floodway, not flood-proofed.

V. M. Dostal, 3008 West 81st Terrace, spoke on behalf of himself and his wife, reviewing his background of service on the Plan Commission, City Council and as Mayor of Leawood. He requested the Council to reverse the recommendation of the Plan Commission and deny the requested zoning on the ground that the request was contrary to the moral and public
safety of the City of Leawood. He said to our shame abortion is legal in Kansas and compared it to life termination of the elderly or one's enemy.

Peggy Hamtil, 9622 Sagamore, said many citizens of Leawood had worked incessantly over the past four months to see that this proposal be defeated. She said citizens were held hostage by an outside non-applicant corporation whose only interest was profit. She said if the Council permitted the rezoning, no laws would be safe and citizens could not look to Leawood as a city that was special and one of the few left in the country that was citizen oriented. She said already there was a request for a health spa at 10342 State Line. She urged the Council to vote "no" to the issue in view of the many facts presented against it and because of the many laws that had been sidetracked.

John M. Swomley, Jr., representing the church-state committee of the American Civil Liberties Union of Greater Kansas City, said the Union saw this as an issue of separation of church and state; there was no concealing the fact that religious groups had made both abortion and zoning of medical clinics in Johnson County an issue because of their religious opposition to performing abortions. He said the churches of Johnson County were divided on this issue. Mayor Crippin cautioned Mr. Swomley to address directly the zoning and utilization of the property and said the Council was not addressing this as a religious issue. Mr. Swomley said the law both in the United States and in Kansas permitted abortion when medically necessary or advisable; the attempt to nullify the law through zoning bans or exclusion was, therefore, an attempt to discriminate against those who would use these services. Mayor Crippin again asked Mr. Swomley to address the issue. Mr. Swomley said he thought he had not been permitted to express himself the way others had been permitted to raise the moral issue.

A lady representing the Montessori school at 2013 West 104th Street, said the school community opposed this.

Mrs. Roy Daly, a Leawood citizen, asked the City Council to vote the consensus of its constituents who opposed this not only because of the zoning situation but because of the issue itself. She said not one citizen of Leawood asked to be heard supporting this rezoning.

Jim Lechtenberg, 12743 Overbrook, recalled a prior meeting at which Leawood citizens requested that the Leawood City Council write a letter to Overland Park requesting denial of the request of an abortion clinic there. He thought this should be denied to follow suit as voted three years ago.

John Fiorella, 10408 Wenonga Lane, a Board certified psychologist in Missouri and associated with a firm on
the Kansas side, said applicant had not mentioned that it had one board certified psychologist on its staff; he added that a master's degree in guidance and counseling was not enough for board certification; therefore, he questioned the validity of the applicant's point as a comprehensive health program.

Peggy Clark, 10343 Lee Boulevard, asked if there were not enough obstetrical and gynecological facilities in the area, who was primarily going to use the facilities, and in regard to services rendered how did their fees compare to those of hospitals.

Joan Schneck, 105th and Cherokee, asked why change the law to permit someone to come in that nobody wants; she asked if there was a relationship between the Dr. Hodes mentioned and Councilman Hodes. Mayor Crippin stated they were brothers. Mrs. Schneck asked if Councilman Hodes would disqualify himself at the time of the vote.

A man asked if any members of the Plan Commission were in the real estate business or in any way involved with the contract for sale of the property. Mayor Crippin said to his knowledge they were not.

Betty Kelly, 9820 Sagamore, said residents understood this area was zoned for small business. She questioned the safety with 250 or more people per week and only one entrance street, and said it was not what they thought was going to happen when it was zoned originally for small business.

Gordon Greb, 8400 Belinder Road, said he was opposed to this zoning change because it would represent indulgence in an historic death wish.

David Wristen, 3500 West 97th Place, said he had had experience with zoning and continued to follow zoning issues as they pertained to cities and abortion clinics because of his utter disgust for abortion clinics. He recalled that Comprehensive Health had pointed out that the building at 10346 State Line at one time served as some type of medical building and, therefore, was entitled to be rezoned for a similar use. He said he personally had seen not a single example of any legal precedent requiring land to be rezoned because of a prior use. He said granting a rezoning application constituted the City doing an applicant a favor, and councilmen must ask themselves if the residents of Leawood wished Comprehensive Health Associates to receive any favors. He said the Council had an obligation to adhere to the master zoning plan.

Jim Lechtenberg said citizens protested shopping centers in his area so strongly that rezoning was turned down even though the qualifications were there; if that were so, why could not this be turned down, the use of this was as much a concern to the people as the tight zoning the City was supposed to have.
Mrs. Brooks, responding to points raised, said Mr. Roche indicated there were two buildings involved. She said that was not true, there was only one building involved. Concerning the narrow boundary between the two buildings, she said in the real estate contract there were easements given for ingress and egress. She said the expiration of the contract had been extended; an affidavit would be supplied if requested. Originally, the contract had been signed by Comprehensive Health Services, Inc. but there had been an assignment of all interests to Comprehensive Health Associates, P.A. Mrs. Brooks stated certified return receipts from all property owners within 200 feet had been presented to the staff. As to the complaint concerning the placement of the sign, that was handled in the Plan Commission and the large turnout demonstrated that everyone was very well aware of the rezoning request. Mrs. Brooks added that the rezoning eighteen months ago was a mechanical rezoning; as she understood from the staff at the Plan Commission meeting, they did not go into land use, this was a mechanical changing of one number to another. As to traffic flow, she said when this building was originally used as a dental and optical clinic, patients averaged 90 to 125 per day, so the traffic flow would be less rather than greater.

Mayor Crippin said there were several things he felt should be mentioned that neither the proponents nor opponents had addressed. He had drafted a presentation regarding those concerns. He read his statement related to the Comprehensive Plan, the impact of the zoning on the particular location and the area surrounding it, and the flood plain and flood-proofing issue. He concluded by encouraging members of the Council to deny the rezoning of the subject property from the MP-1 to the CP-1 classification for the following reasons:

1. The precedent to be established for commercial zoning for other properties by rezoning the property in question,
2. the resulting impact from the zoning on traffic and parking congestion, (3) the property was not capable of absorbing the impact of the uses listed in the CP-1 zoning classification, (4) disruption of an existing zoning pattern established and accepted since approximately 1967 in an area that had not appreciably changed in character nor where zoning requirements of an MP-1 classification had created hardships or resulted in violations to the zoning code, and (5) creation of a spot zoning condition. Mayor Crippin said he mentioned these things only to bring to the Council's attention that this was a zoning issue, he thought there had been several statements made this evening and before the Plan Commission that had clouded the issue; he thought the Plan Commission made the decision they did because the particular issue and the subject of zoning became clouded to the extent that there became too many factors involved to properly assess and to develop an appropriate rationale for denying the zoning request.

Councilman Roberts said he would like to clarify that this was a floodway overlay district; Mr. Sanders agreed.
Mayor Crippin said three attorneys had indicated they were representing the proponent; he wondered to whom correspondence should be directed. Mrs. Brooks said the City could notify either herself or her husband, Tom Brooks, at 1111 West 95th Street. In answer to inquiry by Mayor Crippin, Don Flora, executive director of Mid-America Health Systems Agency, said he was present just as an observer.

Councilman Roberts read a portion of the zoning ordinance defining the permitted uses in floodway overlay districts and said he found clinics included in neither the MP-1 district nor the floodway overlay district. He said he was diametrically opposed to spot zoning, and in that light he moved that the request for rezoning 10346 State Line from MP-1, Planned Industrial Park District, to CP-1, Planned Restricted Business District, be denied; seconded by Councilman Carper. Motion carried, Councilman Hodes abstained.

Mayor Crippin outlined the procedure which would occur by the Council overriding the recommendation of the Plan Commission.

At 10:10 p.m., on motion by Councilman Reese, duly seconded, the meeting adjourned to Thursday, March 6, 1980, 7:30 p.m., at Leawood South Country Club.
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m., on Thursday, March 6, 1980, at Leawood South Country Club, 12700 Overbrook, with Mayor Kent E. Crippin presiding. Mayor Crippin stated this was a meeting of the Council for the purpose of holding a hearing to review the assessment costs with residents of Benefit District 79-1 for the improvement of 123rd Street, Cherokee west to Mission Road, and Mission Road from 119th south to 127th Street. Roll call was answered by Councilmen Roberts, Funk, Reese, Hess, Carper.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, Tom Bieszczat, Dean Long, Ken Wilks, the City Clerk, and the Council Reporter.

Visitors: The visitors roster is attached to these minutes.

Public Hearing to Consider Proposed Assessments - Benefit District 79-1: Mayor Crippin reviewed that the original cost estimate on this district was $1,500,000; that figure had been reduced to the final cost of $1,302,000 for the two streets; sidewalks were eliminated on the west side of Mission Road and on the south side of 123rd Street, and $85,000 in street lighting had been omitted from the benefit district costs (reduced from 37 lights to 14 which would be put in place by Kansas City Power & Light Company, the cost financed through the franchise tax paid to the City). The City at large was picking up $172,440.00 ($91,000.00 being the original 7 percent that was anticipated when the benefit district was formed and $81,300.00 being the cost over and above a 28 foot street for those parcels of land of ten acres or less that had dwelling units included on them). The cost per square foot assessed for development property was roughly 8 cents per square foot, for residential property it was roughly 6 cents. Maps of the district were displayed.

A man asked the exact rate of assessment on residential property. Mr. Bieszczat answered that it was $.06197523 per square foot. In answer to inquiry, Mayor Crippin said the City at large was paying for Fire Station No. 2.

Rod Richardson spoke on behalf of a group of residents, three of whom were plaintiffs in a lawsuit that was filed against the City about the time the district was formulated which presented a number of issues to the court about the district both from a procedural and substantive standpoint; they were interested in seeing that some degree of equity was achieved in paying the costs of the district. Mr. Richardson said the main plaintiffs were Mr. and Mrs. Doepke, Mr. and Mrs. Nye, and Mr. and Mrs. Simmons. He said the
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<td>Fred R. Helton Jr</td>
<td>310 Cedar</td>
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<td>Capt. Warren</td>
<td>301 W. Kansas Ave.</td>
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<td>Anna Barnini</td>
<td>12407 Cherokee Lane, Leawood</td>
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<td>Joe Wernick</td>
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people he represented were concerned that they were paying far more than their share of the burden, they felt Mission Road was a main thoroughfare, a link in a larger main thoroughfare, and they felt the City should have picked up a considerably larger share of that project. Mr. Richardson said street lights and sidewalks had been addressed by the City, and the Council had passed a resolution which met some of their concerns. A couple of problems still remained to be resolved; that is, the resolution did not bring equity to Mr. and Mrs. Doepke. Ten acres of the Doepke property was assessed as residential property but the balance of the twenty acre property was to be assessed at the development rate. He said the Doepkes had no plan at the moment to develop this property and because they had resided there for a number of years and intended to continue to reside there, they were asking the Council not to put the ordinance on first reading at this meeting but to consider the possibility of giving consideration to the Doepkes as a justifiable case for special consideration, in that so long as the Doepkes reside there their twenty acres would be assessed at the residential rate. They would be willing to agree that at such point as it would be subdivided or developed it would revert back to the development rate. He said the position they were taking was that it was a special case, the additional cost would not be staggering to the City but it would be staggering to the Doepkes. He said the Doepkes were the only homeowners within the district with more than ten acres.

Mr. Richardson said he had advised his clients if the Doepkes did receive this special consideration, it would not be frugal to further pursue the litigation. Mr. Bieszczat said if it were ten acres, the savings would be some $8,700 to the Doepkes and expense to the city at large. Mr. Richardson suggested that it could be put in the resolution that consideration was given to this particular tract for appropriate reasons in light of the fact that this was a residential property and if it became non-residential or developed, there would no longer be any reason to keep it at the reduced rate, and it could be determined retroactively what would have been paid from the beginning if assessed at the development rate. Councilman Reese was concerned about the ability of the City to collect the differential at a later date. There was discussion that it would be in the nature of a deferred lien.

A gentleman said he did not know why all of the City of Leawood did not participate in this project; he said it seemed as though the developers were asked whether or not they wanted the streets improved and if they wanted the residents to pay for them, and they voted in agreement with that; he asked why only this limited number of people were being asked to participate in this project. Mayor Crippin said he felt all would agree that 123rd Street and this portion of Mission Road would be primarily utilized by people in the southern part of the City. A gentleman
said he did not see why projects were jockeyed out of the
benefit district, it was either legal in the beginning or
not legal. Mayor Crippin said no assessments had been
moved out of the project, the differentiation had been in
the allocation of costs, the original method of assessment
had been altered but the total amount of money still
remained within the district.

Mayor Crippin pointed out that schools were established
on a district basis. He said formation of benefit districts
for pavement of streets was authorized by state statute,
normally the city as a whole financed major thoroughfares,
but Leawood did not classify Mission Road and 123rd Street
as major thoroughfares, and the district had been established
including those people who would utilize the streets the
majority of the time. He mentioned that people in the
north part of the city would like the whole city to partici-
participate in storm drainage improvements in that part of the
city.

In answer to inquiry, Mayor Crippin explained the quarter
of a mile rationale was established north of 123rd Street
because there had been a previous benefit district on 119th
Street extending a quarter of a mile; if the 123rd Street
assessment had gone further, the people in the 119th Street
benefit district would have been double assessed; it was
extended a quarter of a mile south also to be an equal
distance on each side; also, the service area of a collector
street generally was considered to be a quarter of a mile.

A gentleman said if all the property owners had been at a
meeting where plans were presented and they had an opportunity
to vote as to whether they considered this a benefit or not,
then it would have been the developers against the people who
already lived there. Mayor Crippin said the City had been
developed generally between already-established thoroughfares
of State Line and Mission Road, the streets in between were
basically put in by developers; at the time when the area
in Leawood South was platted and developed the City did not
have its regulations in order to require the developer to
put in 123rd Street and Mission Road, consequently this
benefit district was a unique situation.

Upon inquiry, Mayor Crippin said the golf course property
was being assessed as residential property. A gentleman
thought Mission Road should be considered as a major arterial
because of the traffic that would be generated by the pro-
posed shopping center at 135th and State Line. A man asked
if this portion of Mission Road would eventually connect
with Mission Road in the north part of the city. Mayor
Crippin said Mission Road would become a "T" intersection
at 119th Street and would come in from the north on the
west side of Tomahawk Creek, so there would be no direct
tie. If Mission Road did connect, a bridge would have to
be built across Tomahawk Creek.
Mr. Harris said he had a little over three acres at 127th and Mission which he bought to build a house, provision was made in the deed that it could not be developed for five years, as was the case with Mr. Weinrich's five acres next to it, for ten years; he thought it was unfair that they be assessed at a developmental rate, and they may be assessed again for 127th Street. Mayor Crippin explained the criteria was that to be assessed as residential, property had to have an existing residence or a building permit applied for prior to March 5, 1979. He read from the Council resolution that in the event a tract which had been granted a reduced assessment was sold for development within five years, then the City could convene a hearing and upgrade the assessment. Messrs. Harris and Weinrich petitioned the Council to consider assessing their property as residential with the above provision to apply in case it were subsequently developed. The men said they would like Mr. Doepke to be considered individually because they did not want his situation hurt just because they had a similar situation. Mayor Crippin suggested that Messrs. Harris and Weinrich write a letter, in care of the City Administrator, to be presented at the Council meeting of March 17.

To avoid resentment, a man suggested for any future proposed benefit district that the city's representative not state that a hearing was being held to determine whether the people wanted a benefit district and then proceed to ramrod it through contrary to the clear and express desires of the people.

A man asked the logic behind assessing the golf course as residential. Mayor Crippin said it was because it was not anticipated that it would ever be development property, and the consideration that many of the people were members of the club and it would be double taxation as far as they were concerned.

Glenn Schwaab asked where his property would be calculated from when 127th Street was paved. Mayor Crippin answered that on the next benefit district it would be computed from the new right-of-way line, on this benefit district it was computed from the existing right-of-way line. Mr. Schwaab objected to being assessed on property the city was going to take later anyway. There was discussion that sewer easements were still a part of the landowner's property and their square footage would be assessed. It was discussed that on an assessment of $1,000 over twenty years the property owner would pay $1,787.50, based on 7½ percent interest.

NEW BUSINESS

Consideration of Special Assessments Proposed for Benefit District 79-1: Mayor Crippin asked the Council to consider whether or not the ordinance should be put on first reading this evening or should Mr. Richardson's request be taken
under consideration, as well as that of Mr. Harris and Mr. Weinrich.

Councilman Hess asked about the fee of the City Attorney in the benefit district. Mayor Crippin said if the contingency fund of $2,300.00 did not cover legal costs, the city at large would probably pick up the balance. According to the breakdown of the costs, legal fees paid totaled $5,250.61, due or estimated to be due $11,950.00, or a total of $17,200.00. A bond attorney's opinion was allowed at $2,250.00; Mayor Crippin said Norman Gaar was usually brought in and he did not know what portion of the legal fees would be his.

Councilman Hess moved that the Council table this until councilmen had time to consider Mr. Richardson's proposal, hopefully the Council would come to a decision March 17th. In an attempt to be more definite, Councilman Carper suggested that the Council not act on the ordinance at this meeting but that the three parcels of land that had been covered by members of the audience be taken into consideration, the mechanics worked out in the next week with the City Attorney, and the Council pass the ordinance on an emergency basis on the 17th. Mayor Crippin suggested that the motion be that action be deferred until Monday, March 17th. Councilman Hess then withdrew her motion.

Councilmen Roberts and Reese suggested rather than saying that the Council was going to give approval to Mr. Richardson's proposal for the three tracts, that it be studied. Councilman Carper said his motion was to table the matter until the 17th; seconded by Councilman Reese. A man asked why table it to the 17th when the Mayor and some members of the Council would not be present. Mayor Crippin explained that would allow time for necessary research. Councilman Carper amended his motion, to defer action until March 17th for study by the Council and the staff; seconded by Councilman Reese. Cal Spradley suggested in the interim that legal counsel also consider the impact of special dispensation to different landowners, what effect that might have on the bond issue both as to saleability and the interest rate. He said it could result in even higher assessments, if, in fact, it could be sold at all. Mayor Crippin asked that the City Administrator take the matter under consideration along with legal counsel. Motion carried, Councilmen Funk opposed.

At 8:50 p.m., Mayor Crippin declared the meeting adjourned to Monday, March 17, 1980, 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, March 17, 1980, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council Phillip Hodes presiding in the absence of Mayor Crippin. Roll call was answered by Councilmen Funk, Reese, Hess, Jacob, Rinhardt, Carper, Hodes.

Also present were City Administrator Garofeno, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, Herbert Johnson, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

Councilman Rinehart requested that a proposal for engineering for soccer field be added to the agenda under the Recreation Report. Councilman Hodes requested that under New Business a resolution concerning industrial users of the sewer system be added. On motion by Councilman Reese, seconded by Councilman Carper, the agenda was approved as amended.

APPROVAL OF MINUTES

On motion by Councilman Carper, seconded by Councilman Reese, the minutes of the meetings of March 3, 1980, and March 6, 1980, were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Funk.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance:

Approval of Premium Invoice - Workmen's Compensation - Audit of 1979 Payroll: Councilman Carper moved for approval of payment of invoice in the amount of $2,942.00 for Workmen's Compensation premium for the period October 1, 1979, through December 31, 1979; duly seconded. Motion carried.

Group Life and Health Insurance Renewal: Councilman Carper introduced John Snyder, insurance agent appointed to the Insurance Committee to cover group life and health insurance, who reported on the City's coverage which was up for renewal April 1. Mr. Snyder referred to a brochure which was prepared and submitted, and reviewed that the City had group health insurance and some life insurance for all city
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<thead>
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<tr>
<td>Mark Schneider</td>
<td>12425 High Ave, Leawood, KS</td>
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<tr>
<td>P. Schuly</td>
<td>8666 W. 96th St, O.P. Ks.</td>
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<tr>
<td>Robb Robinson</td>
<td>8206 W. 97th St, O.P. Ks.</td>
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<td>Fred A. Nelson, Jr.</td>
<td>3701 West Parkway</td>
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<td>Philip Klein</td>
<td>6900 W 80th St, O.P.</td>
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<td>Ben Edgerton</td>
<td>3912 St., 143rd Leawood Ks.</td>
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<td>Cathie Laszlo</td>
<td>12303 OB</td>
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<td>Nancy Hering</td>
<td>1234 Overlook Ct</td>
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<td>M.J. Davip</td>
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<td>Sharon Day</td>
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<td>J. Jenkins</td>
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<td>Gayle Todd</td>
<td>13801 Alhambra</td>
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<td>Susan Addis</td>
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<td>Betty Burke</td>
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<td>Maurice Keller</td>
<td>12008 Normandale</td>
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<td>Gary J. Colson</td>
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<td>John Snyder</td>
<td>10325 14th Ave. - Leawood</td>
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<td>Joe W. Daniel</td>
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<td>Patrick McNabb</td>
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<td>Michael Gyorsky</td>
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<td>audience of hall</td>
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<td>Earl Schneider</td>
<td>12825 High Drive</td>
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<td>Fred Abel</td>
<td>13801 Mission Rd</td>
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<td>Barry A. Bell</td>
<td>2411 104th St.</td>
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<td>Thomas Johnson</td>
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<td>Marie Manning</td>
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<td>Tommy Manning</td>
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<tr>
<td>Richard Brown</td>
<td>12801 Sagamore, Leawood</td>
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<td>John H. Moffett</td>
<td>9927 Lee St, Leawood</td>
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<td>Jon Donohue</td>
<td>12310 Wenona, Leawood</td>
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<td>Bill LeChle</td>
<td>1040 Westwood, Olathe</td>
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<td>Marty Rele</td>
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employees with Hartford Life. He said Hartford Life was asking for a small rate increase of 3½ percent. Bids had been solicited and Hartford Life had the lowest rate for the kind of coverage the City currently had. Mr. Snyder recommended that the City stay with Hartford Life and, to reduce insurance rates, increase the amount of group life insurance currently being provided to one year's salary for every employee, a year and a half salary for each employee earning over $12,000; make the accident benefit on health insurance $500.00; reduce the stop loss feature from $3,000 to $2,500; eliminate base hospital coverage and use a straight 80/20 co-insurance factor and $100 deductible. The total of those alterations would result in a slight reduction in premium. Mr. Snyder presented new figures to be substituted in the schedules presented, the total cost per employee for group health and life insurance being $95.72. Mr. Snyder emphasized sixty percent of the cost was for dependents. He said the alternative of Prime Health was available which offered full health care coverage with emphasis on prevention; under Prime Health the employee would pay nothing for health care except $2.00 per prescription. The City would pay $95.72 toward the cost of Prime Health and the employee would pay the balance of $9.93 per pay check for employee with dependents. Councilman Carper reported the Budget and Finance Committee recommended that present coverage be revised as outlined. Mr. Snyder said on small claims the new plan would not pay quite as much as the old plan (usually within $75), but on anything $2,500 or more the new plan would pay more. Mr. Snyder said the surgical schedules under the City's insurance were out of date. Councilman Carper moved for approval of the recommendations as set forth in Mr. Snyder's report; seconded by Councilman Funk. Motion carried. Councilman Carper thanked Mr. Snyder for his time and effort on behalf of the City.


Additional Services - 1979 Audit: Councilman Carper explained the action requested was authorization of an additional $2,500.00 in fees to Mayer Hoffman McCann, the City's auditors. Mr. Garofano reviewed that the agreed price to perform auditing services for the 1979 audit was $5,200.00 with some indication on the City's part that it would do some of the work in preparing schedules and making things available for the auditors. He said it was
physically impossible for the City’s finance people to perform a lot of the work; there had been discussions with the auditing firm as to what it would cost to have them perform the services in terms of schedules to get the audit completed. The auditors had quoted a figure of not to exceed $2,500.00 to perform the schedules necessary. Mr. Garofano said there was some confusion regarding how much would be required of the City’s staff in preparation of the schedules—nothing had been documented. A list of specific items was submitted by the auditing firm to the City in November, 1979, but the City found it did not have time to prepare all of them. There was a letter before the Council for authorization of $2,500.00 for additional services by the auditing firm. Councilman Carper said there had been a lot of confusion with City Treasurer Golik leaving and the coming of Mr. Garofano and Councilman Carper becoming Chairman of the Budget and Finance Committee. A meeting in November was attended by Dave Etter, Patrick McMahon, Mr. Garofano and Councilman Carper. Councilman Carper said there was a communication problem as to how many schedules were actually to be prepared, and based on the discussion, he would move for approval of the additional $2,500.00. Councilman Hodes asked if the $2,500.00 would allow all the schedules to be prepared. Patrick McMahon said that was not going to be sufficient to cover all the work that was now necessary for them to do; since the letter was submitted, they had found there was further work to be done not only with the schedules they requested, but also with getting the accounting records in an auditable position. Mr. McMahon said the fact that the City went on the computer had created some problems. He said a schedule had been submitted to Mr. Garofano which indicated another $1,100.00 in addition to the $2,500.00; the $1,100.00 was an estimate which did not include them doing any further work in the fixed asset area. Mr. McMahon said part of the additional time they felt they should be compensated for was in preparing the schedules which they requested the City to prepare and the other part was in correcting and searching errors in the accounting records which he thought were a result of switching over to the computer system and the switch in management responsibilities.

Mr. McMahon said in the past there had been the question of the schedules but there had not been the problem of the switch in personnel and in accounting systems. He said most of the work was of a mechanical nature which normal accounting personnel of the City could handle. Councilman Carper explained Mrs. Holtsclaw did not come forward early enough and say she could not do all the work. Mr. Garofano said he would meet the next day with the auditors to discuss the remaining schedules. He felt the City was in a position where it had to get the audit completed; it would be difficult to bring in new people. Councilman Carper moved to approve a total of $3,600.00 in addition to the $5,200.00 as a total amount for the

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1979 audit; seconded by Councilman Jacob. Councilman Carper said he felt the $3,600.00 was an equitable increase for both parties.

Michael Azorsky, a partner in the accounting firm, reviewed what had transpired with the audit the past few years. He said their firm had had time ranging from $12,000 to $14,000 in each of the past two years. He said before they submitted the fee for the 1978 audit they met with Treasurer Golik and Councilman Carper and discussed how much time was involved and what was necessary to get the fee to the proper amount; he said both were adamant that the City prepare the maximum number of schedules that they could to keep the cost down; under that premise, they gave the quote they did for 1978; at the time of the 1978 audit, none of that work was done and the auditing firm bit the bullet and did the job. He said they had been assured by Mr. Golik and the past city administrator that they would get the cooperation this year. He said they now felt something needed to happen to get the issue resolved--they were not asking for anything that was not necessary in normal accounting procedures.

Councilman Carper said he recalled the meeting two years ago and with the limited manpower of the City, neither honor Treasurer Golik had any concept of preparing an inordinate number of schedules. He commented that the $3,600.00 additional proposed by the auditor represented well over fifty percent of the audit fee; he said the bid submitted was for the current year, not on what took place in the past.

Councilman Hodes suggested that the City Administrator, the City Treasurer, and representatives of the audit firm get together to resolve the situation. The motion and second were withdrawn. Councilman Carper said he would be in favor of approval of $2,500.00 without a ceiling, but added he would not bring before the Council payment to make up for losses by the audit firm over the past two or three years. Mr. McMahon said they did not intend to make up past losses. He said work was agreed to be performed and it was not performed by the City and they had to do it. Councilman Carper moved for approval of the $2,500.00 for work already performed as outlined in the letter submitted; seconded by Councilman Rinehart. Motion carried.

Plan Commission:

Ordinance Relating to Zoning of Property - Leawood Homestead, 139th and Kenneth Road, R-1, and Ordinance Relating to Zoning of Property - Leawood Homestead, 139th and Kenneth Road, RP-1 (First Readings): Mr. Sanders explained the property consisted of 117 acres south of 135th Street on the west side of Kenneth Road, divided into Single Family Residential, 123 single family lots on the south end of the site, and cluster housing on the north end split into townhomes.
adjacent to Kenneth Road and cluster homes on the west side. Mr. Sanders pointed out property on the periphery of the acreage. He said many people appeared at the public hearing before the Plan Commission expressing their concern about a project of this kind located there, the opposition being basically to the density. He explained sanitary sewers on the eastern portion of the site would be going into a Missouri system for which the final engineering design was being reviewed presently, so the sewer was expected to be complete in a year to eighteen months. Kenneth Road being a semi-improved road and the developer being responsible for one-half of a 41-foot street adjacent to the property, an agreement was reached whereby the City would take a portion of funds put in escrow by the developer and improve Kenneth Road by overlaying from 135th Street to the first phase of the development. The developer would install a major collector street through the property.

The Plan Commission had recommended approval of the rezoning and plat. Since that time, the Mayor had written a letter indicating that he would recommend approval of the R-1, single family development, deferring action on the RP-4, multi-family, until the City had completed update of the comprehensive plan to make sure it was in agreement with the new plan.

Mr. Sanders stated there would be no septic tanks, the lots were smaller than the county would allow for septic tanks. The western portion would go into a Johnson County sewer subdistrict in the future. Councilman Reese said it seemed premature to even approve single family zoning because the comprehensive plan might indicate the whole area would be conducive to cluster homes and townhouses. City Attorney Winn said if an owner desired to plat an area as single family (the City's most restrictive use) that owner would be absolutely entitled to approval of the plat; he did not think the City had a great deal of discretion on single family platting. Mr. Sanders commented that the 1975 Comprehensive Plan indicated this particular project was in conformance with that plan. Councilman Reese said he thought it was a disservice to any prospective buyers in the single family area if there was a potential that the new comprehensive plan might indicate the area as ideal for cluster or light industrial. Mr. Sanders said he did not think there would be any real dichotomy between what was proposed versus what the comprehensive plan would show.

Bill Fohey, the developer, said it would be approximately a year before they would begin on the cluster family homes and he would go along with the request to table the RP-4 until the comprehensive plan was completed. He said everyone who bought in the single family area would be aware of the plan for the cluster family. Mr. Fohey said the cluster family he was proposing would be upper bracket. Councilman Hodes explained that the action requested at this meeting was first reading of the two ordinances, it
would be anticipated that at the first Council meeting in April the Council would approve the ordinance on the single family and would continue the ordinance relating to the multi-family. Mr. Kline said sanitary sewers would be available for the eastern portion this year; the westerly portion would go into Blue River Main District No. 1 but no one knew when. Councilman Hess urged councilmen to drive out to the site.

Phil Schuley, attorney representing the Leawood Citizens Association, said he was making a technical objection because the applicant did not follow the Kansas statute with regard to rezoning in that he did not submit an affidavit with regard to mailing to the surrounding homeowners, which put the association in a terrible bind with regard to obtaining names for a protest petition. However, he said the Association was not opposed to the single family residential zoning so long as it complied with the sanitary sewer regulations of the County. If the Council considered the R-1 proposal (and he thought it should), he requested that there be some stipulation in the rezoning ordinance or tied to the plan so that sewers be there before any development takes place. He said he would defer his comments with regard to the RP-4 area. Councilman Hodes stated no building permits would be issued unless there were sewers.

Gail Todd said she and her husband owned four acres adjacent to this tract and had filed a protest on procedure and the hope that the people who lived there now had a voice in how it would be developed. She said she hoped the Council and Plan Commission would consider that something that is feasible might not be desirable, most of the existing lots were at least one acre, there was a certain atmosphere which came from space between houses, and that was what most of the people there now would like to see done. She read from an article by Mayor Crippin in the Blue Valley Gazette, and said the residents in the area would like to have a voice in the formulation of the comprehensive plan for the area. She asked why not upgrade lot sizes from a third or half acre to something more tasteful like one acre. Mr. Winn said that would require a zoning classification that the City did not have at present and would have to be added when the Council reviewed the comprehensive plan. Mrs. Todd asked that the Council wait a few more months while this was worked out. Councilman Hodes commented that the best use could be determined to be multi-family for the whole area.

Councilman Hodes explained the first reading procedure. Councilman Rinehart moved that the ordinance relating to single family zoning, R-1, in Leawood Homestead, be placed on first reading. Councilman Rinehart then moved that the ordinance relating to Planned Cluster Residential District zoning, RP-4, in Leawood Homestead, be placed on first reading.
Tim O'Brien asked if a development could be required to have a minimum size lot other than the City's standard. He thought the Council should look at areas, not the City as a whole, and he believed that the character of the area south of Highway 150 was one of larger lots. He asked that the Council listen to the people. The matter was discussed. City Attorney Winn said he did not believe the answer to the problem was to raise the minimum lot size to an acre thus preventing development of south Leawood totally, the answer might be to develop some additional zoning classifications that would permit large estate zoning in areas where it might be economically feasible and desired by the people.

Public Works:

Agreement to Resurface Nall Avenue: Councilman Jacob explained a proposal had been made by Overland Park to double seal Nall Avenue from 111th Street to 115th Street with Leawood paying for half the cost of materials, amounting to $1,671.58. On recommendation of the Public Works Commission, Councilman Jacob moved for approval of expenditure of the sum of $1,671.58; seconded by Councilman Carper. Motion carried.

Contract for Preliminary Study of 119th Street: Councilman Jacob moved for approval of a contract with Shafer, Kline & Warren for preliminary engineering on 119th Street, Mission Road to Roe, in an amount not to exceed $5,000.00; seconded by Councilman Rinehart. Mr. Bieszczat stated the funds would come from the account number noted on the distribution but the "Federal Revenue Sharing" designation was in error. Motion carried.

Contract for Engineering Services - James Branch Sewer Project: Councilman Jacob explained the contract was for engineering work on the sewer renovation project for James Branch, the cost-plus-fixed-fee to be $60,500.00. Councilman Jacob moved for approval of the contract with Shafer, Kline & Warren in the amount of $60,500.00 for engineering work on James Branch sewer renovation; seconded by Councilman Carper. Mr. Kline said seventy-five percent of the amount would be reimbursed by EPA. Motion carried.

Authorization to Purchase Tractor - Parks Department: Councilman Jacob explained that the tractor purchased a little over a year ago was too small to handle various pieces of equipment. The Public Works Commission recommended purchase of a Model 1900 Ford tractor if they would guarantee a $4,000 trade-in allowance on the old tractor. Mr. Bieszczat recommended purchase of the Model 1900 Ford tractor at a price not to exceed $2,500.00, including a roll bar. The funds would come from the Public Works Federal Revenue Sharing Budget. Councilman Rinehart explained the present tractor was purchased for use in the park itself but had had more intense usage than had
been anticipated. Councilman Jacob moved that the Council approve expenditure of an amount not to exceed $2,500.00 for purchase of a Model 1900 Ford tractor; seconded by Councilman Rinehart. Motion carried.

Authorization to Purchase Aerator - Parks Department:
Councilman Jacob stated purchase of the aerator was not approved by the Public Works Commission primarily because of concern over purchase of a piece of equipment that might not be used often. Since that meeting, Mr. Bieszczat had learned that a soccer field should be aerated three to four times a year in order to keep grass growing properly, that an aerator could not be rented, and the charge for aerating was $345.00 per acre. He recommended purchase of an aerator at a cost of $1,700.00. Councilman Jacob moved that the Council approve the purchase of an aerator for the athletic fields in the amount of $1,700.00; seconded by Councilman Rinehart. Motion carried.

Authorization to Purchase Flat Bed Truck - Sewer Department:
Councilman Jacob presented the request to purchase a 3/4 ton, 4-wheel drive, flat bed truck. He said the truck was available from Fled Chevrolet for a price of $9,585.00. Staff recommended purchase of the truck; the purchase was not approved by the Public Works Commission because of the feeling that items of this size should be put out for bids. Mr. Bieszczat said the $9,585.00 was an extremely attractive price, it was available immediately, prices would be raised three to five percent on April 1, and there would be a four month delay in getting a truck if bids were solicited. He said the vehicle was budgeted and was scheduled to replace a 1969 Ford pick-up truck presently being used as a sign truck. Councilman Carper suggested phone calls be made to determine whether or not like equipment was available from other dealerships and to determine whether or not the price was competitive. Councilman Jacob moved that the Council authorize Tom Bieszczat to solicit quotes from dealers for a 3/4 ton, four wheel drive, flat bed truck, and, in coordination with the City Administrator, give him the authority to proceed with the purchase of such a vehicle for an amount not to exceed $9,600.00; seconded by Councilman Carper. Motion carried. Upon inquiry by Councilman Carper, Mr. Bieszczat stated at the present time Public Works storage space was not a crisis.

Authorization to Solicit Bids for Pool Chemicals: Councilman Rinehart moved for permission to solicit bids for pool chemicals; seconded by Councilman Hess. Motion carried.

Proposal for Engineering Services: Councilman Rinehart reported that the Recreation Commission strongly recommended that the east shelter house soccer field be renovated (including grading and crowning), and that Mr. Bieszczat felt it was necessary to have field engineering done. She said if the work could be done in time the grass could be planted and the field be in use by 1981. Mr.
Bieszczat recommended that an engineer be retained to
determine existing ground conditions, design a field with
proper drainage, and obtain contractors for it. Three
proposals had been obtained. Mr. Bieszczat recommended
acceptance of the proposal of Payne & Brockway, Olathe,
to complete the engineering work within two weeks and
hopefully have a contractor complete his work by June 1st,
the engineering cost not to exceed $1,668.00. Mr. Bieszczat
guessed construction cost would be in the range of $5,000.00,
which would include hauling in dirt, building up a crown
and providing drainage away from the field without affect-
ing the adjoining fields. Councilman Rinehart said the
Recreation Commission originally had planned to do all the
fields. Councilman Rinehart moved that the Council accept
the proposal for soccer field engineering from Payne &
Brockway in an amount not to exceed $1,668.00. Motion died
for lack of a second.

Mr. Bieszczat stated he did not have the time, equipment
or personnel to do the engineering study. He said the area
had massive drainage problems at the present time. Council-
man Rinehart said something had to be done. Councilman
Carper said it seemed to him there were other things which
would take priority over this. Councilman Hodes suggested
soliciting estimates from contractors and ascertaining what
kind of guarantees they would make with respect to drainage,
so the Council might decide whether this was a project it
wanted to act upon. The Council felt it needed more inform-
ation on the total cost and more time to think about it.

There was a short recess.

Discussion of Spending Authority of Department Heads:
Councilman Hodes reviewed that a department head had the
authority to encumber City funds in amounts up to $500.00;
the City Administrator could authorize from $500.00 to
$1,000.00; the Mayor could authorize from $1,000.00 to
$1,500.00; anything over $1,500.00 required Council approval.
It had also been the policy of the Council that expenditures
over $1,500.00 had to be by quote or bid; the policy of
coming before the Council for authority to go out for bids
had also been established.

NEW BUSINESS

Presentation Regarding Mortgage Revenue Bonds: Marty Nohe
of George K. Baum & Associates and Bill Tschudy of Zahner &
Company appeared. Mr. Nohe stated the two firms had been
retained by the County to proceed with the possibility of
implementing a program called single family mortgage revenue
bonds. Packets on the program had been distributed. The
State of Kansas had passed a law allowing counties to issue
bonds, the proceeds to be made available to lending insti-
tutions to make mortgage loans to individuals or families
wishing to acquire single family residences, duplexes or
condominiums, including rehabilitation of existing homes.
The County voted to proceed with the concept; the County could issue bonds for its township areas, any city within the County must agree to participate in the program, otherwise individuals of the city would not be allowed to apply for the loans. He said the mortgage loan interest rate would be approximately 11.25 to 11.50 percent; there would be five and ten percent down payments; the maximum home value which could be covered was currently $69,381.00, and family income must not exceed $30,000.00. He said lenders were looking to this as a seven to eight month program to put the money into the market. The County had established that during the first half of the program 30 percent of the funds were to be reserved for homes which needed improvement or rehabilitation.

Dusty Rhodes, president of the Homebuilders Association, explained that this was not a subsidy nor a federal program. He felt it was a good program for those in the older end of town who had homes selling in this range, it would add business activity to the City of Leawood, and it was designed to help younger, moderate salaried people buy real estate. He said they needed to know if the City of Leawood would endorse the County's program in order to size the bond issue appropriately.

Bill Tschudy said there was no obligation or liability on the part of the City. John Moffitt said at the present time probably less than ten percent of Leawood homes could be purchased for less than $69,381.00. He added that young people starting out found it difficult to find a place to live, and this would give older persons an opportunity to sell their homes. Councilman Reese said 17 homes had sold in Leawood since August for under $75,000.00. Councilman Carper wondered whether the City should be encouraging young people to be that strapped, comparing gross salary to amount of monthly payments. Councilman Reese moved that the City of Leawood give its consent to this bond issue and draw up the necessary ordinance; seconded by Councilman Hess. Councilman Carper asked if the program was considered inflationary. One of the representatives stated he felt it would not be, because the price of homes would probably deflate in order to sell, a home could not sell above the appraised price, and it would stimulate the local economy. Motion carried, Councilman Carper abstained.

Ordinance Relating to Official City Map (First Reading): Mr. Garofano explained the official city map had been updated, the ordinance was to officially adopt it. Councilman Funk moved that the ordinance be placed on first reading.

Discussion of Ordinance Levying Assessments - Benefit District 79-1: Mr. Bieszczat stated there had been an error in interpretation of the legal descriptions on the Doepke, Wheelock, Harris, Weinrich and Schwab properties, recomputation of the assessable areas resulted in a difference of approximately $60.00; three other properties were
March 17, 1980

defined as development property rather than single family residential property; original cost to the City at large was $172,440.32, now $173,442.90; original cost to the benefit district was $1,129,559.68, now lessened to $1,128,557.10. Mr. Garofano said the next issue to be addressed was the request from three owners to exempt all or parts of their property from assessment at the development rate and assess them at the residential rate. Information had been furnished the Council on the City's policy as set out in Resolution 520, that there would be no impact on the bond sale since general obligation bonds would be issued, and regarding litigation costs.

Rod Richardson said the consensus among his clients was that if the City chose not to make an exception of Mr. Doepke's property then they would be in a position not to pursue the litigation. He asked that the City not make an exception of Mr. Doepke by assessing his property at the development rate, but to treat his property as the City was treating all the other residential owners. He noted the provision in Resolution 520 that if residential property be sold within five years of the date of the assessment ordinance, then it would revert to the development rate.

Kenneth Harris referred to a letter he had written the City and stated his 3.33 acre tract was purchased with the intent of building a home with a deed restriction that he could not subdivide the property for five years. He said he did not think it fair that the City make an exception of him or Mr. Weinrich by assessing them at the development rate. He petitioned the Council to consider lowering his assessment to the residential rate along with other neighbors in the area.

Joe Weinrich said at the time he purchased his 4.55 acres he signed a deed restriction that he would not develop the property for ten years. He said he found it unacceptable that he be put in the category of a developer. Mr. Winn commented that such a deed restriction could be waived. Councilman Hodes pointed out that there had been several concessions on this benefit district already--on street lighting and sidewalks--which reduced the total amount of the benefit district so that probably the development rate would be close to the rate that everyone would have had to pay if those items were left in the benefit district. Mr. Harris noted that the golf course had been excepted from the higher rate. Mr. Winn explained there was some degree of inequity to those people who were forced to come into the benefit district and pay for a road that their developer should have paid for; in order to try to alleviate what the Council thought was a harsh burden on existing residents, the exception was made. He pointed out that Messrs. Harris and Weinrich did not have existing residences. However, Councilman Hess pointed out that they would be caught in another benefit district when 127th Street was improved. Councilman Reese said he was having difficulty with the
provision that a piece of property have a house on it right now. He suggested that acreage alone determine whether it was residential or development property. Mr. Winn said to be consistent with the resolution the City would have to start off with the concept of a development property until there was a house sitting there or a building permit issued. He emphasized the importance of being consistent in the granting of any exceptions. The matter was discussed. Councilman Jacob said at some point in time the City would have to have a policy and stand by it. Councilman Hodes commented that several things had already been compromised, i.e., the sidewalks and the street lighting.

Councilman Funk moved that Mr. Doepke's property be assessed at the residential rate rather than the development rate; seconded by Councilman Hess. There was discussion that the staff would work out the mechanics of the deed restriction concerning development of the property; Mr. Winn said it was intended that the City not be bound by the five years. Motion carried.

A motion by Councilman Funk that the Weinrich property be assessed at the regular developmental rate as originally scheduled died for lack of a second. Councilman Carper moved that the Weinrich and Harris properties, constituting 4.55 acres and 3.33 acres respectively, be assessed at the residential rate subject to their agreeing to a ten year deed restriction that would be worked out between the City and parties concerned requiring that it revert back to the development rate if there was any subdivision; seconded by Councilman Hess. Following discussion, the motion was amended to add that the rate would be recalculated from the time the property was subdivided. Mr. Winn explained that they would covenant that that land would not be subdivided or platted for the next ten years. Motion carried, Councilman Funk opposed.

Ordinance No. 669 - Levying Assessments, Benefit District 79-1 (First and Second Readings): Councilman Hodes explained that to get rid of the temporary financing and sell the bonds, the ordinance needed to be passed on an emergency basis. Councilman Rinehart moved that the ordinance be placed on the floor. Mr. Wheelock wondered whether or not the same amount of land on the original petition to establish the benefit district was being assessed or had the streets been removed. City Attorney Winn said the assessment ordinance removed public streets and rights-of-way from the entire area. Mr. Wheelock said he understood from the Attorney General's office that the entire property that voted the benefit district had to be assessed. Mr. Winn said he also had checked with the Attorney General's office and determined that it was envisioned as two separate processes; certain ownerships existed when the petitions were filed, the petitions stated they wanted a specifically described street and that the district specifically exclude properties in the public rights-of-way; when the assessments were made.
if property was platted the streets were removed; if not platted, it was on a metes and bounds description. Mr. Wheelock said he got a different opinion from the Attorney General's office and felt they should put it in writing to the Council. Mr. Winn agreed to ask for a written opinion. Mr. Wheelock said to let the developers vote so much square footage to establish a benefit district and then be assessed on a smaller amount of ground was very unfair to the residents.

City Attorney Winn stated the ordinance made a cross reference to Resolution 520, there had been motion exceptions to the resolution, but Resolution No. 520 would still be the general city policy governing the formation of improvement districts. Councilman Hess moved that the ordinance be considered on an emergency basis; seconded by Councilman Reese. Motion carried. Ordinance No. 669 was adopted unanimously.

Authorization of Contract for Pay and Classification Plan

Update: Councilman Carper moved that the Council authorize a contract with the Office of Personnel Management in an amount not to exceed $8,000.00 for preparation of a pay and classification plan; seconded by Councilman Funk. Councilman Reese wondered why the City Administrator could not conduct such a study and review. Mr. Garofano said he simply did not have time to go through a revision of the entire plan, it would take six months; he agreed it was a normal function of the City Administrator to maintain the classifications. The matter was discussed. Chief Sellers said such a plan was desperately needed and it would take several years to get it completed by the city staff. Chief Toman recalled several years ago the City brought in an organization that was totally unfamiliar with the job and had no expertise in the field and it was a disaster; he said if this was a way of obtaining expertise in establishing a system, he was all for it. Motion carried, Councilman Reese opposed.

Acceptance of Preliminary Engineering Report - Mission Road, 103rd to 111th Street: On recommendation of the Public Works Commission, Councilman Jacob moved for acceptance of the preliminary engineering report; duly seconded. Motion carried.

Discussion of 95th and Mission Road Intersection Improvement: Councilman Rinehart moved that the Council accept FAU funding (Alternates 2 or 3); seconded by Councilman Carper. Mr. Johnson stated there was no guarantee that FAU funding would be available. Motion carried.

Resolution No. 526 - Relating to Industrial Users of Sewer System: Councilman Hodes summarized that the resolution certified to EPA that there were no industrial users of sewer facilities in the City of Leawood. Councilman Carper moved for approval of the resolution; seconded by Councilman Funk. Resolution No. 526 was adopted. A copy is attached hereto as part of the record.
Appropriation Ordinance: No. 405 in the amount of $156,686.36, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and approved on motion by Councilman Carper. Councilman Hodes suggested that the City consider purchasing its own loudspeaker system for public hearings.

At 12:30 a.m., on motion by Councilmen Rinehart, seconded by Councilman Funk, the meeting adjourned to Monday, April 7, 1980, 7:30 p.m.

President of the Council

Council Reporter

City Clerk
Minutes of Public Hearing on Proposed Amendments to 1980 Budget.

A public hearing on proposed amendments to the 1980 budget was held at 7:30 p.m. on Monday, April 7, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Councilmen Roberts, Funk, Hess, Jacob, Rinehart, Carper and Hodes were present.

Councilman Carper, Chairman of the Budget and Finance Committee, explained that the purpose of the hearing was to amend the 1980 budget because the carryover figure had been understated—the City had additional carryover of $244,202.00 because additional revenue had been received and budgeted expenses were in excess of actual expenses.

City Administrator Garofano stated the proposed allocation of the $244,000 was as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Comprehensive Plan Update</td>
<td>$27,500</td>
</tr>
<tr>
<td>Classification and Pay Plan Study</td>
<td>8,000</td>
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<tr>
<td>Feasibility Study - 119th Street</td>
<td>5,000</td>
</tr>
<tr>
<td>City Hall Renovation</td>
<td>78,500</td>
</tr>
<tr>
<td>Contingency</td>
<td>125,000</td>
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He explained that in addition to the $244,000 carryover, the City had also received the first payment under the alcohol tax, amounting to $7,500. By state law, one-third of the receipts were to be budgeted in the General Fund, one-third in a Special Alcohol Rehabilitation Fund, and one-third in a Special Park and Recreation Fund; $1,000 had been budgeted in each of those accounts. It was recommended that the budget for the Special Alcohol Rehabilitation Fund and the Special Park and Recreation Fund each be increased from $1,000 to $5,000.

There being no comments from the Council or the audience, the public hearing was declared closed.

[Signature]
Mayor

[Signature]
Council Reporter

[Signature]
City Clerk
Minutes of a regular meeting of the City Council of the City of Leewood, Kansas.

A regular meeting of the City Council was called to order at 7:35 p.m., immediately following the public hearing on the amended 1980 budget, on Monday, April 7, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, Martha Heizer, and the Council Reporter. Fred Krebs arrived later in the meeting.

APPROVAL OF AGENDA

Councilman Hodes suggested that a request to solicit contributions by the American Cancer Society be added under the Public Safety Report. On motion by Councilman Roberts, seconded by Councilman Rinehart, the agenda was approved as amended.

VISITORS


APPROVAL OF MINUTES

On motion by Councilman Hodes, seconded by Councilman Rinehart, the minutes of the meeting of March 17, 1980, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance - Approval of Invoices for Insurance Premiums: Councilman Carper moved for approval of invoices for insurance premiums; seconded by Councilman Hodes. Motion carried.

Plan Commission:

Resolution Relating to Rezoning of Property at 10346 State Line Road: Mr. Sanders presented a Plan Commission resolution stating the Commission took no further action with
### VISITORS ROSTER

**COUNCIL MEETING OF** 4/7/80  
**CITY OF LEAWOOD, KANSAS**

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
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<tr>
<td>J.L. Rushfield</td>
<td>9845 Overbrook Court</td>
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<tr>
<td>Jamie A. Rush</td>
<td>9716 Overbrook Ct</td>
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<tr>
<td>Ray Rushfield</td>
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<tr>
<td>Betty Martin</td>
<td>9841 Overbrook Ct.</td>
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<tr>
<td>Sue Martin</td>
<td>9841 Overbrook Ct.</td>
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<tr>
<td>Hunter Mays</td>
<td>3012 W 120th</td>
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<tr>
<td>Allen Mays</td>
<td>11912 Canterbury</td>
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<tr>
<td>Larry Cott</td>
<td>9836 OVERBROOK K CT.</td>
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<tr>
<td>Edwin A. Kozire</td>
<td>11908 CANTERBURY</td>
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<tr>
<td>Wm. A. Beach</td>
<td>12005 Windsor Dr.</td>
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<tr>
<td>Elmer Sharp</td>
<td>2420 S 11th</td>
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<tr>
<td>Cottie Humber</td>
<td>San Neuppper</td>
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<tr>
<td>Leigh Elmore</td>
<td>Squire Publishing</td>
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<tr>
<td>Don Wheelock</td>
<td>12600 Mission Rd</td>
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<tr>
<td>Willie Rocker</td>
<td>10</td>
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<td>Susan Jones</td>
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<td>David Winston</td>
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<td>Philip K. Kline</td>
<td>Overland Park</td>
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<td>Gary W. McMillan</td>
<td>Leawood, KS</td>
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<tr>
<td></td>
<td>2007 W. 85th St</td>
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<tr>
<td>Name</td>
<td>Address</td>
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<tr>
<td>Anthony Meese</td>
<td>11911 Windsor Dr.</td>
</tr>
<tr>
<td>Joe Beery</td>
<td>9824 Lee Blvd.</td>
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<tr>
<td>Marjorie Hymon</td>
<td>8017 Floyd Ok, Kans.</td>
</tr>
<tr>
<td>Ken Harris</td>
<td>205 W 119 Ter, Leaks</td>
</tr>
</tbody>
</table>
reference to its resolution dated February 26, 1980. He also presented a letter from the City Administrator outlining actions that the Council might take. There being no further discussion, Mayor Crippin stated the position of the City Council to deny the rezoning of the property at 10346 State Line Road would remain.

Public Safety:

#59 Request for Permission to Solicit Funds - Variety Club Telethon '80: Councilman Hodes explained Variety Club International had obtained permission of the owner of Ranch Mart Shopping Center to solicit funds on April 13, 1980, the Public Safety Commission had approved the request. He moved for approval of the request to solicit funds; seconded by Councilman Carper. Councilman Hodes explained the funds would support the Crittenton Home, Ozanam Home for Boys, and Children's Mercy Hospital. Motion carried.

#90 Request for Permission to Solicit Funds - American Cancer Society: Chief Sellers stated the solicitation was proposed to be held April 18 through April 28. On recommendation of the Public Safety Commission, Councilman Hodes moved for approval of the request of American Cancer Society to solicit funds; seconded by Councilman Rinehart. Motion carried.

#75 Permission to Purchase Reserve Fire Apparatus: Councilman Hodes presented the request for permission to purchase a 1957 American LaFrance 750 GPM Pumper as a reserve in view of the fact that one of the City's pumpers was scheduled to be out of service for six to eight months for repowering in the next few years. He said the City had been assured it could buy the pumper for $15,000 with the understanding that if the Fire Chief discovered it was not what he wanted, the City would not be obligated to take it. It was budgeted and funds were available in a special fire equipment fund. Councilman Hodes moved that the City authorize the purchase of the $15,000 reserve pumper; seconded by Councilman Carper. Motion carried.

Public Works:

#93 Agreement for Storm Drainage Improvements - Oxford Hills First Plat: Councilman Jacob presented a proposal for renovating storm drainage in Oxford Hills First Plat, with Jim Hixon, the developer, agreeing to pay $4,000 of the total cost, estimated to be between $8,000 and $12,000, and all engineering costs. A bid had been received from Conduit Constructors, Inc. to do the required work for $4,380 conditioned upon the City providing all construction staking and removal and replacement of sod, fences and shrubs. The request was for authority to spend up to $5,000 for the City's share of the renovation. Mr. Bieszczat stated most of the $5,000 would be spent in purchasing and laying sod. There was discussion that errors had occurred.
which the City had a hand in approving. Mr. Bieszczat explained four additional curb inlets would be constructed at the northern end of the development with grading of swales and berms to retain the water. Councilman Roberts commented that the renovation seemed to be a practical solution to the problem.

Edwin Koziol, 11908 Canterbury, attested to the jeopardy residents had been in with the water situation and hoped the Council would approve the project as proposed. Mr. Bieszczat stated the City would be asking residents to sign a construction easement so work could be done on their property. He said the work would commence immediately, weather permitting, and explained how the work would proceed. Councilman Jacob moved that the Council approve a contract with Jim Hixon Development Company and Conduit Constructors, Inc. for storm drainage renovations, Oxford Hills First Flat, and further that Mr. Bieszczat be given authority to spend up to $5,000.00 for completion of the project; seconded by Councilman Hodes. Motion carried.

Recreation:

#147 Renovation of Soccer Field: Councilman Rinehart displayed pictures of the east soccer field showing that the topsoil had washed away, and introduced Gary McKillip of the Recreation Commission. She said all members of the Recreation Commission had reaffirmed the need for renovating the east soccer field; all felt engineering work was needed before estimates could be obtained. Background information on the renovation, prepared by Mr. Krebs, had been presented to councilmen. Councilman Hodes suggested that the Public Works Department bring in loads of dirt and perhaps do the grading so the field would drain to the creek rather than to the west. Mr. Bieszczat said he did not feel the Public Works Department had the capability of equipment or knowledge to do the grading necessary for an adequate, playable soccer field.

Councilman Rinehart stated the money would come from federal revenue sharing and the field surveys had been budgeted. She hoped one field could be surveyed and renovated this year. She said this raised a question as to what the City would do with the eleven acres leased from the sewer district. Councilman Rinehart explained the proposal being presented was for the engineering fee, a proposal had been obtained from Payne & Brockway for $1,668.00, including initial ground work and design based on the Recreation Department's criteria, which would give a basis for a realistic cost estimate for renovation of the field. Phil Kline stated in his opinion the City in the long run would save the amount of the engineering cost by having a plan which could be used forever. Councilman Funk wondered if there would be cost advantage by doing all the fields at once. Mr. Bieszczat said to do that, the City would have to go back to the engineers again asking that they submit a
April 7, 1980

proposal for all of the engineering. Councilman Rinehart felt the City should proceed with the east field to get it back in service next year. Councilman Hodes suggested permanently retiring the east field because parking was also a problem, using some of the other ground, perhaps south of the swimming pool, making a new soccer field, and putting it in properly. Councilman Roberts said he had observed soccer being played in front of Barstow School for several years with no renovation being done. The matter was discussed. Councilman Rinehart stated next year there was another field due to be renovated; she emphasized that it was the City's obligation to maintain the park. Mayor Crippin reminded the Council that the Recreation Commission had been charged with establishing priorities for the park and the money had been budgeted. Councilman Hess suggested that it might be cheaper to get engineering for all the fields at one time. Councilman Carper said he still had a problem with the City not being able to perform the engineering in house.

Mr. Krebs arrived and explained that the area south of the swimming pool was a fill area designed to be a passive green space and considered to be of the wrong contours to do the kind of grading required; that area was also in the 100-year flood plain, whereas only half of the east soccer field area was in the 500-year flood plain.

Councilman Rinehart moved that the Council accept the low bid from Payne & Brockway for $1,668.00 for an engineering study for the east soccer field; seconded by Councilman Hess. Councilman Hodes wondered if it would be possible to check to see if it might be better to have the engineering study done for the area south of the pool rather than spending it on an area with a known problem. Motion carried.

MAYOR'S REPORT

Mayor Crippin reminded the Council that the first work session on the comprehensive plan would be held on April 14 at 5:30 p.m. and would include the Council, the Plan Commission Chairman, and the consultants.

OLD BUSINESS

Ordinance No. 670 - Relating to Official City Map (Second Reading): Councilman Hodes moved that the ordinance be placed on second reading. Ordinance No. 670 was adopted unanimously.

Ordinances Relating to R-1 and RP-4 Zoning - Leawood Homestead - 139th and Kenneth Road: Mr. Sanders reported the developer had withdrawn his request for rezoning of the entire 117 acres.
Ordinance Relating to RP-4 Zoning - Lots 565 and 566, Leawood Estates (Northwest Corner of 103rd and State Line Road): Mayor Crippin reviewed that the Plan Commission had recommended approval of rezoning of the property; in January, the Council had indicated an intent to approve by placing the ordinance on first reading with instruction to the developer that if within the next ninety days he could obtain signatures from the necessary property owners to change the deed restrictions for that property, the Council would review the case again before it came up for second reading. James Bynan, the developer, stated he did not have the required signatures at this time, the reason being that he had been working with two property owners from whom he had verbal assurance that they thought the proposal was a good use of the property, but they had taken issue with the form of the petition and were going to submit a redraft of it. He hoped to have the redraft in the near future. During discussion, Mr. Bynan stated this being a planned development, if he did not get the necessary signatures the zoning would revert back. Mayor Crippin explained that the ninety-day period was established to avoid giving full approval to a rezoning that the deed restrictions did not permit, so the developer could not use the Council's action as a tool to get the necessary signatures. Mr. Bynan stated he was requesting an extension of time to get the required signatures. Councilman Hodes moved that the Council grant an extension of ninety days to allow Mr. Bynan to obtain the necessary signatures; seconded by Councilman Carper.

Gerald Rushfelt said a number of persons from the neighborhood adjacent to the lots were present in opposition to Mr. Bynan's application. He said regardless of how many signatures the developer got, there was no way under the deed restrictions that he could commence construction until February, 1985, because the deed restrictions contained specific language that signatures waiving the restrictions must be filed of record at least one year before the end of any five-year period dating from February 13, 1950. Mayor Crippin stated he had difficulty realizing how single family development was practical for the property, and the proposal came as close to single family as possible without being single family. Mr. Rushfelt explained that there had been litigation by owners of the corner lot with all owners in Leawood Estates as parties, for the purpose of rescinding the deed restrictions requiring single family development because circumstances had changed and it was no longer viable that the restriction remain in force, the use proposed being non-residential. He said the court upheld the deed restrictions. Mr. Bynan said that had nothing to do with his petition for a release; there were provisions within the deed restrictions that allowed modification of the deed restrictions, the court action referred to was to completely set aside the deed restrictions. Motion carried unanimously.

NEW BUSINESS
Ordinance Consenting to Issuance of Mortgage Revenue Bonds
(First Reading): Councilman Hodes moved that the ordinance
be placed on first reading.

Resolution No. 527 - Amending the 1980 Budget: Councilman
Hodes moved that the resolution amending the 1980 budget
be approved; seconded by Councilman Carper. Resolution No.
527 was adopted unanimously. A copy is attached hereto as
part of the record.

Resolution No. 528 - Establishing a Homes Association
Council: Mayor Crippin stated every active homes associ-
ation in the City was represented on the Homes Association
Council. Councilman Roberts suggested that the fourth
whereas clause meant that the officers of the homes
associations endorsed the concept of the Homes Association
Council and agreed to provide representation, as there was
no vote by the homeowners in his association. Mayor Crippin
explained that the purpose of the Homes Association Council
was to improve communication between the City and the various
homes associations and among the homes associations. Council-
man Roberts hoped that one person would not act as spokesman
for an entire homes association without any input from home-
owners. On motion by Councilman Carper, seconded by Council-
man Roberts, Resolution No. 528 was adopted. A copy is
attached hereto as part of the record.

Authorization of Architectural Services for City Hall
Renovation: Mayor Crippin stated City Hall renovation
had been discussed at Council work sessions. Mr. Garofano
reviewed that Lund and Balderson had completed the initial
phase of the study to determine best utilization of existing
space, and had presented a proposal for completion of the
project for a fee of $6,950.00. They had estimated that
the actual construction cost would be around $62,000.00.
There being no further comments, Mayor Crippin said Mr.
Garofano and he would contact Mr. Balderson to proceed
with drawing of the architectural plans.

Discussion of Lawsuit Against Johnson County Water District
No. 1: Mayor Crippin reviewed that a representative of the
Water District had appeared before the Council at a work
session to discuss the possibility of the City of Leawood
dropping out of the lawsuit. City Attorney Winn reported
that a few days after the work session, the judge found
that the matter was appropriate for class action treatment;
ome that order was formally issued the names of the
plaintiffs would be of no major consequence and at that
point the Council might desire to remove its name as a
plaintiff. Either way, the City of Leawood would not be
responsible for any fees connected with the suit. Council-
man Carper noted that one of the main reasons the City of
Leawood got involved in the litigation was due to inequities
with regard to the water bill for the swimming pool and that
matter had been rectified. Because the Water District was
governed by an elected body with the remedy of removal from
April 7, 1980

office via election and they were being accused of accumulation of funds for building of a new water project and the City had been guilty of that sort of thing, Councilman Carper said he had a hard time seeing the City of Leawood involved in the lawsuit. Based on the swimming pool situation being rectified, the question of an elected body, and the building of reserves, Councilman Carper moved that the City of Leawood remove itself from the suit; seconded by Councilman Hodes. Motion carried. City Attorney Winn requested that the action take effect after the formal order certifying it as a class action. Councilman Roberts suggested that that be left to the discretion of the City Attorney.

Discussion Relative to Classification and Pay Plan Study:
Lyle Allen, Tom Donahue and Jackie Blanks of the Office of Personnel Management were present. Mr. Garofano referred to his memorandum explaining the process. Mr. Donahue asked that the Council begin to consider what it felt should be the pay policy of the City.

Request for Executive Session on Request for Union Representation - Street and Sewer Departments: At 9:30 p.m., on motion by Councilman Roberts, seconded by Councilman Carper, the Council went into executive session for no longer than thirty minutes to discuss a request for union representation of the street and sewer departments.

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

Mayor Crippin asked if there was a motion for the Governing Body to come under the provisions of the Public Employer-Employee Relations Act. There being no motion, Mayor Crippin instructed the City Administrator to correspond with Public Service Employees Local Union 1132 indicating there was no motion by the Governing Body to come under the provisions of the Act.

Approval of Final Appropriation Ordinance for 1979:
Appropriation Ordinance No. 403 in the amount of $145,277.88, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and approved on motion by Councilman Roberts.

At 9:54 p.m., on motion by Councilman Rinehart, seconded by Councilman Funk, the meeting adjourned to Monday, April 21, 1980, 7:30 p.m.

[Signatures]

Council Reporter

Attest:

City Clerk

2816
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, April 21, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Reese, Hess, Jacob, Rinehart, Hodes.

Also present were City Administrator Garofano, Police Chief Sellers, Chief Tomen, City Attorney Winn, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hodes, the agenda was approved as submitted.

VISITORS

Cathie Simmons, Mike Roy. Member of the Press: Linda A. Stewart.

APPROVAL OF MINUTES

On motion by Councilman Jacob, seconded by Councilman Rinehart, the minutes of the public hearing of April 7, 1980, were approved as submitted.

On motion by Councilman Hodes, seconded by Councilman Funk, the minutes of the Council meeting of April 7, 1980, were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Hodes.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance - Approval of Premium Invoice for Workmen's Compensation Quarterly Audit: Mr. Garofano commented that the premium showed a considerable increase over last year because of increased payroll cost. On motion by Councilman Rinehart, seconded by Councilman Jacob, payment of the invoice in the amount of $6,000.00 was approved.

Public Safety:

Ordinance Regulating Traffic, Incorporating Standard Traffic Ordinance for Kansas Cities, 1979 Edition (First Reading): Councilman Hodes moved that the ordinance be placed on first reading.
Resolution No. 529 - Commending Captain Steve Cox, Sergeant Sam Tucker, Sergeant Craig Hill and all Members of the Patrol Division: Councilman Hodes read the resolution commending Captain Steve Cox, Sergeant Sam Tucker, Sergeant Craig Hill and all members of the Patrol Division for their contributions in supplying information in a National Study of the Incidence and Severity of Child Maltreatment, and moved for its adoption; seconded by Councilman Rinehart. Councilman Hodes presented a Certificate of Appreciation to the officers from the National Study of the Incidence and Severity of Child Maltreatment. Mayor Crippin requested that the document prepared be available for inspection at the next Council meeting. Resolution No. 529 was unanimously adopted. A copy is attached hereto as part of the record. Chief Toman added that on April 14th, police officers Bobby Carr and Sid Mitchell had contributed to saving a man's life by initiating cardio pulmonary resuscitation on a heart attack victim at King Louie Ranchmart.

Plan Commission:

Ordinance Repealing Ordinance No. 645 (First Reading): Mr. Sanders reviewed that Ordinance No. 645, rezoning property at the corner of College Boulevard and Roe, was adopted with the provision that the bank group obtain a charter; they failed in their attempt to get the charter, so the zoning would revert back to CP-O, Planned Non-Retail Business. Councilman Reese moved that the ordinance be placed on first reading.

Recreation - Approval of Bids for Swimming Pool Chemicals: Councilman Rinehart reported two bids had been received for pool chemicals, one from McKesson Chemical in the amount of $3,426.41 and one from Thompson-Hayward in the amount of $3,210.40. She moved that the bid of Thompson-Hayward in the amount of $3,210.40 be accepted; seconded by Councilman Funk. Motion carried.

MAYOR'S REPORT

Letter of Commendation of Tom Bieszczat: Mayor Crippin read from a letter from the City Prosecutor commending Mr. Bieszczat for unusual and helpful cooperation with the Municipal Court in working juveniles who had stolen street signs.

Meeting with Bob Saunders: Mayor Crippin reminded the Council of a meeting with Bob Saunders on Monday, April 28, and of a bus ride through the City on May 10.

OLD BUSINESS

Ordinance No. 671 - Consenting to Issuance of Mortgage Revenue Bonds (Second Reading): Councilman Rinehart moved that the ordinance be placed on second reading. Ordinance No. 671 was adopted unanimously.
NEW BUSINESS

Ordinance Granting Easement for Cable Television Purposes
(First Reading): Mayor Crippin explained that the ordinance
granted an easement to American Cablevision of Kansas City,
Inc. for the purpose of installing cable over poles in the
right-of-way along State Line Road. City Attorney Winn said
he had ascertained that there would be no physical construc-
tion or street cuts in the City. Councilman Rinehart moved
that the ordinance be placed on first reading.

Resolution No. 530 - Authorizing Sale of Bonds - Benefit
Districts 78-1 and 79-1: City Attorney Winn explained this
was a resolution approving the notice of sale, the bid form;
and authorizing bids for sale of bonds for Benefit Districts
78-1 and 79-1 combined, in the amount of $1,894,500.00. He
suggested the following changes in the outstanding bonded
indebtedness listed in Exhibit C: Item 1, now should be
deleted; Item 2, reduced to $785,000.00; Item 3, now reduced
to $60,000.00; Item 4, reduced to $5,000.00; Item 5, reduced
to $360,000.00; and that "local fees" in the combined cost
summary be corrected to "legal fees." He said the bonds
would probably be bid sometime around mid-May. Councilman
Hodes suggested that the statements on bonded indebtedness
be modified to show the dates of issue. On motion by
Councilman Reese, seconded by Councilman Jacob, Resolution
No. 530 was approved. A copy is attached hereto as part of
the record.

Appropriation Ordinance: No. 406 in the amount of $234,868.86,
providing for payment of certain claims against the City and
the Leawood Sewer System, was submitted and approved on motion
by Councilman Hodes. Councilman Hodes commented that he
thought chemicals should be bid. Mayor Crippin said some
of his expenses were listed twice. Mr. Garofano said there
were problems within the accounting system regarding encum-
brances which should be taken care of.

Miscellaneous: Mayor Crippin handed Councilman Rinehart
an article and picture concerning a mostly earth covered
building for consideration in connection with a public works
building in the park. There was discussion that a Run-A-Toch
organized by the Johnson County Coalition for the Prevention
of Child Abuse would be held on Sunday, May 4, at Leawood
Park. Chief Sellers said Channel 9 TV awards for valor
would be presented at 1:30 p.m. April 27. Chief Toman
invited councilmen to inspect the recently acquired fire
apparatus in the parking lot. Tom Bieszczat noted the
usage the jet rodder was receiving.

At 8:30 p.m., the meeting adjourned to Monday, May 5, 1980,
7:30 p.m.

[Signatures]
Counsel Reporter
Attest:
City Clerk

2819
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, May 5, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Hess, Jacob, Rinehart, Hodes.

Also present were Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

At the request of Councilman Hodes, on motion by Councilman Rinehart, seconded by Councilman Funk, the agenda was revised to include authorization for purchase of radios for the Fire Department.

APPROVAL OF MINUTES

On motion by Councilman Funk, seconded by Councilman Hess, the minutes of the meeting of April 21, 1980, were approved as submitted.

VISITORS

Sheri, Kyle and Matthew Rinehart, Cliff Johnson, Charles T. Witthaus (arrived at 8:30 p.m.). Member of the Press: Linda A. Stewart.

Oath of Office Administered to Newly Elected City Officials:

City Clerk Jinny Oberlander administered the Oath of Office to the following: Councilmen Jen D. Funk, Ward 2; Councilman Karen Hess, Ward 3; and Councilman Marcia K. Rinehart, Ward 4.

Roll call of the new Council was answered by Councilmen Roberts, Funk, Hess, Jacob, Rinehart, Hodes.

NEW BUSINESS

#661

Election of President of the Council: On motion by Councilmen Rinehart, seconded by Councilman Funk, Councilman Hodes was unanimously elected President of the Council.

#663

Resolution No. 531 - Designation of Official City Newspapers: On motion by Councilman Roberts, seconded by Councilman Hess, Resolution No. 531, designating The Johnson County Sun and/or The Johnson County 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 Funk, seconded by Councilman Jacob, Southgate State Bank and Trust Company, Kansas National Bank and Trust Company, and Johnson County National Bank and Trust Company were designated as depositaries for City funds.

Appointment of City Officials: On motion by Councilman Rinehart, seconded by Councilman Funk, 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: Joe Herring
- City Attorney: Larry Winn III
- Assistant City Attorney: David M. Jancich
- Chief Building Official: Robert Sanders
- City Architect: Robert Sanders
- Assistant Chief Building Official: John Granstedt
- Assistant City Architect: John Granstedt
- City Clerk: Jinny Oberlander
- Municipal Judge: Edward L. Winthrop
- Municipal Judge Pro Tem: Ray L. Borth
- Consulting Attorney (Sanitary Sewers): Max O. Bagby
- Director of Public Works: Tom Bieszczat
- Public Officer-Substandard Structures: Richard J. Garofano

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

Appointments to Committees, Commissions and Boards: Councilman Hodes moved that the proposed appointments be approved; seconded by Councilman Rinehart. Mayor Crippin reviewed that when the Leawood Park was developed it was determined that the Parks Commission would maintain the park, the Recreation Commission would administer park operations, and Public Works had the responsibility for actual day-to-day maintenance. In order to simplify matters yet retain the mill levy for the Parks Commission's operations, Mayor Crippin proposed that Pearl Scott, Joe Neuner, and James Barrick, Parks Commission members, be made advisory members of the Recreation Commission to allow them to take part in recreation Commission activities and give them an opportunity to discuss maintenance of the park; the Parks Commission would be discontinued. Mayor Crippin explained that the new arrangement would eliminate one line
of communication in taking care of the park. Councilman Rinehart explained the Recreation Commission would be in charge of maintenance of the swimming pool and tennis courts, the Director of Public Works would be in charge of maintenance of the park facilities--trash clean up, mowing, grading, etc. Motion to approve the following appointments carried unanimously:

**ADMINISTRATIVE COMMITTEE**

- Phillip Hodes, President of the Council, Chairman 1981
- Kent E. Crippin, Mayor 1981
- John Carper, Chairman of Budget & Finance 1981
- Randy Jacob, Chairman of Public Works 1981
- Joe Herring, ex officio 1981
- Larry Winn III, ex officio 1981
- Richard J. Garofano, ex officio 1981

**BOARD OF ZONING APPEALS**

- Thomas B. Martin 1983

**BUDGET AND FINANCE COMMITTEE**

- Joe Herring 1981
- Karen Hess 1983

**INTERGOVERNMENTAL COOPERATION AND COMMUNITY AFFAIRS**

- Bill Reese 1981

**ORDINANCE COMMITTEE**

- Phillip Hodes, President of the Council, Chairman 1981

**PLAN COMMISSION**

- J. Calvin Spradley 1983
- Ben Rockey 1983
- Richard Ottenad 1983

**PUBLIC SAFETY COMMISSION**

- William Judd 1983
- Bob Kalinich 1983

**PUBLIC WORKS COMMISSION**

- Herbert Roberts 1983

**RECREATION COMMISSION**

- Mary Textor 1984
- Pearl Scott, advisory member 1981
- Joe Neuner, advisory member 1981
- James Barrick, advisory member 1982
#708 Appointment to Special Committees: On motion by Councilman Hodes, seconded by Councilman Rinehart, the following appointments were approved:

ADVISORY INVESTMENT COMMITTEE

- Joe Herring, Chairman
- Kent E. Crippin
- John Carper

BUILDING CODE COMMITTEE

- Charles Duval, Chairman
  - Mechanical; Heating and Air Conditioning
- George Ranallo
  - Electrical
- Donald G. Dressler
  - Plumbing and Miscellaneous
- Robert Sanders

#712 Application for Cereal Malt Beverage License - Leawood South Country Club: On motion by Councilman Hodes, seconded by Councilman Hess, the application of Leawood South Country Club for cereal malt beverage license was approved.

#713 Date for Bid Opening - Bonds for Benefit Districts 78-1 and 79-1: On motion by Councilman Roberts, seconded by Councilman Funk, opening of bids for purchase of bonds for Benefit Districts 78-1 and 79-1 was set for May 16, 1980, at 11:00 a.m.

#720 Resolution No. 532 - Endorsing Establishment of Human Relations Commission for Johnson County: Mayor Crippin explained that the resolution, if passed by the cities and the county, would re-establish the Human Relations Commission with eleven members; the commission would not function unless a complaint were first filed with the city, the city would then have the opportunity to solicit the assistance of the Johnson County Human Relations Commission which would not have any authority other than to act as an arbitrator, referring any decision back to the city. Councilman Roberts moved that the Council adopt Resolution No. 532 endorsing the establishment of the Human Relations Commission for Johnson County; seconded by Councilman Hodes. Motion carried. A copy of the resolution is attached hereto as part of the record.
Work Session re Summer Hiring, Etc.: Mayor Crippin announced there would be a work session following the Council meeting to consider summer hiring, a bus ride, activities of Bob Saunders, meetings of League of Kansas Municipalities, and a potential sewer renovation project inspector.

Mayor Crippin explained that City Administrator Garofano was out of town because of the death of his father.

Shawnee Mission PTA Area Council Request for Funding for Treatment of Alcoholism: Since no representative of the Shawnee Mission PTA Area Council was present, the matter was deferred to the next Council meeting.

Authorization to Purchase Radios for Fire Department: Councilmen Hodes reported the Public Safety Commission had been informed that in order for the City's two Type 2 ambulances to function they must come under a new licensing procedure requiring that the units have a communications system linked directly with hospitals. The Fire Chief had recommended that he be allowed to purchase two General Electric radios at a cost of up to $1,176.00 each, or a total of $2,352.00. Funds would come from the Special Fire and Police Equipment Fund. Councilman Hodes moved for approval of the authorization as requested; seconded by Councilman Funk. Motion carried.

OLD BUSINESS

Ordinance No. 672 - Granting Easement for Cable Television Purposes (Second Reading): On motion by Councilman Hodes, Ordinance No. 672 was adopted unanimously.

Ordinance No. 673 - Repealing Ordinance No. 645 (Second Reading): On motion by Councilman Rinehart, Ordinance No. 673, clarifying zoning at College Boulevard and Roe, was adopted unanimously.

Ordinance No. 674 - Regulating Traffic, Incorporating Standard Traffic Ordinance for Kansas Cities, 1979 Edition (Second Reading): Councilman Hodes moved that the ordinance be placed on second reading. Ordinance No. 674 was adopted unanimously.

Fencing of Waterway at 89th and Mohawk Road: Cliff Johnson said he represented a group of individuals concerned about safety of persons in connection with the project at Somerset Acres Lake. He said there was a pool with a steep drop off filled with at least five feet of water. He asked that the City make sure a fence was installed around the pool of water to keep people from falling in. The matter was discussed. Mayor Crippin stated the Homes Association had made commitments to rectify any problems generated by the work being done
May 5, 1980

at the lake. Councilman Funk mentioned damage done to the creek from the lake project. Mayor Crippin said the City had been assured the creek would be cleaned up.

At 8:32 p.m., on motion by Councilman Roberts, the meeting adjourned to Friday, May 16, 1980, 11:00 p.m.

__________________________
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 11:00 a.m. on Friday, May 16, 1980, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council Phillip Hodes presiding in the absence of the Mayor. Roll call was answered by Councilmen Roberts, Reese, Hess, Rinehart, Hodes. Councilman Carper arrived after the roll call.

Others present were City Administrator Garofano, City Attorney Winn, Tom Biesczat, the City Clerk, and the Council Reporter. Representatives of the bidding firms were in attendance.

Opening of Bids for Bonds: Bids for bonds for improvement districts 78-1 and 79-1 were opened, as follows:

**United Missouri Bank:**

- $279,500 of bonds maturing 1981-1983 6.80%
- $1,045,000 of bonds maturing 1984-1994 6.30
- $190,000 of bonds maturing 1995-1996 6.50
- $95,000 of bonds maturing 1997 6.60
- $190,000 of bonds maturing 1998-1999 6.80
- $95,000 of bonds maturing 2000 6.90

Total interest cost to the City - $1,268,302.00
Average annual net interest rate - 6.513842%

**Stern Brothers & Co.:**

- $564,500 of bonds maturing 1981-1986 7.00%
- $570,000 of bonds maturing 1987-1992 6.20
- $95,000 of bonds maturing 1993 6.30
- $190,000 of bonds maturing 1994-1995 6.50
- $190,000 of bonds maturing 1996-1997 6.80
- $285,000 of bonds maturing 1998-2000 7.00

Total interest cost to the City - $1,292,590.00
Average annual net interest rate - 6.636183%

Resolution No. 533 - Accepting Bid for Purchase of $1,894,500 of General Obligation Bonds - Improvement Districts 78-1 (123rd Street from State Line to Cherokee Street) and 79-1 (123rd Street from Cherokee to Mission Road and Mission Road from 119th Street to 127th Street): Councilman Rinehart moved that the Council adopt the resolution accepting the bid of United Missouri Bank; seconded by Councilman Reese. Motion carried unanimously. A copy of Resolution No. 533 is attached hereto as part of the record.

Ordinance No. 675 - Authorizing and Providing for the Issuance of General Obligation Bonds in the Sum of $1,894,500
(Improvement Districts 78-1 and 79-1): City Attorney Winn stated he was hopeful that the bonds could be delivered within two weeks so the temporary note would not have to be renewed. Councilman Roberts moved for approval of the ordinance on an emergency basis; seconded by Councilman Hess. Motion carried. City Attorney Winn noted that $193,175.29 of the total cost of the improvement districts was chargeable to the City at Large after all adjustments had been made. A typographical error in the spelling of "required" was noted in the last line of the third paragraph. On motion by Councilman Rinehart, Ordinance No. 675 was adopted unanimously.

Councilman Roberts and City Attorney Winn expressed appreciation on behalf of the Council to those who were interested in bidding on the bonds.

At 11:15 a.m., on motion by Councilman Carper, seconded by Councilman Reese, the meeting adjourned to Monday, May 19, 1980, 7:30 p.m.

President of the Council

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, May 19, 1980, in the Police and Court Building, 9617 Lee Boulevard, with President of the Council Hodes presiding in the absence of the Mayor. Roll call was answered by Councilmen Roberts, Reese, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Gerofano, Fire Chief Toman, Police Captain Cox, Treasurer Herring, Tom Bieszczat, the City Clerk, and the Council Reporter. City Attorney Winn arrived at 7:45 p.m.

APPROVAL OF AGENDA

On motion by Councilman Roberts, seconded by Councilman Rinehart, the agenda was approved as submitted.

VISITORS


APPROVAL OF MINUTES

On motion by Councilman Rinehart, seconded by Councilman Roberts, the minutes of the meeting of May 5, 1980, were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Carper, seconded by Councilman Rinehart. Steve Cox pointed out that there was a slight change in the police department monthly report, breaking burglaries into residence, non-residence and automobile classifications to give a clearer picture of where the problems were.

COMMITTEE AND COMMISSION REPORTS

PUBLIC SAFETY:

Recommendation for Financial Support for City-County Investigative Squad: Lou Hoskins was present to answer questions. Councilman Hodes explained the City had supported the City-County Investigative Squad, the Police Department was well satisfied with their efforts, and the Public Safety Commission recommended unanimously that financial support be approved. Mr. Hoskins explained the squad primarily investigated narcotics-related crimes. On motion by Councilman Reese, seconded by Councilman...
Jacob, financial support for the City-County Investigative Squad in the amount of $4,494.00 was approved.

Request for Permission to Keep Three Dogs - 9621 Sagamore: Councilman Hodes reported the Public Safety Commission discussed the matter and recommended denial of the request. There was no motion from the Council; therefore, the request was denied.

Request for Permission to Solicit Funds at Ranch Mart Shopping Center - American Medical Center-Cancer Research Center: Councilman Hodes reported the Public Safety Commission recommended approval of the request. On motion by Councilman Carper, duly seconded, the request for permission to solicit funds at Ranch Mart Shopping Center for American Medical Center-Cancer Research Center was approved.

Request for Permission to Keep Three Dogs - 8551 High Drive: Considering the contacts with neighbors and the distances involved in the two-acre back yard, the Public Safety Commission recommended that permission be granted for a one-year period. On motion by Councilman Roberts, duly seconded, the Council granted permission for a one-year period for the Arch Unruh Family to keep three dogs at 8551 High Drive, Councilman Reese opposed.

Discussion of Stop Signs: Resolutions establishing stop signs were discussed. Councilman Roberts stated some of the streets connecting with 123rd Street were not yet open and with the light traffic, he questioned the need for some of the stop signs. Councilman Hess agreed. Tom Bieszczat stated stop signs would not be placed until the streets were opened.

Resolutions Numbered 534, 535 and 536 - Establishing "Stop" Signs in Leawood Country Manor, Brittany Court and Royse Subdivisions: On motion by Councilman Hineshart, seconded by Councilman Reese, Resolutions numbered 534, 535, and 536, establishing stop signs for northbound traffic on Ash at College Boulevard, for westbound traffic on 113th Terrace at Roe, and for eastbound traffic on 127th Street at State Line respectively, were approved. Copies of the resolutions are attached hereto as part of the record.

Resolution Establishing "Stop" Signs in the Verona Gardens/Oxford Hills Area: Councilman Reese moved that the resolution be adopted; seconded by Councilman Carper. There was discussion that the resolution included streets that were not in existence at the present time. Mr. Bieszczat stated he felt stop signs were needed at the locations listed which were at designated collector streets. Mr. Garofano pointed out that the Verona Gardens Homes Association had requested that the Police Department conduct a survey for stop signs in the area. The Council agreed that there were some locations in Verona Gardens that needed stop signs. Councilman Hodes stated the police chief had power to place
May 19, 1980

stop signs temporarily; therefore, he suggested that the intersections be designated on a map for discussion at the next meeting of the Public Safety Commission and recommendation to the Council. The motion and second were withdrawn.

Resolution No. 537 - Establishing "Stop" Signs at Locations in Longwood Forest: Steve Cox stated both intersections involved suffered from some sight distance problem. On motion by Councilman Reese, seconded by Councilman Hess, Resolution No. 537, establishing stop signs for southbound traffic on Delmar at College and for southbound traffic on Buena Vista at College, was approved. A copy is attached hereto as part of the record.

Request for Approval to Purchase Range Supplies: Captain Cox explained the supplies were primarily reloading supplies needed to carry on the Police Department firearms training program. Councilman Hodes stated in February the Council approved a request to go out for bids for these supplies, estimated cost at that time was $1,783.17. The quote presented, from B. E. Hodgdon's, was in the amount of $2,005.60. Captain Cox said he was not aware of any other wholesaler of range supplies in the area. On motion by Councilman Carper, seconded by Councilman Reese, the bid of B. E. Hodgdon's in the amount of $2,005.60 was approved.

NEW BUSINESS

Resolution No. 538 - Relating to Application for Federal Funds for the Development of a Greenway System: City Administrator Garofano explained the deadline for submitting grant application to the State for Federal funds for development of a greenway system was May 31, the proposed resolution was required as part of the grant application. Councilman Roberts observed that the resolution did not commit the City to expenditure of any funds. On motion by Councilman Rinehart, seconded by Councilman Hess, Resolution No. 538 was unanimously approved. A copy is attached hereto as part of the record. On behalf of the Recreation Commission, Councilman Rinehart thanked City Administrator Garofano and Mayor Crippin for their work on the matter, and members of the Recreation Commission for their presence at this meeting.

Resolution No. 539 - Declaring Equal Employment Opportunity Policy: City Administrator Garofano explained that the resolution stating the City's intent regarding equal opportunity and affirmative action was required to be submitted with the grant application for development of a greenway system. On motion by Councilman Roberts, seconded by Councilman Hess, Resolution No. 539 was adopted unanimously. A copy is attached hereto as part of the record.

Sale of Bonds: Councilman Hodes commented that the City could be proud that investors thought enough of the City
of Leawood to bid on $1,894,500 at a cost of 6.5 percent; he thought it spoke very well for staff and elected officials and efforts of the City Attorney. Councilman Hess stated she had been approached by a representative of a local bond company who stated it was difficult to bid on bonds in increments of $95,000; that it might have been a better bid in increments of $100,000. City Attorney Winn explained the $95,000 figure was arrived at to facilitate a uniform assessment for property owners over the life of the bonds. He suggested that a bond committee be formed utilizing the expertise of bond company officials living in the City.

APPROVAL OF APPROPRIATION ORDINANCE

#210

Appropriation Ordinance No. 407 in the amount of $223,840.81, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and approved on motion by Councilman Roberts.

Miscellaneous: Councilman Hess thanked those who took the recent bus trip through the southern part of the City. City Administrator Garofano said renovation plans for City space were available for inspection after the meeting. Mr. Bieszczat stated storm drainage improvements in Oxford Hills were complete at a cost of approximately $2,600.00.

At 8:22 p.m., on motion by Councilman Rinehart, seconded by Councilman Reese, the meeting adjourned to Monday, June 2, 1980, 7:30 p.m.

President of the Council

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, June 2, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Reese, Hess, Jacob, Rinehart, Carper.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

On motion by Councilman Carper, seconded by Councilman Reese, the agenda was approved as written.

VISITORS

Hal Boyts, Melissa Smith, Carol Arms, Janet L. Baker.

Members of the Press: Linda Stewart, Sally Wilson.

APPROVAL OF MINUTES

On motion by Councilman Rinehart, seconded by Councilman Jacob, the minutes of the meeting of May 16, 1980, were approved as submitted.

On motion by Councilman Rinehart, seconded by Councilman Carper, the minutes of the meeting of May 19, 1980, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance - Approval of Invoice for Package Policy Insurance Premium: Councilman Carper moved for approval of invoice for package policy premium from The Hartford in the amount of $34,663.66. He said the coverage had been reviewed by the Insurance Committee. The premium had increased approximately $11,500 over the previous year. Mr. Garofano explained the comprehensive general liability premium had a $5,400 increase ($2,500 of that was because the swimming pool had been incorrectly insured in the past), the City's experience rating in some cases went from a credit to a debit situation, and collision insurance increased $3,300. Motion was seconded by Councilman Reese and carried.

Plan Commission:

Resolution No. 540 - Amending Designation of Street Name: Mr. Sanders reported the Plan Commission, after a public hearing, recommended approval of the request for a street name change for Mission Road to "El Monte" from College.
Boulevard north to the intersection of existing El Monte and to "109th Terrace" north and east to the intersection of the existing Mission Road. He said the change was appropriate at this time because now there were no buildings on that street and it would eliminate confusion in the future. It had been coordinated with the City of Overland Park and they were in agreement. On motion by Councilman Carper, seconded by Councilman Rinehart, the Resolution No. 540 was adopted. A copy is attached hereto as part of the record.

Ordinance Relating to R-1 Zoning - Longwood Gardens (First Reading): Mr. Sanders reported the Plan Commission held a public hearing on an application for preliminary plat approval and rezoning of property between Mission Road and Roe Avenue from 119th Street to approximately 126th Street, containing about 146 acres. Approximately two years ago, a portion of the property was zoned R-1, leaving an area on the north of about 16½ acres and an area on the south both zoned agricultural. The developer was requesting rezoning of both those areas to R-1. The Plan Commission approved the preliminary plat and recommended rezoning to R-1 as contained in a proposed ordinance. Mr. Sanders stated the land contained a portion of the proposed greenway along Tomahawk Creek and approximately 16½ acres of the area that was relatively flat, as well as a width yet undetermined that would go basically north and a little bit west down to Roe Avenue. Mr. Bieszczat said the zoning did not affect the greenway. Mayor Crippin stated if the final plat was received prior to the City receiving a grant for the greenway system, there would have to be some language added that the City would not accept the property until after grant funds were received. Mr. Sanders said the developer intended to utilize the sewer system being installed now, the earliest development would commence the end of 1981 or the spring of 1982. Councilman Rinehart moved that the ordinance be placed on first reading.

CITY ADMINISTRATOR'S REPORT

Mr. Garofano reported he had completed the grant application for the greenway system, total $802,000, which took into consideration the value of the property of approximately $400,000 which would be the City's share of matching funds. A presentation will be made to MARC on June 17th.

MAYOR'S REPORT

Proclamation - Big Brothers and Big Sisters Appreciation Month: Mayor Crippin said the Big Brothers and Big Sisters organization would have the opportunity to use the Leawood swimming pool as well as a shelter house on the 17th or 19th for a free swim and cookout. On motion by Councilman Carper, seconded by Councilman Hess, the proclamation designating the month of June as Big Brothers and Big Sisters Appreciation Month was approved.
City Fireworks Display: Mayor Crippin said it had been proposed that the City pay for the cost of a fireworks display by the Fire Department in the park on July 4th. The matter was discussed. Councilman Rinehart moved that the City have a fireworks display in the City park on July 4th; seconded by Councilman Reese. Motion carried. Mayor Crippin said a newsletter should be out before July 4th for publicity.

NEW BUSINESS

Request for Special Alcoholism Rehabilitation Funds:
Janet Baker made a presentation of the program of the Shawnee Mission PTA Area Council/Shawnee Mission Public Schools. The past president and the new president of Brookwood School PTA were present. Mrs. Baker said she felt the program had an ongoing program of evaluation although some might call it feedback. She said she was requesting money from the Leawood Council because Brookwood School had asked to implement the program. The request was for $1,056.66 for additional staff, $105.27 for printed materials, and $210.30 for postage to cover monthly newsletters and program flyers, or a total of $1,372.23 for Brookwood School. The budget had been revised downward since an original request was sent. She explained the program was initiated by Shawnee Mission PTA Area Council which gave permission for Mrs. Baker to seek funding for an ongoing prevention program targeted at parents, she wrote the grant and submitted it to Kansas Social Rehabilitation Services, and it was funded with six pilot schools. The pilot program would be duplicated in 14 additional schools for the coming year. Mrs. Baker said one of the best tools of communication was a monthly newsletter which contained something for students, something for parents, and a list of programs offered at the pilot schools and through community agencies. She said the program was to provide parents with accurate, up-to-date information on alcohol so they could reinforce what was taught in the schools and to provide opportunities to improve their parenting skills. She said the school district had been very supportive, providing office space, printing, and access to professional staff. Additional staff was needed to duplicate the program in 14 additional schools. Mrs. Baker said the Budget Committee of the City of Overland Park had recommended that they fund the program for schools in that city. Mrs. Baker said she would like to offer the program to schools for two years and then ask them to at least pay for postage and perhaps their portion of the staff. She was asking the Council for one-year funding and would probably be back next year.

Mayor Crippin said it was estimated the City of Leawood would receive $5,000 in alcohol funds, and there were requests from Mrs. Baker, the Mental Health Center, and the Blue Valley School District. The Blue Valley School District representative could not be present.
Hal Boyts, Johnson County Mental Health Center, said the Mental Health Center was related to the alcohol program of the County as an administrative body, primarily operating in the area of mental health. He said the figure they were asking was arrived at based on a pro rata amount of the funds that were estimated to come into Johnson County as a portion of the deficit of their current year, which was $2,398.00 in Leawood. He said the alcohol program served 1,000 new individuals and families a year through outpatient counseling, the detoxification program, and transitional living facilities. He said the kind of funding they had had over the years required a high degree of accountability.

Following discussion, Councilman Carper moved for approval of granting the Shawnee Mission PTA Area Council alcohol education project the sum of $1,372.23, the first half to be payable immediately and the second half at a later time, and to grant to the Johnson County Mental Health Center the sum of $2,398.00, one-half to be paid immediately and the second half to be deferred to some time later this year; seconded by Councilman Rinehart. Motion carried. Mayor Crippin said he hoped the Mental Health Center would cooperate to the fullest with the Alcoholism Planning Council.

At 9:16 p.m., on motion by Councilman Rinehart, duly seconded, the meeting adjourned to Monday, June 16, 1980, 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, June 16, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Reese, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

Mayor Crippin proposed that authorization to solicit bids for relocation of fence surrounding the eleven acres accepted by the City for play fields be added under the Mayor's report. On motion by Councilman Hodes, seconded by Councilman Jacob, the item was added to the agenda. On motion by Councilman Jacob, seconded by Councilman Reese, the agenda was approved as amended.

VISITORS

Don Brain, Gary W. McKillip, Fred Deay, Mary Textor. Member of the Press: Linda Stewart.

APPROVAL OF MINUTES

Councilman Rinehart moved that the minutes of the meeting of June 2, 1980, be approved as submitted; seconded by Councilman Jacob. Councilman Carper moved to amend the motion to change the word "policy" to "portion" in the seventh line of the seventh paragraph on page 2832 and to change the word "insured" to "rated" in the ninth line of that same paragraph; seconded by Councilman Rinehart. Amendment carried. Motion to approve the minutes as amended carried.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Reese.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance - Approval of Invoice - Premium for Quarterly Audit - Workmen's Compensation: Councilman Carper moved for approval of invoice in the amount of $6,000.00 covering the quarterly audit of Workmen's Compensation for the period 7/1/80 to 10/1/80; duly seconded. Motion carried.

2836
Plan Commission:

Ordinance No. 676 - Relating to R-1 Zoning - Longwood Gardens (Second Reading): Mr. Sanders said a preliminary plat had been approved by the Plan Commission; the tract included 146 acres, 38 acres to the south end of the site and approximately 19 acres on the north end were proposed to be rezoned to R-1, Single Family, from Agricultural. The portion on the north end was generally within the flood plain area. Mayor Crippin noted that the developer had donated approximately 16 acres as part of the City's greenway system. Councilman Hodes moved that the ordinance be placed on second reading. Ordinance No. 676 was adopted unanimously.

Public Safety:

Authorization to Obtain Quotes for Replacement of Breathing Masks: Councilman Hodes reported the Public Safety Commission was requesting permission for the Fire Department to solicit bids on two air masks. Councilman Hodes moved that the Fire Department be authorized to solicit bids for replacement of air masks; seconded by Councilman Carper. Motion carried.

Resolution No. 541 - Establishing "Stop" Signs - Verona Gardens Area: Councilman Hodes reviewed that at a prior council meeting concern was expressed that some of the intersections where stop signs were requested did not exist at that time. He said the Police Department had reviewed the matter and recommended that the proposed resolution be approved. Councilman Hodes moved that the resolution establishing stop signs be approved; seconded by Councilman Carper. Resolution No. 541 was adopted. A copy is attached hereto as part of the record.

Authorization of Expenditure for Maps of State Line:
Chief Sellers said the request came primarily from the Police Department and indirectly Public Works and other sections of the City. He said the need had existed for some time and just recently the information had become available without a great expenditure. He said it had a great deal to do with jurisdiction especially in the municipal courts on both sides of the State Line. Chief Sellers stated Kansas City, Missouri, primarily had done the research and had offered to do quite a bit of the drafting on the map. Mr. Bieszczat said Leawood was being requested to furnish a base map at a cost of $1,700 to $2,000. Chief Sellers said the accuracy of the map would have to be mutually agreed upon between Leawood and Kansas City, Missouri. Councilman Hodes moved that the City authorize up to $2,000 for the creation of maps of State Line; seconded by Councilman Hess. Motion carried.
Recreation:

Authorization to Solicit Bids for Soccer Field Rehabilitation: Councilman Rinehart referred to a letter from Payne and Brockway in response to the Council's authorization of a study of drainage for the east soccer field. She reported that the Recreation Commission recommended that bids be solicited for rehabilitation of the east soccer field. Payne and Brockway estimated that the grading and work would not exceed $8,500.00. Councilman Rinehart moved that the Council authorize solicitation of bids for rehabilitation of the east soccer field; seconded by Councilman Hodes. Councilman Hodes noted that the Payne and Brockway letter stated that the plan would not appreciably help the drainage between the soccer field and the baseball field. The rehabilitation plan was discussed. Mr. Bieszczat said the crown on the field should remain intact for an extended period of time, and the work would have no bearing on the softball field. Councilman Rinehart said the Recreation Commission felt the existing fields should be rehabilitated now and it would consider what to do with the eleven acres being obtained from the sewer district. Motion carried.

CITY ADMINISTRATOR'S REPORT

Greenway Plan: Mr. Garofano reported that on June 17th he would be appearing before the Open Space Committee of MARC to discuss the City's application for funding of the greenway plan.

1981 Budget: Mr. Garofano reported that department heads had submitted their budgets to him; estimate of revenue receipts for 1980 and 1981 was being prepared; department budgets would be reviewed the first part of July, then the Budget and Finance Committee would meet probably several times to go into details of all accounts and all funds; around July 21 there would be a Council work session to review the budget; on July 28 the Council should approve a hearing notice and budget summary; public hearing on August 11; hopefully budget to be adopted on August 18; certified to the County by August 25. Mayor Crippin stated by action of the State legislature automobiles were no longer included in the personal property tax valuation which would cause a loss of revenue to the City.

MAYOR'S REPORT

Leawood Women's Club Contribution: Mayor Crippin announced that the Leawood Women's Club had contributed $1,600.00 to the City Fire Department. Chief Toman reported the funds would be used for purchase of equipment for rescue work involving removal of victims trapped in vehicles.

Work Session on Comprehensive Plan: Mayor Crippin reported the work session on the comprehensive plan had been changed to June 30th at 7:00 p.m.
Authorization to Solicit Bids for Relocation of Fence Surrounding Land Provided to the City by the Sewer District: Mayor Crippin stated relocation of the fence was required before the City could utilize the property. The estimated cost was $6,000.00. Councilman Carper moved that the Council authorize solicitation of bids for relocation of the fence surrounding the eleven acres provided to the City by the Sewer District; seconded by Councilman Hodes. Motion carried.

July 4th Program: Fred Krebs reviewed plans for a games festival and contests preceding the fireworks display. Mayor Crippin stated a newsletter would be mailed on June 30 or July 1 including details for July 4th. Chief Sellers said transportation would be provided from City Hall to the park for city officials and city employees.

NEW BUSINESS

Final Approval for Purchase of Traffic Signal at 89th and State Line: There was discussion that the Council had agreed to purchase the traffic signal. Councilman Hodes said as a condition to accepting the new signal Kroh Brothers was putting in, the City had to purchase the old one. Mr. Bieszczat said $14,000 was budgeted and encumbered for purchase of the signal; the action needed was final authorization to expend $13,099.39. He added that Kansas City, Missouri, had indicated they would be interested in purchasing all or part of the old signal. Councilman Carper said several persons had questioned the necessity for a new signal at 87th and State Line. Mr. Bieszczat said when Leawood Office Park was developed, there would be a need for it; a three-story office building would be built in the near future. On motion by Councilman Hodes, seconded by Councilman Carper, purchase of the traffic signal at 89th Street and State Line Road was approved.

Authorization to Solicit Bids for City Hall Renovation: Councilman Hodes moved that the Council authorize solicitation of bids for City Hall renovation; seconded by Councilman Carper. Motion carried.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 408, in the amount of $303,310.49, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and approved on motion by Councilman Hodes.

At 8:32 p.m., on motion by Councilman Rinehart, seconded by Councilman Hodes, the meeting adjourned to Monday, July 7, 1980, 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, July 7, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Reese, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, Don Jarrett (for the City Attorney), Treasurer Herring, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

Mayor Crippin suggested the addition of a report from the Insurance Committee on automobile coverage under Committee and Commission Reports. On motion by Councilman Hodes, seconded by Councilman Rinehart, the agenda was approved as amended.

VISITORS

Herman Sutter, Frank Lawler, Joy Rushfelt, Betty J. Martin, James A. Koch, Mr. and Mrs. Bryan Leforgee, Cathie Simmons. Members of the Press: Elizabeth Drake, Linda Stewart.

APPROVAL OF MINUTES

#731 On motion by Councilman Carper, duly seconded, the minutes of the meeting of June 16, 1980, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

#732 Plan Commission:

Report Regarding Rezoning and Development Plan - 103rd and State Line: Mr. Sanders reviewed that a few months ago the Council gave developer James Bynan a second 90-day extension of time for obtaining the necessary signatures for modification of the deed restrictions to allow multi-family housing on Lots 565 and 566 at the northwest corner of 103rd and State Line Road. Mr. Bynan had written a letter stating he was unable to get the required signatures and, therefore, he was giving up his attempt to develop the property. Mayor Crippin stated he understood that the opportunity did not exist for the deed restrictions to be changed for another five years. Mrs. Joy Rushfelt stated homeowners were not against development of that lot, they were concerned about the kind of development. She added that the people on the cul de sac bought their lots on reliance that the property in question would remain zoned single family residential, and they did not want strip development along there.
Public Safety:

Resolution No. 542 - Expressing Appreciation to Officer Ganaden: Councilman Hodes expressed appreciation to Officer Merle Ganaden and read the proposed resolution recognizing and commending him for his work as Crime Prevention Officer. On motion duly made and seconded, Resolution No. 542 was adopted. A copy is attached hereto as part of the record.

Recreation:

Approval for the Construction of a Memorial to Fred Sutter: Councilman Rinehart referred to the proposal of the Recreation Commission for construction of a memorial to Fred Sutter. She said the Sutter Family would contribute $1,000 toward the construction of a waterfall near the flag plaza in Leawood Park and the Recreation Commission, through the Special Parks and Recreation Fund, would provide the rest of the money, including extension of water and electrical lines. One estimate had been obtained, it would be put out for bids at the time to do the work. Herman Sutter, father of Fred Sutter, reviewed the life of his son who was reported missing in action in Vietnam on New Year's Eve, 1971, and presumed dead. He was the only Leawood resident to be killed in action in the Vietnam War.

Councilman Carper was concerned about vandalism and maintenance of such a memorial. Councilman Rinehart said the Recreation Commission felt the waterfall plan was as vandal-proof as possible. Councilman Hodes was concerned about the location of the memorial; he said there was no way the City could effectively police the park; he wondered if consideration had been given to placing such a memorial near the City Hall. Councilman Reese wondered about precedent for a city to provide a memorial to an individual out of public funds. Councilman Rinehart reviewed that the Sutters had offered $1,000 for a memorial and the Recreation Commission had agreed to match that amount. Councilman Rinehart moved that construction of the Sutter Memorial be approved, consisting of a waterfall at the flag pole; seconded by Councilman Hess. Councilman Rinehart said bids would be solicited only on the water and electrical work. She said the installer would maintain the memorial for three years; after that, there would be a nominal charge. The pump would be guaranteed for five years, construction guaranteed for three years, not including vandalism. Councilman Hodes suggested that the pump be located in the equipment room with the other pumps. Councilman Rinehart said the Recreation Commission had considered alternatives for over a year and felt it had come up with a workable plan. Motion failed on a vote of 2 for, 5 against, Councilman Reese abstaining.

Councilman Hodes moved that the Council approve construction of the Sutter Memorial in the vicinity of City Hall; seconded by Councilman Roberts. Motion carried, Mayor Crippin, Councilmen Hess and Rinehart voting against.
suggested that councilmen attend the meeting of the Recreation Commission to be held on Saturday, July 12, at 10:00 a.m.

Report Regarding Automobile Insurance Coverage:
Councilman Carper presented an insurance premium invoice in the amount of $2,105.89 for vehicle coverage on new automobiles purchased by the City, including a 1980 Chevrolet dump truck, three 1980 Malibu police cars, a 1959 LaFrance fire truck, and 1980 Ford station wagon. Councilman Carper moved for approval of the insurance premium invoice for vehicle coverage; seconded by Councilman Hodes. Motion carried unanimously.

CITY ADMINISTRATOR'S REPORT

1981 Budget: Mr. Garofano had distributed a schedule of meetings regarding the 1981 budget. He reviewed the schedule, including public hearing on proposed use of Federal Revenue Sharing funds on July 15, work session of the Council on July 21, approval of hearing notice and budget summary on July 28, public hearing on August 11, budget hopefully adopted on August 18, certified to the County by August 25.

MAYOR'S REPORT

July 4th Celebration: Mayor Crippin stated the July 4th celebration was a successful event and commended the Police Department and Fire Department for a nice job.

National League of Cities Meeting: Mayor Crippin reminded councilmen to get reservations in for the National League of Cities meeting on November 29.

Voter Registration: Mayor Crippin said he would like to see polling places, registration dates and a map indicating the wards put on the bulletin boards.

Commendation for Rick Frye: A letter had been received from Mr. Jesse Yoakum of Yoakum Plumbing & Heating Company commending Building Inspector Rick Frye for saving the life of one of his employees.

NEW BUSINESS

Discussion Regarding Status of Step III Grant Application For Sanitary Sewer Renovation Project: Don Jarrett stated there were two requirements to be satisfied, one being Minority Business Enterprise on the engineering aspects of the contract, and the second being completion of user charge back-up financial data. He said on July 8 there would be a meeting with an EPA official to discuss possible actions the City may take in fulfilling the Minority Business Enterprise requirements since the contracts had already been let. The report on the user charge back-up data was essentially completed pending a schedule for implementation.
Mr. Jarrett said the grant application was in a form to be approved as soon as those items were checked off. He said the cost for the average water user resident within the City would be approximately $90.00 to $95.00 per year, not including capital cost items or projected billing costs. Mr. Jarrett anticipated final approval in less than thirty days. There was discussion that the operation and maintenance charges would be based on water usage of those people who were directly hooked up to the system and the charge to people who subsequently hook into the system will be based on a pro rata share of capitalization costs, and their water usage will be calculated for operation and maintenance charges. Assessments for capitalization will be on a benefit district basis, there will be no general city-wide assessment.

Discussion Regarding Weeds and Debris at Leawood Drive-In Property: Mayor Crippin stated there had been several complaints about the weed situation at the Leawood Drive-In Theater and adjacent property. Several staff members had talked to Mr. Wilson Williams about getting the weeds cut. Mr. Garofano said at the last discussion, Mr. Williams suggested going in with a bulldozer to remove some of the vegetation and to smooth out the property so a tractor could come in to cut the weeds. Mr. Garofano said there was an ordinance in effect stating property within 100 feet of any residentially developed area had to be kept clear of weeds, debris, etc. Mr. Williams had said that was physically impossible because of the lay of the land. The staff was concerned that going in with a bulldozer might cause worse problems with storm drainage. It was proposed that Mr. Bieszczat inspect the property to determine what would be necessary in terms of bulldozing or leveling off to make the site accessible for mowing on a regular basis. Mr. Garofano added that the County had notified the City that there was a problem with noxious weeds on the property. Mayor Crippin suggested that the City authorize Mr. Williams to move the vegetation and debris further in on the property so it could be mowed but advise him that he would be responsible for any eventual storm drainage problems that would arise from removing too much vegetation. The problem was discussed. The suggestion was made that the City could continue to cut the weeds and assess the cost against the property, but to increase the administrative costs each time. However, Mr. Bieszczat said the City could not get in to cut all the weeds because part of the property was inaccessible. Mayor Crippin said a resident in the area was contemplating suing the City because it had not exercised its control over the property owner to make sure the weeds were cut, and it was a threat to the safety of children playing in the area. The staff was directed to do what was necessary for the 100 feet and the City Attorney to take a look at the ordinance from the standpoint of what constitutes a nuisance in agricultural zoning. Frank Lawler suggested that the City look to the County Health Department for assistance in that portion which might be considered a health and safety hazard.
Authorization to Replace a Damaged Vehicle: A memorandum had been distributed regarding a vehicle used by the City Administrator which was damaged in an accident. The insurance company had determined that repair of the car would cost $2,100. The value of the car (an ex-police vehicle) had been estimated to be between $1,800 and $2,000. It was determined that a new Pontiac Phoenix to replace the vehicle would cost $6,700; less $500 salvage value of the damaged vehicle, less insurance settlement of $2,100, would result in a net cost of $4,100 to replace the car. Mr. Garofano recommended that a new vehicle be purchased based on the fact that the damaged vehicle had been used as a police vehicle and the fact that there was frame damage. The expenditure of $4,100 would come from the contingency account of the 1980 budget.

Councilman Hodes wondered if it would be more prudent to order another police vehicle and cycle a car out of police service early. It was estimated that it would cost $8,000 to convert a police car and buy a new police car. There was discussion that a new car for the City Administrator would last twice as long as a rotated police car. Councilman Hodes moved that the proposal be accepted; seconded by Councilman Carper, with the stipulation that it be put out for bids from at least three other dealers. Motion carried.

Executive Session re Leawood Drive-In Litigation: Mr. Garofano suggested that since City Attorney Winn was out of town perhaps it would be best to wait until the next council meeting to hold the executive session.

At 9:25 p.m., on motion by Councilman Roberts, duly seconded, the meeting adjourned to Monday, July 21, 1980, 7:30 p.m.
Minutes of Public Hearing on Proposed Use of 1981 Federal Revenue Sharing Funds of the City of Leawood, Kansas.

A public hearing on proposed use of 1981 Federal Revenue Sharing funds of the City of Leawood, Kansas, was held at 7:30 p.m. on Tuesday, July 15, 1980, in the Police and Court Building, 9617 Lee Boulevard, with City Administrator Richard J. Garofano presiding.

Mr. Garofano, Frances Farrar, and the Council Reporter were present.

Visitors: Meyer Brown, 11905 Windsor Drive, and Gordon N. Myerson, 3012 West 120th Terrace.

City Administrator Garofano stated the Revenue Sharing Act required the City to hold a proposed use hearing for the purpose of allowing the public to make suggestions or requests to the City Council for possible uses for revenue sharing funds in the upcoming 1981 budget. It was estimated that the City would have $60,225.00 available in revenue sharing funds for 1981.

Meyer Brown and Gordon Myerson suggested that a good use for some of the revenue sharing funds would be to correct a drainage problem in the Verona Gardens-Oxford Hills area. Mr. Brown said the recent minor face lifting did nothing to improve the problem—the inlets on 119th Street had merely been opened. He said they would come to the Council meeting on Monday with slides to show what had happened when it rained 1.7 inches. Mr. Brown said during the last rain, water from the Hall farm came down and across his yard. He stated one thing that had to be considered was a way to get the water down to the creek north of 119th Street without coming through Verona Gardens.

Gordon Myerson referred to pictures he had sent to the City and said it was a literal lake back there. In looking at the plans, he discovered there had been a lake there originally, the engineering report from Shafer, Kline & Warren made recommendations but some of the recommendations were not implemented because they were more expensive, such as to put a "Y" at the intersection behind his house. He doubted that the Nichols Company, the developer, would do anything about it.

Mr. Brown said there was an inlet at each corner of his lot with a berm behind each inlet—the berm had a tendency to send the water further into his yard. The renovation work had put the water in a wider channel but had not done much to slow down its force. Mr. Myerson wondered if the City could require that the Halls dig a drainage ditch on the north side of 119th Street. Mr. Garofano commented that it may not be possible to get the water to flow all...
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the way over to the creek on the other side. He added that the Hall property was zoned agricultural which restricted the City somewhat, but it was something the City could certainly explore. Mr. Brown said he thought there was a malfunction in the total design of the system. He said there had been four storms since September that had produced a river over the land. Mr. Brown said there was potential to aggravate the situation further when houses were built on the two vacant lots behind him.

Mr. Garofano said he would pass the request on to the City Council for consideration in allocation of revenue sharing money or other funds in the budget.

There being no further comments, the public hearing was closed.

City Administrator

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, July 21, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Hess, Jacob, Rinehart, Hodes. Councilman Reese arrived at 7:59 p.m., and Councilman Funk arrived during the executive session.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, Fred Krebs, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hodes, the agenda was approved as written.

VISITORS


APPROVAL OF MINUTES

Councilman Rinehart moved for approval of the minutes of the meeting of July 7, 1980, and the public hearing of July 15, 1980; seconded by Councilman Roberts. Councilman Hess moved that the minutes of July 7 be amended to show that Councilmen Hess and Rinehart voted against the motion to construct the Sutter Memorial in the vicinity of City Hall; seconded by Councilman Rinehart. Amendment carried. The minutes were approved as amended.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Hodes, seconded by Councilman Rinehart.

COMMITTEE AND COMMISSION REPORTS

Public Safety:

Request for Permission to Keep Three Dogs - Miriam S. Krum - 9718 Overbrook: Councilman Hodes reported this was a request for renewal of permission to keep three dogs at 9718 Overbrook, the adjoining property owners had individually
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signed a consent agreement, and the Public Safety Commission recommended that the permission be extended for one year. Councilman Hodes moved for approval of the request for a period of one year; seconded by Councilman Roberts. Motion carried.

Request for Permission to Distribute Advertising Material: Councilman Hodes stated the Public Safety Commission had recommended against approval of the request of Rollins Protective Services. The matter was submitted to the Council for information purposes only.

Request for School Crossing Guards: Councilman Hodes reported requests for school crossing guards at 95th and Mission, 121st and High, and on 123rd Street in front of Leawood Elementary School. He reported the Public Safety Commission recommended against approval of a guard at 95th and Mission since the City already helped pay for a guard at a designated crossing on Mission Road near 95th Street; as to 121st and High, since there was ample line of sight and due to lack of personnel, the Public Safety Commission recommended denial at this time; the Public Safety Commission recommended approval of providing a school crossing guard on 123rd Street in front of Leawood Elementary School—the Police Department will make every effort to supply a guard whenever possible as it had been doing at Brookwood School. Councilman Hess requested that the situation at 121st and High Drive be monitored closely.

Authorization for Police Chief to Attend Conference: Councilman Hodes reported the Public Safety Commission had recommended that Chief Sellers attend the conference of International Association of Chiefs of Police in St. Louis, September 13 through 18.

Public Works:

Authorization to Purchase Asphalt Roller: Councilman Jacob reported the Public Works Commission recommended purchase of a small asphalt roller to replace one in need of between $900 and $1,000 in repairs. The low proposal was in the amount of $3,627.00 for a one ton roller; however, Mr. Bieszczat recommended purchase of a 1½ ton roller at $3,645.00, explaining its advantages. Councilman Jacob moved for approval of the expenditure of $3,645.00 for purchase of a Model W110 Case Static Roller (1½ ton) from Victor L. Phillips Co.; seconded by Councilman Hodes. Motion carried.

Recreation Commission:

Award of Contract to Regrade Soccer Field: Councilman Rinehart reported nine bids had been received for renovating the east soccer field. The Recreation Commission recommended the low bid of G & R Construction, Inc. in the amount of $3,602.00; funds would come from Federal Revenue Sharing.
Councilman Rinehart moved that the bid of G & R Construction, Inc. be accepted; seconded by Councilman Hodes. Motion carried.

CITY ADMINISTRATOR'S REPORT

#83 Sewer Renovation: Mr. Garofano reported it appeared EPA was ready to approve the City's grant application for the sewer renovation project but a public hearing on the proposed user charge with thirty days notice thereof was required. The public hearing was scheduled for August 20, 1980, at 7:30 p.m. City Attorney Winn said it appeared bids could be solicited as soon as some routing changes had been made. Mr. Bieszczat stated the Mayor would have to sign an intent to pass an ordinance on the user charge fee and the ordinance would have to be passed prior to the effective date of the user charge fee.

#110 Greenway Plan: Mr. Garofano reported that the City's greenway grant application had been endorsed by MARC and had been reviewed by several State agencies.

#117 Leawood Drive-In Property: Mr. Garofano reported the City had notified Mr. Williams, owner of the Leawood Drive-In property, of the problems in that area and a meeting had been arranged to work out the details. He said the City was ready to enforce the ordinance by doing the clean up if Mr. Williams was not cooperative.

MAYOR’S REPORT

#120 Sutter Memorial: Mayor Crippin reported it was his understanding that Mr. and Mrs. Sutter had withdrawn their $1,000 contribution. He added that the Council should decide whether the City should spend $3,500 for a fountain at City Hall. Councilman Roberts moved that the matter of a fountain at City Hall be tabled until such time as it may seem appropriate.

#125 Status of American Revolution Tricentennial Fund: Mayor Crippin reported the interest earned on the American Revolution Tricentennial Fund was $363.36, and the balance was $1,363.36 as of July 1, 1980. He read from the resolution setting up the fund.

Baseball Games: Mayor Crippin reported on a series of baseball games between the Police, Fire and Public Works departments.

NEW BUSINESS

#137 Oxford Hills-Verona Gardens Storm Drainage: Meyer Brown described drainage problems in the Oxford Hills-Verona Gardens area saying water comes down both sides of Windsor from the south and comes down Ensley Lane from the northwest, turns the corner, and comes down Windsor; once the inlets reach their capacity it fills the street and runs over the
curb down between his house and the one next to him and joins the other problem area. The other problem area is where the tube runs along the border of Oxford Hills and Verona Gardens, part of the problem being water from the Hall farm entering the system and running through Verona Gardens westward until it meets the tube and the water coming from south to north. He said an earthen berm had been built behind Oxford Hills separating it from the new area of Verona Gardens which had temporarily solved a lot of the surface water crossing 121st Street. He asked what was the long range effect as Verona Gardens develops. He said reports from the City showed recommendation for a concrete ditch through the area with severe slopes on each side. He said apparently the decision was made to switch to the underground tube. Mr. Brown said he suspected the real crux of the problem was that at 121st and Windsor there was a lake at one time which had apparently been filled in and the creek running from it had been straightened out and taken underground. He said the underground system was designed to handle a ten-year flood while the area was in the fifty year flood plain. He said last spring swales were graded at the back of lots, wherever there was an inlet there was a berm formed so the flow stops and builds up into a lake until it drains off into the inlet. He said residents were concerned about dry basements and growing things in their yards. Another problem was that the underground tube connection near his home was a "T" intersection; he felt a "Y" would reduce turbulence and allow the water to flow together. He said a neighbor had observed that the level of the creek was so high the water was not flowing freely out of the tube. He said the major problem for the most number of residents was the situation at the back of the lots where the underground tube was located. He thought a future house on one of two vacant lots would be very close to the flood water. Mr. Brown urged the Council to consider use of Revenue Sharing or other funds to take care of the drainage problems. Photographs were circulated and slides were shown of the area showing the flooding and effects of it.

Gordon Myerson said the problem was the developers were trying to save a few dollars and developed about 30 lots that should not have been developed or that a special effort should have been made to take care of the lake. He showed drainage plans submitted to the City at the time of development.

Councilman Hodes suggested that the engineers meet with the Public Works Director and that a special meeting of the Public Works Commission be called to address the problem. Mayor Crippin said the problem had already been before several committees.

Allen Mobley said a fair portion of the water seen in the pictures was coming up out of the drains rather than running overland; he was concerned that there would be
increased runoff as further development occurs in Verona Gardens.

Bill Shafer of Shafer, Kline & Warren, engineers who designed Oxford Hills, and Joe Barko of J. C. Nichols Company who designed Verona Gardens were both present. Mr. Bieszczat said he and Bill Shafer agreed the spouting of the water was due to air pressure within the pipe and decided that one inlet was the culprit; the inlet had since been raised and tilted so water could better get into the pipe. He said there would be times when there would be water in those back yards—there was no solution to handle one hundred percent of the problem—there would always be water overland. He said the system was designed to handle rains of a ten-year frequency; however, the last three to four rains had all been in excess of a ten-year frequency. A gentleman in the audience felt the back pressure in the pipes was being created because the water had no place to go since the creek was full.

Mayor Crippin said he would appoint a committee within the next few days to look into the problem and call the groups together to work out an equitable solution. He referred to money the City was having to spend to correct problems with a street in that area because the engineer, developer or contractor had not put it in right, and said there was a limit as to what could be done by the City.

Authorization for City Administrator to Attend Conference:
Mayor Crippin stated it had been agreed that Mr. Garofano would have the opportunity to attend the International City Management Association meeting which would be in New York from September 29 through October 1.

Executive Session re Drive-In Litigation: Mayor Crippin stated the Council should go into executive session to discuss litigation concerning the drive-in theater property, return to session for approval of the appropriation ordinance, and then go into a work session on the 1981 budget.

At 8:55 p.m., on motion by Councilman Roberts, seconded by Councilman Rinehart, the Council went into executive session until 9:30 p.m.

When the Council returned to regular session at 9:35 p.m., Councilman Funk had entered the meeting.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 409 in the amount of $283,188.83, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and approved.

Mayor Crippin encouraged councilmen to attend the upcoming League of Cities meeting and the League of Kansas Municipalities meeting.
At 9:41 p.m., on motion by Councilman Roberts, seconded by Councilman Funk, the meeting adjourned to Monday, August 4, 1980, 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 7:00 p.m. on Monday, July 28, 1980, 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 1981 was signed by councilmen present. Roll call was answered by Councilmen Reese, Hess, Jacob, Rinehart, Hodes.

Others present were City Administrator Garofano, Tom Bieszczat, Kenneth Frashier, and the City Clerk.

Mayor Crippin explained the purpose of the meeting as called. On motion by Councilman Rinehart, seconded by Councilman Reese, the Council approved the Notice of Budget Hearing, Federal Revenue Sharing Funds Hearing, and Budget Summary for 1981.

On motion duly made and seconded, the meeting adjourned.

[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, August 4, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Hess, Jacob, Rinehart, Hodes.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Tom Bieszczat, Bob Sanders, Fred Krebs, Martha Heizer, and the Council Reporter.

APPROVAL OF AGENDA

On motion by Councilman Hodes, seconded by Councilman Jacob, the agenda was approved as written.

VISITORS

Lori Lundberg, Lynn Kelly, Debbie Brown, Andrew Hall, John Borden. Member of the Press: Linda Stewart.

APPROVAL OF MINUTES

On motion by Councilman Hodes, seconded by Councilman Jacob, the minutes of the meeting of July 21, 1980, were approved as submitted.

On motion by Councilman Hodes, seconded by Councilman Rinehart, the minutes of the special meeting of July 28, 1980, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance:

Approval of Invoice for Police Professional Premium:

Mr. Garofano reported it had been discovered that the City had no coverage for mutual aid contracts under its police professional liability insurance. The Insurance Committee recommended coverage. On motion by Councilman Roberts, seconded by Councilman Jacob, the invoice for police professional liability premium in the amount of $4,939.00 was approved.

Public Works:

Ordinance Relating to Acceptance of a Roadway Easement for Street Purposes (Howe Lane) from Residents of Dorset Manor Subdivision (First Reading): Councilman Jacob presented the ordinance whereby the City would accept Howe Lane as a public street. Tom Bieszczat had inspected
the street and determined that the right-of-way had been recorded and all stipulations set forth by the City had been met. Accordingly, Councilman Jacob moved that the ordinance accepting the street be placed on first reading. Mr. Bieszczat had a petition signed by all residents on the street. He said he had pointed out in a letter to the residents that the brick construction did not conform, that the City would not attempt to keep it clean and it may have to be repaired or removed or perhaps overlaid; the City would not be responsible for the island or the gatehouse. Mayor Crippin suggested that the covenants be attached to or cross-referenced on the ordinance.

#394 Bid Award - Fence Relocation: Councilman Jacob referred to a bid tabulation for removal and replacement of fence on the eleven acre site donated by the Johnson County Sewer District for athletic fields, the low bid being from Denton Fence Corporation in the amount of $3,350.00. Mr. Bieszczat requested authority to enter into a contract for a sum not to exceed $4,000.00 because he had found that there was a drainage culvert and berm hidden under the weeds so additional fence was needed which was not contemplated in the original bid. Councilman Rinehart moved that the Council accept the bid of $3,350.00 from Denton Fence Corporation; seconded by Councilman Hess. Mr. Garofano said the funds would come from the contingency account. Motion carried, Councilman Roberts opposed. Councilman Rinehart moved that Mr. Bieszczat be authorized to contract for installation of up to $650.00 additional fencing at the unit price of $2.25 per foot; seconded by Councilman Jacob. Motion carried, Councilman Roberts opposed.

Recreation:

#415 Presentation of Certificates: Fred Krebs explained that a staff training course had been developed upon completion of which young people might receive advanced life saving, cardio pulmonary resuscitation and standard first aid certification in addition to orientation in pool and park jobs. This year, seven had completed all three of the certification programs, another five had some work yet to complete. Mayor Crippin presented certificates to Lori Lundberg, Lynn Kelly, Debbie Brown, Andrew Hall, and Jim Borden (his father accepted for him).

#437 Regrading of Soccer Field: Councilmen Rinehart moved that the Council approve payment of the amount of $3,602.00 to G and R Construction, Inc. for the contract to regrade the east soccer field; seconded by Councilman Jacob. The bid was approved at the last meeting, and the work had been completed. Motion carried.

CITY ADMINISTRATOR'S REPORT

#442 Budget Hearing: Mr. Garofano reminded councilmen of the public hearing on the 1981 budget to be held on August 11, 1980, at 7:30 p.m.
MAYOR'S REPORT

Appointment to Johnson County Wastewater Management Committee: Mayor Crippin reported he had been requested to make an appointment to the Johnson County Wastewater Management Committee and had appointed Mr. Ed Olyphant.

Committee on Oxford Hills Drainage Problem: Mayor Crippin reported he had appointed Councilmen Hess, Roberts and Jacob, Jerry Morrow and Ken Frashier as a committee to reassess the Oxford Hills drainage problem. Mr. Bieszczat said there was approximately $4,000.00 remaining in a fund designated for drainage structures in the area. Mayor Crippin said if the committee felt a drainage analysis by another engineering firm was needed, a portion of the $4,000.00 could be expended for it. The first meeting would be at 7:30 p.m. on August 14 in the lower room of Fire Station No. 2. Mayor Crippin requested that Messrs. Bieszczat and Sanders be present at that meeting.

Request from United Community Services: Mayor Crippin reported United Community Services of Johnson County, Inc. had requested funding for staffing the Alcoholism Planning Council in the amount of approximately five percent of one-third of the estimated 1981 alcohol control tax, or approximately $300.00. Mayor Crippin said while he supported the Alcohol Planning Council, he personally was philosophically against making such a contribution, saying it was difficult for him to comprehend, with all the staff in the county and cities, that someone could not send out the agenda, and a volunteer could take the minutes. He was opposed to the money allocated for a specific purpose being used for administration costs. Chief Sellers agreed and said a grant had covered the cost of a part-time person through July to set up the grant procedure for these funds and that had expired. Mayor Crippin said he thought some agency would perform the necessary clerical work to make sure the organization functioned. It was the consensus of the Council that the county government or some organization should be able to provide this needed service.

Baseball Tournament: Mayor Crippin reported that the City Council team would play the Recreation team Saturday, August 9, at 9:00 a.m. The tournament was discussed.

NEW BUSINESS

Designation of Voting Delegates to League City Convention: Mr. Garofano stated the convention would be October 12-14 in Wichita. Mayor Crippin and any elected officials or staff persons who could attend were designated as voting delegates.

Application for Retail Liquor Occupation License: On motion by Councilman Hodes, seconded by Councilman Roberts, the retail liquor occupation license of Mertz Liquor Store, 2519 Somerset, was approved.
Commendation for Bob Sanders: Councilman Hess stated that Bob Sanders, on his own time, had done a nice job in negotiating with the people and the school district on a problem of persons whose homes backed up to the school property on 123rd Street.

Vacating Vest Pocket Park: Councilman Rinehart referred to a letter distributed to councilmen concerning vacating the last vest pocket park, near 92nd and Lee Boulevard.

At 8:31 p.m., on motion by Councilman Rinehart, seconded by Councilman Roberts, the meeting adjourned to Monday, August 18, 1980, 7:30 p.m.
Minutes of a Budget Hearing of the Governing Body of the City of Leawood, Kansas.

A public hearing in connection with the proposed 1981 City Budget and utilization of Revenue Sharing Funds for 1981 was held at 7:30 p.m. on Monday, August 11, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding.

Mayor Crippin and Councilmen Hess and Jacob were present. Also in attendance were City Administrator Garofano, Tom Bieszczat, Police Captain Steve Cox, Detective Paul Douglass, and the Council Reporter.

Visitors: None.

There were no comments from the public or the Council. City Administrator Garofano stated the revenue sharing budget now included $7,500.00 for a pickup truck to replace a 1971 pickup truck. It now appeared the 1971 truck would not last until January, so it was proposed that it be replaced prior to the budget year 1981 using money from the sewer fund; therefore, $7,500.00 in the revenue sharing budget for 1981 would be available for reallocation. Mr. Garofano proposed that the $7,500.00 be allocated for codification of ordinances.

There being no further comments, Mayor Crippin declared the public hearing closed at 7:50 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, August 18, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Hess, Jacob, Carper, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, Fred Krebs, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

Councilman Jacob moved for approval of the agenda with the addition of the following items under the Public Works report: (1) Cooperative Agreement Between Overland Park and Leawood Regarding Sealing of Streets in Leawood, and (2) Approval of Formation of Lateral Sewer District in Blue River Sewer Sub-District No. 6; seconded by Councilman Carper. Motion carried.

VISITORS

Barbara Wallis, Chris Roberts, A. R. McDonald, Judy McDonald, Edgar Oliphant, Jr., Nancy Oliphant, Gail Eckert, Cheryl Cowan.

APPROVAL OF MINUTES

On motion by Councilman Jacob, seconded by Councilman Funk, the minutes of the meeting of August 4, 1980, were approved as submitted.

On motion by Councilman Hess, seconded by Councilman Jacob, the minutes of the Budget Hearing held on August 11, 1980, in connection with the proposed 1981 City budget and utilization of Revenue Sharing funds for 1981 were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Hodes, seconded by Councilman Hess.

COMMITTEE AND COMMISSION REPORTS

Public Works:

Ordinance No. 677 - Accepting the 10300 Block of Howe Lane as a Public Street (Second Reading): Councilman Jacob moved that the ordinance accepting the street be placed on second reading. Ordinance No. 677 was adopted unanimously.
Award of Contract for 1980 Street Overlay Program:
Councilman Jacob noted that the low bid of American Paving & Construction Co. in the amount of $68,701.00 was lower than had been anticipated. The Director of Public Works had recommended acceptance of that bid and also approval of authority to spend up to $80,000.00 since the bid was premised on estimates by the City of the amount of asphalt required to complete the overlay program, and it was difficult to estimate the amount of asphalt needed. Councilman Jacob moved for approval of the bid of American Paving & Construction Co. in the amount of $68,701.00 and for approval of authority to spend up to $80,000.00 (Account No. 7-00-2121 - $45,000 and Carryover Fund - $35,000) should additional amounts be necessary; seconded by Councilman Carper. Motion carried. The map of streets to be overlaid was to be available for inspection after the meeting.

Authorization to Purchase One-Half Ton Pickup Truck:
Councilman Jacob explained the Public Works Department presently had a 1971 Ford ½ ton pickup truck scheduled for replacement in the 1981 budget, but it had developed mechanical problems estimated to cost $1,500.00 for repairs. The request was for authorization to spend up to $6,000.00 to replace the truck from the special sewer fund, Account No. 10-00-5057; then $7,500.00 of Revenue Sharing funds included in the 1981 budget for the truck could be used for something else. Councilman Jacob moved for approval of authority to spend up to $6,000.00 to replace the 1971 Ford pickup truck; seconded by Councilman Carper. Mr. Bieszczat proposed that the truck be used by the superintendent. He said the small truck was needed for transportation of men, light materials and pulling such things as the bobcat, wood chipper, etc. to conserve fuel. Motion carried.

Award of Contract for Curb and Gutter Renovation:
Councilman Jacob said the curb and gutter renovation project had gotten under way but because of the manpower problem, proposals from private contractors had been solicited for completion of the work. The low bid was that of Tomahawk Construction Company at $7.25 per foot. The request was for authorization to award a contract to Tomahawk Construction Company to complete the curb and gutter renovation project for this year and to spend up to $20,000.00 (the amount remaining in the budget for this project, Account No. 7-00-2121); 1,500 feet had been replaced, 2,700 to 2,800 feet would be replaced for the $20,000.00. Councilman Jacob moved for approval to retain the Tomahawk Construction Company to complete the curb and gutter renovation for this year at an expenditure not to exceed $20,000.00 based upon their bid of $7.25 per foot; seconded by Councilman Carper. Motion carried.

Cooperative Agreement Between Overland Park and Leawood for Sealing and Chipping of Streets: Councilman Jacob
stated Overland Park had indicated a willingness to work with Leawood by furnishing the labor and equipment for chipping and sealing certain rural roads in Leawood if Leawood would furnish the materials. Mr. Bieszczat proposed a double seal and chip surface on 119th Street from Roe to Mission and on 143rd Street for approximately .6 mile west of Mission Road, the material for which would cost approximately $10,000.00. There was discussion that there would still be a section of gravel roadway between Nall Avenue and the end of the proposed improvement on 143rd Street (that portion would take another $5,000.00). Mr. Garofano said approximately $15,000.00 was available in the contingency account (No. 1-11-4031) in the 1980 budget. Councilman Hess pointed out that those streets were traveled extensively by school buses. Council Jacob moved that a cooperative agreement between Overland Park and Leawood and expenditure of $15,000.00 be approved for the sealing and chipping of 119th Street from Mission Road to Roe and 143rd Street from Mission to Nall; seconded by Councilman Carper. Motion carried.

Resolution No. 543 - Approving Formation of Lateral Sewer District in Blue River Sewer Sub-District No. 6: City Attorney Winn explained the purpose of the resolution was approval of the inclusion of Leawood Meadows within Blue River Main Sewer District No. 1 and Blue River Sub-District No. 6 and approval of the creation of Lateral Sewer District No. 2 in Leawood Meadows. Councilman Hodes moved for adoption of Resolution No. 543; seconded by Councilman Hess. The resolution was adopted unanimously. A copy is attached hereto as part of the record.

Budget and Finance:

Approval of 1981 Budget: City Administrator Garofano summarized the 1981 budget, proposing a general fund budget of $2,319,000.00. The tax levy for the general fund would be 11.299 mills, an increase of 1.77 mills occasioned because the City would lose one-half percent of intangibles tax and would lose some revenue due to motor vehicles no longer being assessed as personal property. Because of the motor vehicles, the assessed valuation dropped from $57,000,000 to $48,000,000 so each mill levied was generating less money than it did in the past. Expenditures would increase approximately $221,000.00, most of that being for salary increases and personnel services costs. Mayor Crippin said he thought this was the best budget the City had ever had, it expressed actual needs, a lot of things had been done in the budget to improve the accounting process in the City. Since other monies had been allocated for purchase of a pickup truck, Mr. Garofano proposed that $7,500.00 in the Revenue Sharing budget which had been designated for purchase of the truck be allocated for codification of ordinances. He cautioned that proposed changes in the Revenue Sharing Act may reduce the amount received. Councilman Carper moved to amend the Federal Revenue Sharing
budget to replace the small pickup truck ($7,500.00) for
codification of ordinances in the same amount; seconded
by Councilman Jacob. Motion carried. Chief Toman pointed
out that residents overlooked the fact that taxpayers in
other cities paid for their fire protection through the
county, while it was included in Leawood city taxes.
Councilman Carper moved for approval of the 1981 budget;
seconded by Councilman Hess. Motion carried.

MAYOR'S REPORT

#716 Hearing on Sewer User Charge System: Mayor Crippin
reminded councilmen of the hearing on the sewer user charge
system to be held on Wednesday, August 20, 1980, at 7:30
p.m. An ordinance had been prepared providing that the
sewer system service charge would be based on water meter
readings during the months of January, February and March.

#725 Homes Association Council Meeting: Mayor Crippin reported
there was some question at the Homes Association Council
meeting as to procedure concerning those homes where the
grass was twelve or more inches tall. The City Administrator
is working on the procedure and follow-up. Mayor Crippin
said he hoped everyone would assist by calling to the
attention of the City those yards where the vegetation
was over twelve inches tall.

Housing Maintenance Ordinance: Mayor Crippin asked the
staff when a housing maintenance ordinance would be ready
for consideration. Mr. Garofano thought such an ordinance
could be prepared by the end of September. Mayor Crippin
said he would appoint an ad hoc committee to review the
ordinance and bring recommendation to the Council.

#731 MARC Housing Program: Mayor Crippin stated MARC had been
directed by the Federal Government to prepare a housing
program mentioning the cities and classifying housing within
those cities as to what type of assistance may be needed in
the way of subsidized or other programs for (1) elderly and
(2) single family, and then rating each of those classifica-
tions into categories from a high of (1) to a low of (5).
Leawood had been placed in the (4) category for elderly and
(5) category for single family. The general consensus was
that the ratings remain as indicated.

#737 Appointment to Alcoholism Planning Council: Mayor Crippin
proposed that Chief Sellers be reappointed as Leawood's
representative on the Alcoholism Planning Council.

NEW BUSINESS

#739 Discussion Regarding Traffic Signal at 103rd and Mission
Road: Gail Eckert, 10301 Howe Lane, speaking for a group
of residents in the area, objected to the manner in which
the lights, wires and poles were installed for the traffic
signal at 103rd and Mission Road. She pointed out that
the homesites at either corner had underground utilities and yet the intersection was a maze of 25 to 30 wires, 11 telephone-type poles and 7 street lights. She said it was an eyesore and they would like something done about it. Councilman Hodes pointed out that the signal was temporary until Overland Park completes the widening of 103rd Street westbound to Metcalf, slated for construction in 1981 or 1982; they would also like to widen Mission Road south from 95th Street, and at that time the intersection would be improved with Leawood’s cooperation, with proper turning lanes and a permanent signal. He stated the Public Safety Commission had recommended against putting in the signal; the Council overrode the Commission that a temporary signal be installed for safety of children attending Brookwood School. He said the present signal was costing Leawood about $5,000, a permanent signal would cost the City approximately $25,000. Mrs. Eckert asked if the wires could be underground. Councilman Hodes suggested that the Director of Public Works talk to Overland Park (that city installed the signal with a $5,000 contribution by Leawood); no plans had been submitted to Leawood. Mayor Crippin did not think this Council could guarantee that there would be a change to an underground system within the next few months. He suggested that Mr. Bieszczat write the appropriate letter and follow up with a telephone call, with copies of the correspondence to Mrs. Eckert and the Dorset Manor people. Councilman Hess requested that she receive a copy also.

Award of Contract for Renovation of City Hall and Police and Court Building: Mr. Garofano referred to the bid tabulation form distributed showing the low bid was submitted by B. C. Construction Company, Inc. in the base amount of $63,947.00. He reviewed the alternates included in the specifications and recommended acceptance of Alternates 1, 3, and 4; Alternate 2 (construction of ramp) could be accomplished by Public Works, the bid on Alternate 5 (relocating light fixtures) seemed to be excessive. The base bid plus Alternates 1, 3 and 4 would be a total of $69,037.00, plus architectural fees of $6,950.00, which would bring the total project to $75,987.00; $78,500.00 had been allocated in Account No. 1-11-5080. Mr. Garofano was exploring the cost of providing sound amplification equipment. The contractor had set out a time of ninety days, to commence within ten days of approval of the contract. There was discussion that Council meetings and municipal court sessions would be held at Fire Station No. 2 during construction. The Council agreed that the architects should investigate providing a vestibule extending out over the present steps at the west entrance to the proposed Council chamber, to reduce interruption of meetings and for energy conservation. Mr. Garofano passed around a list of jobs completed by B. C. Construction Company, Inc. and mentioned they were the low bidder on a project for Johnson County which was designed by Lund & Balderson also. Mayor Crippin asked
that a penalty clause be included in the contract to insure that it was not delayed. Councilman Jacob moved that the contract for renovation of City Hall and the Police and Court Building be awarded to B. C. Construction Company, Inc.; seconded by Councilman Hess. Motion carried.

**Resolution No. 544 - Expressing Intent to Adopt User Charge Ordinance:** Councilman Jacob moved for adoption of the resolution; seconded by Councilman Carper. Resolution No. 544 was adopted unanimously. A copy is attached hereto as part of the record.

**APPROVAL OF APPROPRIATION ORDINANCE**

Appropriation Ordinance No. 410 in the amount of $293,673.33, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and approved on motion by Councilman Carper. Mayor Crippin commented that several books had been purchased over the past months and asked that they be kept where all staff members would have the opportunity to utilize them. He stated there was an item in the appropriation ordinance for design of letterhead and asked that councilmen peruse samples.

**Commendation for Ambulance Crew and Emergency Procedures:** Councilman Hodes related a commendation given by a member of the County Med-Act Squad for Leawood's ambulance crew and emergency procedures, a tribute to Chief Toman, his crew, and the City.

At 9:22 p.m., the meeting was adjourned to Tuesday, September 2, 1980, 7:30 p.m.

August 18, 1980

[Signatures of Mayor, Council Reporter, and 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 2, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Chief Sellers, City Attorney Winn, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

Councilman Hodes suggested that a request for permission to distribute advertising material be added under the Public Safety report. Mayor Crippin suggested addition of report on the Oxford Hills drainage problem following the Public Safety report, and addition of presentation of baseball trophy following recognition of visitors. On motion by Councilman Hodes, seconded by Councilman Rinehart, the agenda was approved as amended.

Presentation of Softball Trophy: Mayor Crippin reviewed the City employees and officials slow pitch softball tournament, and Councilman Hodes presented the Mayor's trophy to tournament champions, the Police Department. Mayor Crippin presented the Most Valuable Player award to Sammy Tucker. Captain Cox introduced members of the Police Department team.

APPROVAL OF MINUTES

On motion by Councilman Carper, seconded by Councilman Funk, the minutes of the meeting of August 18, 1980, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Public Safety:

Leawood Lions Club Request for Permission to Solicit Ticket Sales: On recommendation of the Public Safety Commission, Councilman Hodes moved for approval of the request of Leawood Lions Club for permission to solicit ticket sales for their annual pancake day; seconded by Councilman Carper. Motion carried.

Request for Permission to Distribute Advertising Material - State Farm Insurance Company: Councilman Hodes reported that the Public Safety Commission recommended that the request of State Farm Insurance Company for permission
to distribute advertising material door-to-door to inform residents of that company's home protection plan be denied as it was not the type of material residents liked to have placed in their doors.

Public Works:

Report on Oxford Hills Drainage Problem: Councilman Jacob reported that a special committee was appointed and had met with residents of Oxford Hills. He said the area was unique in that it was a meeting of engineering work done by J. C. Nichols Company and by Shafer, Kline & Warren; the problem persisted in spite of intense efforts by Mr. Bieszczat and the Public Works Department to correct it. It was the consensus of the Committee after meeting with the residents and talking to the City staff that the possibility of an independent engineering study be investigated to determine the cause of the problem and look into the possible alternatives for a solution. Mr. Bieszczat had contacted A. C. Kirkwood & Associates, consulting engineers, to submit a cost proposal for doing the study which hopefully could be presented at the next Council meeting. Mr. Bieszczat added that A. C. Kirkwood & Associates was studying existing drainage problems in adjoining cities. Mayor Crippin stated the funds were proposed to come from monies left over from those set aside for improvement of the design of various bridges that had consistently caused flooding problems during heavy rains.

VISITORS


CITY ADMINISTRATOR'S REPORT

Contract for Renovation of City Hall: Mr. Garofano reported that the contract for renovation of City Hall and the Police and Court Building had been signed; work would begin on September 8; the next Council meeting will probably be held in Fire Station No. 2; and a schedule of meetings will be prepared. He said the architects would study the entrance and prepare a sketch. Mayor Crippin asked that special effort be made to post notices of Council meetings at clubs and schools in the City.

Street Overlay Program: Mr. Garofano stated street overlay work would begin on September 8.

MAYOR'S REPORT

Report on Lawsuit Against the City on Real Estate Signs: Mayor Crippin reported the City was found to have regulations too restrictive, consequently the real estate sign
ordinance was not being enforced. He proposed the appointment of a committee to study the ordinance and make recommendations concerning what restrictions the City should have, hopefully to make its recommendations and have an ordinance which could be passed on an emergency basis the first meeting in October. He proposed the appointment of Councilman Funk as chairman (representing the Council), Floyd McHenry (representing the real estate industry), and Herbert Heyde (representing the Homes Association Council). City Attorney Winn and City Administrator Garofano would work with the committee. Mr. Winn had received a model sign ordinance and it was suggested that the Prairie Village sign ordinance might be used as a guide. It was the consensus of the Council that the proposed committee be appointed.

Approval of Grant for Renovation of Sewer System: Mayor Crippin reported that a press conference had been called to announce approval of grant for renovation of the sewer system. Bids will be solicited, to be received around the first of the year.

NEW BUSINESS

Resolutions 545, 546, 547 and 548 - Accepting Certain Streets and Storm Sewers for Maintenance by the City: Mr. Garofano stated the subdivision regulations now required that streets and storm sewers have a one-year maintenance bond. The bonds in four subdivisions had expired and Mr. Bieszczat had inspected the streets and storm sewers for the City's acceptance. There was discussion that the statement "designed and constructed substantially in accordance with the approved plans and specifications" was accepted language to allow slight deviations. In response to inquiry by Councilman Hess, Mr. Bieszczat stated there had not been any problems of any great magnitude in the four areas proposed for acceptance. Councilman Carper suggested that the maintenance bond requirement be extended to two years. Councilman Hodes agreed, and suggested that the approximate street location be included in such resolutions. In discussion of a maintenance problem on Mission Road, Councilman Hodes requested that the number of street lights between 85th and 93rd on Mission Road be checked. It was the consensus of the Council that the Public Works Commission study the possibility of extending the maintenance bond requirement for streets and other subdivision improvements to two years. Mr. Bieszczat pointed out that not all subdivisions to be accepted within the next five years would come under the one-year maintenance bond requirement. On motion by Councilman Carper, seconded by Councilman Hodes, the following resolutions were adopted:

Resolution No. 545, accepting streets and storm sewers within Hunter's Ridge, 1st Plat; Resolution No. 546, accepting streets and storm sewers within Longwood Forest, 1st and 2nd Plats, and College Boulevard (111th Street)
adjacent to Longwood Forest, 1st and 2nd Plats; Resolution No. 547, accepting streets and storm sewers within Oxford Hills, 2nd Plat; and Resolution No. 548, accepting streets and storm sewers within the Royse Subdivision, 1st Plat. Copies of the resolutions are attached hereto as part of the record.

Acceptance of Grant Offers from EPA for Dykes and James Branch Sanitary Sewer Renovation Projects: Mr. Garofano referred to two letters from the Environmental Protection Agency both of which were grant offers to the City of Leawood, one in the amount of $2,587,500 for the Dykes Branch project and the other for $1,312,500 for the James Branch project, totaling $3,900,000 to defray seventy-five percent of construction costs of the projects now estimated at $5,200,000. Some of the conditions of the grants were (1) three weeks to accept, (2) fifteen percent minority participation in construction contract, (3) project to be completed on or before January 1, 1983, unless extended by EPA, and (4) requirements concerning user charges and sewer charge ordinance. City Attorney Winn pointed out that the rate at which the City was to receive payments would probably necessitate the City making arrangements for temporary financing to pay the contractor after sewer renovation funds are depleted. Councilman Carper moved that the Council accept the Environmental Protection Agency grant offers for Dykes and James Branch sewer renovation projects; seconded by Councilman Rinehart. Motion carried.

Resignation of Councilman Reese: Mayor Crippin announced that Councilman Reese, Ward 1, had resigned from the Council and had left the City for residence in California. The Mayor outlined the procedure for filling the vacancy.

Executive Session on Real Estate Sign Ordinance and Leawood Drive-In Litigation: Councilman Carper moved that the Council go into executive session for a period of time not to exceed twenty minutes, or the time of 8:50 p.m., to discuss the judge's decision on the real estate sign ordinance and litigation currently in progress with regard to the Leawood Drive-In Theater property; seconded by Councilman Hess. Motion carried.

The Council went into executive session at 8:30 p.m. and returned to regular session at 9:10 p.m.

On motion by Councilman Jacob, seconded by Councilman Hess, the meeting adjourned to Monday, September 15, 1980, 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, September 15, 1980, in the Police and Court Building, 9617 Lee Boulevard, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

On motion by Councilman Hodes, seconded by Councilman Roberts, authorization to purchase portable radio for Police Department was added to the agenda following the Public Works report. At the suggestion of Mr. Garofano and on motion by Councilman Rinehart, seconded by Councilman Roberts, the ordinance accepting street right-of-way, 89th and State Line, from Kroh Development Company, was deleted from the agenda since the necessary documentation had not been received.

VISITORS

Dwight Miller, Mr. and Mrs. Ben Jordan, Cheryl Cowan, Mrs. Riley Killmer. Member of the Press: Mark Whitehurst.

APPROVAL OF MINUTES

On motion by Councilman Hodes, seconded by Councilman Rinehart, the minutes of the meeting of September 2, 1980, were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Roberts, seconded by Councilman Rinehart. There was discussion that for public safety shrubs had been trimmed at 103rd and Wenonga. It was mentioned that shrubs at the northwest corner of Reinhardt and 85th Street and at the intersection of Lee Circle and Lee Boulevard also needed cutting. Mr. Garofano explained there was an ordinance requiring that the homeowner cut such shrubs, but it provided that 30 days notice be given and in some cases the City could not wait.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance:

Approval of Invoice for Insurance Premium: Councilman Carper moved for approval of the invoice for Workmen's
Compensation insurance premium for the period October 1, 1980, to January 1, 1981; seconded by Councilman Hodes. Motion carried.

Acceptance of 1979 Audit: Councilman Carper referred to a memorandum from the City Administrator, the management letter, and the financial statements for the City for the year ended December 31, 1979. He said a number of the recommendations in the management letter had been implemented and others were being studied. Mr. Garofano said petty cash fund recommendations had been implemented, and the City Treasurer and he would monitor investment expiration dates. Councilman Carper stated the management letter suggested that the City needed formal written guidelines regarding investments. Councilman Hodes referred to the comments in the letter regarding retroactive pay raises. Councilman Carper commented that some of the recommendations would require more personnel. He then moved for acceptance of the 1979 audit; seconded by Councilman Hodes. Motion carried.

Public Works:

Ordinance Accepting Drainage Easement - Leawood Country Manor, Third Plat (First Reading): Councilman Jacob stated the property involved was commonly known as 5202 and 5204 West 112th Street. Mr. Sanders explained the easement was requested because the storm drain needed to go across the rear of the property. On motion by Councilman Jacob, seconded by Councilman Hess, the ordinance was placed on first reading.

Ordinance Relating to Acceptance of Right-of-Way Grant for Street Purposes from 89 State Line Co. (First Reading): Mr. Bieszczat stated this was a diagonal piece of property at the southwesterly corner of the intersection of 89th and State Line. On motion by Councilman Jacob, seconded by Councilman Roberts, the ordinance was placed on first reading.

Public Safety:

Authorization to Purchase Portable Radio for Police Department: Information was distributed regarding request to purchase a portable radio with three UHF channels; it was anticipated that one be purchased each year until all police radios were equipped to take UHF and VHF; public service officers would be strictly on city frequency. The Public Safety Commission recommended purchase of a portable radio for approximately $1,300 from General Electric so the batteries could be interchanged with present units. Councilman Hodes moved for approval of purchase of one portable radio in the amount of approximately $1,300; seconded by Councilman Jacob. Captain Cox said the designated account had sufficient funds to cover the radio. Motion carried.
Recreation:

Update on Disposition of Pocket Park - 91st and Lee:
Councilman Rinehart reviewed that the Parks Commission in the past had recommended that this park be disposed of, but homeowners in the area felt there was a drainage problem the City should take care of before they would accept any of the property. This year, the homeowners preferred that this remain a city park because many children used the area. Two of the homeowners had agreed to give an easement which would alleviate the City's problem of getting in to maintain the property. However, one of the homeowners had decided not to give a portion of the easement.

Margaret Jordan questioned whether or not this was ever really a city park; it was her understanding that this property was a holding in common by the adjacent landowners; she asked that it be researched. City Attorney Winn stated the property was noted on the city map as "park" with no reference to "public." He said the title company showed the land as being held in the name of Kroh Brothers; the City had obtained but not yet filed quitclaim deed from Kroh Brothers. Mrs. Jordan said she would hate to see it developed into a manicured park but would rather have it as an untrimmed, unstructured open space for children.

Councilman Jacob stated at the meeting with adjoining homeowners they agreed it served a purpose as a park and reaffirmed their commitment to accept it as such, but there was the question of the easement. Councilman Rinehart said if the easement did not exist, the Commission would have to reconsider the issue. Mayor Crippin commented that it was a piece of land that had been maintained by the City on various occasions with the use of the tract having been generally for children in that area, as a park per se. Mr. Bieszczat said the City needed legal access for maintenance. Mayor Crippin said the City did have legal access except for a bridge across the creek. He added that an adjacent property owner had found a trestle at the tie yard located at 119th Street in Lenexa that the Public Works Department could put in place. The trestle was available for a small fee. It was the general consensus that the question of title be researched and reported at the next meeting.

Mr. Jordan said he would like to see the property remain as a park, although a year ago he had said he would be willing to take his section of land if the City wanted to deed it over. He added that if it were deeded to property owners, it would have to stop being a park and homeowners should build fences along the property lines.

CITY ADMINISTRATOR'S REPORT

City Hall Renovation: Mr. Garofano reported the contractor would begin work on renovation of the Police and Court Building on September 21, so the next Council meeting, as well as subsequent sessions and those of the court and
commissions, would take place at Fire Station No. 2. Plans were available showing a vestibule as discussed at the last meeting, but a cost estimate had not been obtained. Mayor Crippin suggested that a ceiling similar to that in the Olathe council chamber would be acceptable.

Weed Control: Mr. Garofano reported there were 48 weed complaints in process.

Overlay Program and Curb and Gutter Project: Mr. Bieszczat reported the overlay program and curb and gutter renovation (as far as the contractor was concerned) should be completed this week.

MAYOR'S REPORT

Letter Regarding Sutter Memorial: Mrs. Laura Killmer, 2405 West 104th Terrace, said she came as a concerned mother. She read a letter addressed to Mayor Crippin stating her concern that nothing was done in memory of Captain Fred Sutter when so many people felt he should be memorialized in some way. She suggested something as simple as a plaque commemorating those lost in the war from this area, possibly with Captain Fred Sutter's name heading the list. The letter was presented to the City Clerk. Mrs. Killmer asked that she be notified in advance of any meeting if anything was to be done on this.

Appointment of Property Maintenance Code Committee: Mayor Crippin proposed the appointment of a Property Maintenance Code Committee to review a draft ordinance being prepared. Members appointed were: Karen Hess, chairman; Bill Rosenberger; Judy Waugh; Larry Brockhouse; Don Dressler.

Council Vacancy - Ward I: Mayor Crippin stated one person interested in the council vacancy had called, but as yet there was no official request for consideration.

Frances Farrar's Service to the City: Mayor Crippin noted that September 19th would be Frances Farrar's last day with the City. On motion by Councilman Rinehart, seconded by Councilman Jacob, the Council authorized preparation of appropriate resolution regarding the service of Mrs. Farrar to the City of Leawood.

NEW BUSINESS

Schedule of Executive Session for Discussion of City Operations, Organization, Personnel, etc. and Possible Litigation: At the suggestion of Mayor Crippin, Councilman Rinehart moved that an executive session not to exceed two hours be held at the end of the agenda to discuss city operations with the City Administrator and the Mayor, and to discuss possible litigation; seconded by Councilman Hess. Motion carried.
September 15, 1980

Mayor Kent Crippin
Leawood City Hall
9615 Lee Blvd.
Leawood, Kansas
66206

Re: Capt. Fred Sutter
Memorial

Dear Mayor Crippin:

I was surprised to read in this morning's Kansas City Star that nothing was ever done in memory of the above Leawood area young man when so many people had felt that he should be memorialized in some way. It was even doubly disturbing to realize that 18 months ago the family had even offered $1000 to cover the cost of this. It is all fully covered in this morning's newspaper.

Elizabeth "Mary" Sutter, Fred's mother taught our children of Leawood in the area schools from 1957 to 1974. She taught our daughter, Denise, in kindergarten 17 years ago. It seemed like forever that his parents were not to hear of his fate and it was with much sympathy and sadness long time residents and children and parents of Mary's children in school spoke of this in hushed tones, as they did not want to remind Mary, Herman and their daughter any more than necessary of their heartbreak.

We have been in Leawood 30 years and I am not sure how long they have been here, but I remember them as active members in our area long before Mary taught our daughter in school. It is also my understanding their daughter Susan taught in this area for five years.

At any rate, my husband and I feel that even something as simple as a plaque commemorating loved ones lost in the wars from our area, possibly with Captain Fred Sutter's name heading the list or in honor of him, or-in-honor-of-him, would be the least we could do for this long time loved area family.

Most Sincerely,

Mrs. Riley Killmer
2405 W. 104 Terr.
Leawood, Kansas
Request for Extension of Sick Leave - Humane Officer:
Councilman Hodes stated the request had not been reviewed by the Public Safety Commission. Councilman Carper suggested that in the future when a department head knows an employee is going to be out of service for an extended period of time that the City Administrator be notified so it could be brought before the Council sooner. Captain Cox said the humane officer had undergone an operation on August 27th, had used up her sick leave, and her last pay check was through September 5. He said the humane officer expected to be off six to eight weeks from August 27th. Councilman Roberts said he felt sick leave was a poor substitute for disability coverage but apparently the City did not have a satisfactory disability program. The request was discussed. Councilman Hodes moved that the Council grant extended sick leave to Marie Middleton for a period of thirty days from September 5, 1980, and that additional information be presented to the Council in light of conditions and circumstances surrounding the request for extended sick leave; seconded by Councilman Jacob. Motion carried.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 411 in the amount of $183,636.95, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and approved on motion by Councilman Rinehart. Councilman Hodes asked that the total of invoices included in Warrant No. 2237 be checked.

Report on Real Estate Sign Ordinance: Mayor Crippin reported the committee met regarding the real estate sign ordinance and would meet again on September 18th.

Drive-In Theater Lawsuit: Mayor Crippin stated arguments would be presented on September 17th at 9:00 a.m. in Division 5 of the court in Olathe.

Captain Sharp Returning to Duty: Captain Cox reported Captain Wayne Sharp would be returning to duty on a part-time basis on September 22nd.

The Council went into executive session at 9:02 p.m.

The Council returned to regular session at 10:15 p.m. Councilman Carper was not present.

The meeting was adjourned to Monday, October 6, 1980, 7:30 p.m.
Minutes of a public hearing and regular meeting of the City Council of the City of Leawood, Kansas.

A public hearing on the report from the Real Estate Sign Ordinance Committee and a regular meeting of the City Council were held at 7:30 p.m. on Monday, October 6, 1980, in Fire Station No. 2, 12701 Mission Road, Leawood, Kansas, with Mayor Kent E. Crippin presiding.

PUBLIC HEARING ON REPORT FROM REAL ESTATE SIGN ORDINANCE COMMITTEE

Mayor Crippin explained the Real Estate Sign Ordinance Committee would report, Council members and those in the audience would have an opportunity to comment, and the Council would consider the ordinance at the end of its agenda. He reviewed that the Johnson County District Court had indicated to the City that the restrictions previously placed on real estate for-sale signs were unreasonable, but that the City did have the authority to regulate the signs. He said there was a definite commitment on the part of members of the Council to regulate such signs.

Councilman Funk, chairman of the Real Estate Sign Ordinance Committee, reported for the committee whose other members were Herbert C. Heyde and Floyd McHenry. She felt a very reasonable, orderly, useful ordinance had been accomplished through much thought and input. She said most of the people who had called wanted a very restrictive ordinance; the committee had met with members of the Homes Association Council; in that meeting deed restrictions governing signs for 90 percent of the homes in the City were discussed.

Councilman Funk stated the work that was done was on Section 10-703. She read the purpose and findings as drafted. The ordinance stated one temporary, non-illuminated real estate for-sale sign, maximum area five square feet, shall be permitted from 8:00 a.m. Friday through 8:00 a.m. the following Monday, no sign to be placed closer than fifteen feet from the edge of the pavement or curb of the street nor placed on a public right-of-way or public easement, and removed no later than seven days after the property is sold, plus one pointer sign no taller than three feet in height and no larger than four square feet in area. There was a provision that the ordinance shall not be deemed to permit signs which would otherwise be in violation of private deed restrictions. Mayor Crippin stated if the ordinance were passed at this meeting it would go into effect at 8:00 a.m., October 20. There was discussion that the deed restrictions could be enforced by the people through their homes association. Mayor Crippin said it was planned to include an article on the matter in the newsletter.
Chief Sellers stated the City had experienced a 24 percent increase in residential burglaries since the end of July. He felt one of the contributing factors may be the display of unregulated real estate signs which signaled to burglars that the home was vacant or that there were fewer people to be concerned about in burglarizing the home next door; in addition, unregulated signs along roadways constituted a hazard for pedestrians, detracted from traffic signs, and none should be permitted in the right-of-way.

City Architect Sanders said if the City had to have signs, there was a need to have them regulated, and it appeared that the regulations proposed were appropriate.

Councilman Rinehart suggested that the words "for sale" be put in quotation marks or be hyphenated in the ordinance.

Robert W. Monk, 9648 Lee Boulevard, said deterioration of property was taking place immediately upon the placement of real estate signs. He thought it was discrimination against property owners in Leawood to find that a few people who were only interested in how much money they could make out of it were making the City look like signboard hill. He asked that the Council take a look at Countryside where an arrangement was made that real estate people could come in on Friday at 1:00 p.m. and stay until 5:00 p.m., put up a sign, and have somebody on the premises. He suggested that the people get together, hire their own attorney, and do their own fighting if that had to be done.

Cecil Hammonds, 9820 Pembroke, said he was for a very restrictive ordinance that echoed the deed restrictions. He said he could not see how the Federal government could regulate signs on rights-of-way of the interstate system and the City of Leawood could not regulate real estate signs within its city limits. He asked why the City could not help the homes associations enforce their deed restrictions. He suggested that the removal of signs take place on Sunday evening instead of Monday morning, that there be a provision that the house be open during the hours the sign was on display, and that the realtor or his representative be present; he felt that the fine should be greater than $50.00.

Marge Brodkin, 8415 Cambridge, said real estate signs were really nothing but free advertising; she said two of six homes on her street were sold quickly this summer without any signs; she felt real estate signs were just not needed.

Barbara Durlin, 9229 Manor Road, said she did not think Leawood needed signs at all.

Jean Wise, 4005 West 110th Terrace, said she was a realtor and had signs up in Leawood at the request of the property owners, but she was not in favor of having signs in the
City. She said it was not always true that if the majority of the citizens want something it can be that way—the courts were running the lives of people to a degree. She asked if the old ordinance was considered unconstitutional, how the new one could be since it was essentially the same ordinance, and had there been any effort to determine what the courts would accept. City Attorney Winn said it became a question of degree—what is reasonable. The judge indicated the City could restrict real estate signs. Mayor Crippin said the decision was so ambiguous and so conflicting from paragraph to paragraph it was impossible to determine what it indicated was reasonable, consequently the committee proposed that the provisions be expanded to make it somewhat more lenient.

Councilman Funk said the whole point of what the committee was trying to achieve was an ordinance that was an effective, reasonable, orderly regulation, not a rewrite of something to please a judge.

Linda Davis, 2516 West 91st, asked if there was any indication that this ordinance would be acceptable to the majority of realtors. Mayor Crippin said realtors were present at the meeting and they expressed their views.

In response to an inquiry, Mayor Crippin said the intent of the ordinance was that there was a seven-day period within which a sold sign could appear following the sale of the property; it would come under the same regulations as the for-sale signs.

A lady asked if there was an effective sign control in force at the present time. Mayor Crippin said Sections 10-701 and 10-702 dealt with all other signs, the new ordinance dealt with Sections 10-703, 10-704 and 10-705. He added when the new ordinance went into effect, complete enforcement of all sections would be undertaken—within the past few weeks the City had not stringently enforced the sign ordinance. He also added there would be a lot of innocent people suffer because the sign ordinance was taken to court, the City itself was not the loser—the people in the City were the losers. He said it was an encroachment upon the privacy, the stability, and value of property in Leawood. He cautioned that a change in attitude toward maintenance of neighborhoods could begin with these kinds of things.

A man asked if the decision was appealed and if not, why not. Mayor Crippin said it was not appealed since it was the first lawsuit on this ordinance and the City felt it would be best to come forth with an ordinance even better and more reasonable; he said in the next instance there would be an appeal.

Herbert Heyde, president of Leawood Homes Association and a member of the committee which drew up the proposed ordinance, stated as president of the homes association
he would propose two additional revisions: (1) that the size of the signs be reduced to 100 sq. in. maximum with the words "for sale" and a telephone number, and (2) that the signs be removed immediately after sale.

Mr. Monk asked what was the financial consideration for a real estate person doing business in the City of Leawood. Mayor Crippin said the City was not licensing real estate agents at the present time. Mr. Monk suggested that the Council consider requiring that they be licensed.

Councilman Hess said she had some doubts about the new ordinance and questioned whether the old ordinance was "that bad." She pointed out that the restriction limiting signs applied to all real estate companies so no one had an unfair advantage. She objected to writing a new ordinance to try to appease the court and thought the Council should take a stand to do what the majority of the people wanted. She would like to see the old ordinance go back to court. Councilman Rinehart pointed out that if it went back to court, an appeal would take two years; in the meantime, Leawood would have signs. Councilman Funk emphasized that the people had a reasonable out right now since ninety percent of the people had deed restrictions that prohibited signs. Mayor Crippin cautioned that there was a lot of emotion connected with the ordinance and that the Council's decision should not be ruled by emotion.

There being no further comments, Mayor Crippin said it appeared the Council would take some action on the ordinance under New Business, and declared the public hearing closed at 9:05 p.m.

Roll call of the Council was answered by Councilmen Roberts, Funk, Hess, Jacob, Rinehart.

Also present were City Administrator Garofano, Police Chief Sellers, Fire Chief Toman, City Attorney Winn, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

Eugene Fields, 14801 Mission Road, said he wanted to bring before the Council the matter of the condition of Mission Road in his area. Councilman Hess noted the brush was being cleared. Mr. Bieszczat said he had indicated to Mr. Fields that he was trying to do some work to better the roadway and he had a proposal on improvement of rural roadways to bring before the Council shortly--the City would do all it could to make the road more passable during the winter months, nothing really constructive could be done until next summer because of the season. Mr. Fields emphasized that this was a dangerous situation, there had been bad accidents, and it was not even a good dirt road. It was decided that the matter would be put on the agenda of a later meeting if other arrangements were not made.
Jean Hanks, 3908 West 142nd Drive, said she had heard this same response since 1972, but it had been patch work on Mission Road and it was extremely dangerous.

The agenda was approved as written.

VISITORS


APPROVAL OF MINUTES

On motion by Councilman Hess, seconded by Councilman Rinehart, the minutes of the meeting of September 15, 1980, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Plan Commission:

Mr. Sanders summarized the Plan Commission resolutions presented: (1) Recommending that the street name Overbrook Road as it appeared on the First Plat of Hunter's Ridge be changed to Pembroke Lane since Overbrook Road already appeared in Leawood South with house numbers in the same range; (2) reinstatement of fee for hearing before the Board of Zoning Appeals which was inadvertently omitted from the regulations in 1978; (3) change in the zoning code requesting a developer/owner to submit to the City a reduction of a site plan on final plans; (4) change in the zoning code establishing a 30-day time requirement (presently 20 days) for submission of requests for special use permits and requests for rezoning, the reason being to allow for processing and publication; (5) change in the subdivision regulations correlating with the above change to 30 days; (6) change in subdivision regulations asking the developer/owner to submit a reduced copy of his final plat to update City records; (7) change in the subdivision regulations to state that the City Architect "review" rather than "prepare" a plot plan. Mr. Sanders stated the recommendations were made by the Plan Commission following a public hearing on the proposed changes. Mayor Crippin wondered whether or not requiring that preliminary plats be submitted thirty days prior to the meeting was reasonable, saying that interest money for the additional ten or fifteen days could become critical for the developer. Mayor Crippin pointed out that Section 17-203 provided that final plats be submitted not less than 15 days before the meeting. Mr. Sanders said the basic difficulty was in advertising for public hearing and in coordinating the review of material.
October 6, 1980

Resolution No. 549 - Changing Name of Street in Hunter's Ridge - 12300 Block of Overbrook Road: Councilman Rinehart moved that a resolution be adopted changing the name of the street originally designated "Overbrook Road" adjacent to Lots 13, 14, and 15 of Block 1, and Lot 1 of Block 2, Hunter's Ridge, to "Pembroke Lane"; seconded by Councilman Roberts. Resolution No. 549 was adopted unanimously. A copy is attached hereto as part of the record.

Ordinance Establishing Fees for Plan Commission and Board of Zoning Appeals Activities (First Reading), Ordinance Amending the Zoning Code (First Reading), and Ordinance Amending the Subdivision Regulations (First Reading): On motion by Councilman Rinehart, seconded by Councilman Funk, the ordinance reinstating fee for hearing before the Board of Zoning Appeals, ordinance amending the Zoning Code, and ordinance amending the Subdivision Regulations were each placed on first reading.

Public Safety:

Resolution No. 550 - Commending Chief Sellers: Mayor Crippin read a resolution expressing gratitude to Chief Sellers for the dedicated and outstanding service he had performed during his tenure. The resolution was adopted by acclamation. A copy is attached hereto as part of the record.

Public Works:

Ordinance No. 678 - Relating to Acceptance of Easement for Storm Sewer Purposes - Leawood Country Manor - Third Plat (Second Reading): Councilman Jacob moved that the ordinance be placed on second reading; seconded by Councilman Hess. Ordinance No. 678 was unanimously adopted.

Ordinance No. 679 - Relating to Acceptance of Right-of-Way Grant for Street Purposes from 89 State Line Co. (Second Reading): Councilman Jacob moved that the ordinance be placed on second reading; seconded by Councilman Roberts. Ordinance No. 679 was adopted unanimously.

Ordinance Accepting Right-of-Way Grant for Street Purposes: Councilman Jacob requested that consideration of the ordinance be deferred.

Recreation:

Vest Pocket Park Update: Councilman Rinehart reviewed a memorandum from the City Administrator that a review by the title company did not indicate that the land in question could be under common ownership by the abutting property owners; one of the persons who had said it was possible that she would give an easement to allow access to the land had since written a letter saying she would not allow access over her property, which meant the City would have
to use the current access which could only be used if a bridge were built; a used trestle had been inspected and determined not to be adaptable; there was a possibility that a City-owned "T-beam" could be used. Councilman Rinehart stated it had been recommended that the City divest itself of this property, the Council had acted upon the recommendation. She reaffirmed that she believed the City should divest itself of this property, and recommended that each council member inspect the property prior to reconsideration of the matter. Councilman Roberts said he did not feel there were enough people who had access to the park to make it reasonable for the City to maintain. The matter will be on the agenda of the October 20 meeting.

CITY ADMINISTRATOR'S REPORT

Traffic Signal at 89th and State Line Road: Mr. Bieszczat reviewed that the City had purchased the old traffic signal at 89th and State Line Road for $13,099.00. Because the City had no immediate use for or means for storing the signal, Mr. Bieszczat had explored the possibility of selling it. The City of Kansas City, Missouri, had indicated an interest in purchasing the signal for $6,000.00 if the funds were available. The signal was scheduled to be removed on October 20. Mr. Bieszczat explained the City rented the signal and had agreed in the original contract to purchase it at a price Kansas City Power & Light Company engineers determined. The same agreement applied to other traffic signals, street lights, and school crossing signals.

MAYOR'S REPORT

Police Chief Selection Process: Mayor Crippin referred to an outline of the Police Chief selection process prepared by the City Administrator with a new Chief of Police to be appointed hopefully by December 15. He said the City was soliciting the assistance of three law enforcement officers in the State of Kansas to screen applications and, along with Mr. Garofano, be responsible for constructing an assessment center. The Mayor, the Chairman of the Public Safety Commission, and one other councilman will work with the screening group to recommend a reasonable number of applicants to undergo the assessment and final interviews, and make recommendation to the Council. A position profile similar to that for the City Administrator position will be furnished to councilmen for their suggestions.

Newsletter: Mayor Crippin stated a newsletter would be mailed the last week in October or first week in November.

Recreation Pay Plan: Referring to an agenda item for the Recreation Commission, Mayor Crippin requested that any such pay plan be coordinated with the City Administrator.

Polling Places: Mayor Crippin asked that lists of polling places be posted on bulletin boards around the City.
NEW BUSINESS

#502 Ordinance Relating to Regulation of Signs (First Reading):
Councilman Rinehart moved that the ordinance be passed on an emergency basis; seconded by Councilman Funk. Councilman Roberts said he really did not want any signs but realized that was an emotional reaction and not practical under the circumstances. He suggested that the three days when signs could be in place be reduced to two days, Saturday and Sunday, with the possible provision that if Friday or Monday is a public holiday some consideration be given to those days. Councilman Rinehart said she would rather not have any signs at all, felt the committee had done as good a job with the wording as possible under the circumstances, and would like to see something on the books immediately. Councilman Jacob said he was distressed at the number of signs displayed at the present time and favored doing something as quickly as possible; he thought the proposed ordinance met the requirements of reasonableness. It was discussed that the provisions in item D should be clarified, that "for sale" be hyphenated, and that the $50.00 fine applied to each day of violation. Chief Sellers commented that the longer the City went without an ordinance, the more difficult it would be to enforce a new ordinance. Councilman Funk commented that if citizens did not take action on their deed restrictions they should at least have the responsibility to report a sign that was in violation. There was discussion that the execution of a sale contract constituted a sale. It was also discussed that the "sold" sign could only be in place on the days when "for sale" signs were permitted. Mayor Crippin suggested adding a paragraph defining display period.

Councilman Rinehart withdrew her motion to pass the ordinance on an emergency basis and Councilman Funk agreed to withdraw her second. Councilman Rinehart then moved to place the ordinance on first reading with a rewording of the ordinance to take place to clarify the sentences in item D pertaining to when a sold sign may be placed upon the real estate for-sale sign and also to determine whether or not an item (4), Display Period, should be defined; seconded by Councilman Funk. Councilman Funk emphasized that revisions should be for clarification. It was understood that typographical errors would be corrected. The ordinance was placed on first reading.

#542 State Line Airport: City Architect Sanders reported several of the hangar buildings had been removed, leaving debris on the site; he had contacted the realtor who stated the debris would be removed immediately and that the airport was going to be closed down. The debris was still there. Since the conversation with the realtor, Mr. Sanders had talked with another individual who indicated he had a lease and intended to reopen the airport. There was discussion that some time ago the City had decided to phase out the airport because of the danger to the public. City Attorney Winn recalled the FAA had stated it did not have jurisdiction
over the owner at that time because it was a non-conforming use, but that would not apply to anyone else attempting to come in. Mr. Winn recommended that if anyone was serious about reopening the airport that the City get in touch with that authority and shut the operation down now.

Council Vacancy: Mayor Crippin announced there were two applicants for the Ward 1 council seat, Floyd McHenry and Dudley Dunlop. They will be interviewed shortly.

Thanks to Real Estate Sign Committee: Mayor Crippin expressed thanks to Councilman Funk, Herbert Heyde and Floyd McHenry for their work on the real estate sign committee.

At 10:15 p.m., on motion by Councilman Roberts, the meeting adjourned to Monday, October 20, 1980, 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, October 20, 1980, in Fire Station No. 2, 12701 Mission Road, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Funk, the agenda was approved as presented.

VISITORS

Joan M. Carter, Susan Hetherington, Mr. and Mrs. John Burgess, Dick Ink, Robert Lacy, Robert W. Monk, Mr. and Mrs. Ben B. Jordan. Member of the Press: Mark Whitehurst.

APPROVAL OF MINUTES

On motion by Councilman Roberts, seconded by Councilman Rinehart, the minutes of the meeting of October 6, 1980, were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted, discussed, and approved on motion by Councilman Rinehart, seconded by Councilman Funk.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance:

Discussion of Insurance Coverage: Councilman Carper reported the Insurance Committee had met with the City Administrator and representatives of Marsh & McLennan to discuss insurance coverages for 1981. Marsh & McLennan had recommended, and the Insurance Committee concurred, that the City should have ambulance attendants errors and omissions coverage. It was now in effect at an annual premium of $1,125.00; Marsh & McLennan also recommended increasing liability insurance by adding umbrella coverage. He stated there was now a Tort Liability Act which theoretically limited the City's exposure to $500,000; however, that law had never been tested in court, there was no limit applied to automobile liability, and there were exemptions from the Act. Marsh & McLennan felt there was sufficient exposure.
that the City should seriously consider umbrella coverage. The premium would be $3,350.00 to add $1,000,000 umbrella coverage over all the other policies except police liability; umbrella coverage for police liability would be an additional annual premium of $3,000.00. Mr. Garofano stated expenditures for insurance premiums now exceeded the amount budgeted for 1980. The consultants had suggested that the umbrella coverage be included in the 1981 insurance program since they anticipated that total premiums for 1981 insurance would be lower than they were for 1980, so the whole package may come in for the amount budgeted for 1981. The question before the Council was whether to put the umbrella coverage into effect now or make it part of the 1981 program.

City Attorney Winn commented that the tort liability legislation opened up avenues for suits against the City that were not previously available, but hopefully the $500,000 limit would stand up. He felt the attempt to impose limits was a weakness in the legislation. Councilman Carper said because of the magnitude of the dollars, the Insurance Committee felt the additional liability coverage should be discussed by the Council before it made any recommendation. Mr. Garofano recommended that umbrella coverage be marketed in the 1981 insurance program, although the City had the exposure right now; if the coverage were obtained for 1980, the expenditure would have to come from a contingency account. Deductibles on existing policies had been checked. Councilman Carper moved that umbrella coverage be included in the City's insurance package for 1981; seconded by Councilman Hess. Motion carried.

Ordinance Amending ZONING CODE, CITY OF LEAWOOD, REVISED EDITION, APRIL 17, 1978 (Second Reading) and Ordinance Amending SUBDIVISION REGULATIONS, CITY OF LEAWOOD, JANUARY, 1978 (Second Reading): Mr. Sanders explained present regulations required that requests for zoning be submitted at least 20 days before the hearing date, and that requests for preliminary platting be submitted at least 15 days before the hearing. He said in other municipalities that worked satisfactorily either because they did not have the volume or they had more than one meeting per month. He said in Leawood trying to synchronize the zoning and platting process was difficult, and the difference in number of days for submission of zoning and platting was confusing to the public. He said the attempt was to coordinate the two, having the submission 30 days before the hearing date so notice of public hearing could be published 20 days before the hearing date on zoning. He saw it as a clarification for an applicant. Mayor Crippin did not feel 30 days was necessary for filing a plat. He said every other city did it in 20 days. Mr. Garofano said the main problem was in the staff's ability to process it with the part-time status of the City Architect. At the request of Mayor Crippin, consideration of the two proposed ordinances was delayed to the next meeting. He commented that additional interest costs to developers
because of the delay could stymie development in the City.

Ordinance No. 680 - Establishing Fees for Plan Commission and Board of Zoning Appeals Activities (Second Reading): Councilman Rinehart moved that the ordinance be placed on second reading. Ordinance No. 680 was adopted unanimously.

Public Works:

Ordinance Accepting Right-of-Way Grant for Street Purposes from Kroh Brothers Development Company - 89th and State Line (First Reading): Councilman Jacob stated this involved right-of-way at the northwest corner whereas the southwest corner was involved in the ordinance which passed second reading at the last meeting. Councilman Jacob moved that the ordinance be placed on first reading.

Authorization to Sell Traffic Signal to Kansas City, Missouri: Councilman Jacob reviewed that a verbal offer to purchase traffic signal equipment at 89th and State Line for $6,000 had been received from Kansas City, Missouri, but a written offer to purchase had indicated the amount of $5,000. A salvage estimate on the equipment was in the amount of $4,500. Mr. Bieszczat requested authorization to sell the equipment at a price no less than $5,000, and he would investigate the discrepancy in price. He felt $5,000 was equitable since the City had no use for it and no place to store it. There being no objection, Mr. Bieszczat was granted authorization to negotiate sale of the traffic signal for a minimum of $5,000.

Recreation:

Discussion of Vest Pocket Park - 91st and Lee Boulevard: Councilman Rinehart stated the options were to cede the land to the adjacent homeowners by their acceptance or to vacate the property, or it could be developed as a park with construction of an access bridge at a cost of approximately $5,000. She felt some work should be done to fill in a drainage ditch if it were to be developed into a park. Councilman Rinehart was called to the telephone so the matter was delayed on the agenda.

MAYOR'S REPORT

Council Vacancy, Ward 1: Mayor Crippin reviewed that a deadline of October 1st had been established for receiving applications for the Ward 1 council seat; however, several had requested that the deadline be extended and that notice of the vacancy be placed in the Leawood newsletter. There being no objection, Mayor Crippin said the deadline would be extended and there would be an announcement in the newsletter, and the first or second meeting in December would be the date for appointment.

Planning Seminar: Mr. Sanders explained details of a Johnson County Community Development Department seminar
on Thursday, October 23, at Johnson County Community College concerning the role of the plan commission and other public officials, followed by a session on the fiscal impact of planning for city administrators, etc. on October 24.

Traffic on 103rd Street: Mayor Crippin said he had received several telephone calls and letters concerning trucks, etc. on 103rd Street east of Lee Boulevard, yet he received more complaints about traffic tickets there than on any other street.

Police Department Interim Organization: Captain Cox stated since Captain Sharp was not able to assume full duties including call out, Sergeant Ron Anderson had stepped into that position, alternating weeks with Captain Cox as first responding on call duty officer to supervise serious incidents.

Alcoholism Planning Council: Mayor Crippin stated a new representative to the Alcoholism Planning Council would be appointed to fill the vacancy left by Chief Sellers.

Comprehensive Plan: Mayor Crippin stated there would be a meeting of the Council with Dick Kellenberg on the comprehensive plan on Monday, October 27, at 7:00 p.m. at Fire Station No. 2. The Plan Commission will also be invited.

Recreation:

Discussion of Vest Pocket Park - 91st and Lee Boulevard (continued): Councilman Funk said maintenance seemed very expensive for an essentially inaccessible public park. Councilman Rinehart suggested that if the City decided to divest itself of the property, that the owners form an association for common maintenance. Ben Jordan said he did not want it to be a developed park because that would ruin it for use of the neighborhood children. Mayor Crippin said he thought it was evident the property owners wanted it to remain as a park, and pointed out that there was no park in the City not reserved for organized activity. Councilman Hodes was in favor of giving it to the people and letting them maintain it. Councilmen Roberts and Funk agreed. Councilman Rinehart moved that the City divest itself of the property between 91st and 92nd Street, commonly called "The Valley"; seconded by Councilman Carper. Motion carried. City Attorney Winn suggested before engineering work was done on dividing up the property, that the surrounding property owners be contacted to see if there was the possibility of forming a park association. Margaret Jordan said she would be glad to work with the City on getting the property owners together. There will be a report back to the Council the first meeting in January.

Resolution No. 551 - Authorizing Signing of Joint Use Agreement (Right-of-Way Along I-435) for Landscaping Park: Councilman Rinehart stated an agreement had been received
for planting of trees on the right-of-way outside the fence to screen the park from I-435 from Lee Boulevard east to the eastern edge of the property. Councilman Rinehart said the money designated for the trees had been used for other things; hopefully the trees could be donated or the City could provide them in the future. Councilman Rinehart moved that the resolution be adopted authorizing the Mayor and City Clerk to execute the joint use agreement for landscaping a portion of the right-of-way adjacent to the city park; seconded by Councilman Hess. Resolution No. 551 was adopted, Councilman Hodes opposed. A copy is attached hereto as part of the record.

CITY ADMINISTRATOR'S REPORT

#792 Grant for Greenway Application: Mr. Garofano reported the application was expected to be considered by the State sometime in November or December; if approved, it would then be forwarded to the Federal government for action.

#793 Remodeling of City Hall: Mr. Garofano stated the work was on schedule with work on the Police and Court Building to be completed by the end of the week. The architects are still working on an estimate for the vestibule.

#796 Retirement Program: Mr. Garofano stated the City was currently under the KPERS program, there had been discussion for a number of years of whether or not to try to come under the Kansas Fire and Police program. He had met with Eldon Slife and John Snyder for professional advice. He said it appeared there was no way the City could divest itself of the KPERS program but there were options which could be added on to that program. Hopefully some of the ideas of the consultants could be discussed as soon as the pay plan was completed. He said a main concern was the initial cost. Councilman Hodes suggested that the City get some proposals on the retirement plan prior to implementing the pay plan.

#802 State Line Airport: Mr. Garofano reported that FAA had indicated that the airport had authorization to operate on a month to month basis only for the private use of the owner of the land or his designated representative. Mr. Garofano indicated to FAA the City's concern about the dangerous condition that existed. FAA said they would distribute a circular to all municipalities and others interested in commenting upon the condition of the airport. The FAA indicated it had very little authority over private airports. As to the trash at the airport, the owners had not been very cooperative; finally a letter had been sent giving them ten days to clean it up or the City would have it cleaned up and charge them for it.

#823 Street Crack Sealing Program: Mr. Bieszczat said the annual crack sealing program was in progress in northern Leawood. He felt it was a worthwhile project but was not certain there would be enough funds to do all that was needed.
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Councilman Carper suggested that if it would prevent resurfacing next summer perhaps the Council should consider finding other funds to complete the work. Mr. Bieszczat commented that it had been an extremely bad summer on streets because it had been so dry causing large settlement cracks in streets. He said the City did not have the manpower, the equipment or the time to do all the streets prior to winter. A priority list had been prepared.

NEW BUSINESS

Ordinance No. 681 - Relating to Regulation of Signs (Second Reading): Councilman Hodes moved that the ordinance be placed on second reading; seconded by Councilman Funk. Mayor Crippin said the ordinance provisions with reference to "sold" signs and display period had been clarified. Councilman Roberts said he still thought the ordinance was too liberal by permitting real estate signs to be up essentially half of the week—he would like to see Friday taken out. Councilman Funk explained the Committee felt it was more reasonable to add Friday, and Friday was a day when people coming from out of town would be looking at homes. The ordinance was discussed. Councilman Hodes said he would like to see the display period restricted to Saturday and Sunday. There was discussion that the offense could be to the realtor, the realty company, or the homeowner. Councilman Rinehart said she was in favor of the ordinance but was also in favor of the homes associations enforcing the deed restrictions on signs.

Robert W. Monk said he had had dozens of calls from people who own homes in Leawood who were interested in keeping signs out of the City. He resented real estate people coming into Leawood and telling Leawood how to operate. He urged the Council not to give in. He asked for a list of the residents of the City and was referred to the Election Commissioner's office.

Councilman Funk emphasized that the ordinance dealt with real estate signs, all the other signs had to have a permit from the City Administrator; if anyone was desirous of absolutely cutting out signs in Leawood then they should go back to the deed restrictions.

Councilman Hodes moved that Section D of the ordinance be amended to read, "Temporary real estate signs shall be permitted on the lot of a residence for sale from Saturday at 8:00 a.m. through 9:00 p.m. on the following Sunday; seconded by Councilman Roberts. Mr. Gerofano pointed out that the definition of "display period" would also have to be revised. Mayor Crippin commented that by the next meeting of the homes association council, the City staff and City Attorney would have determined exactly how the City could help the homes associations enforce deed restrictions. The motion to amend carried, Councilman Funk opposed. Ordinance No. 681 as amended was adopted, Councilman Funk opposed. The ordinance would become effective at 8:00 a.m. on November 10.
October 20, 1980

Resolution No. 552 - Expressing Support for and Urging Citizens to Support Johnson County Consumers for Lower Electric Rates: Joan Carter and Susan Hetherington appeared on behalf of Johnson County Consumers for Lower Electric Rates urging adoption of the resolution. They distributed an addition to the resolution to clarify it. Mrs. Carter outlined their efforts to determine why Kansas residents served by Kansas City Power & Light Company pay a higher per kilowatt rate than Missouri customers of the same utility company and why that company was the highest major electric utility company in the state. The consumers group had requested a cost study for electric utility operations to determine whether there was a way to provide residents of the county with lower electric rates. The Council of Mayors had adopted a resolution similar to the one presented to the Leawood Council, and had passed a motion to investigate the possibility of formal inter-vention by the cities affected at the next rate hearing. Mrs. Carter said their aims were (1) to see that consumers of the county were supplied with clear, understandable answers to the questions they were rightfully asking about their rate differences and the present increase, (2) to be certain residents of this county were paying their fair share and only their fair share for electricity, and (3) to have all public hearings pertaining to the next Kansas City Power & Light Company rate request concerning customers in Kansas moved to Johnson County.

Mayor Crippin said he objected to the Kansas Corporation Commission's attempt to blame the cities for the increase in electric rates because of taxes imposed upon utilities when the taxes were minimal and were paid back to the utility companies for traffic lights and street lights. He suggested some clarification on the aims, goals and objectives and that the resolution be limited strictly to lower electric rates. Mayor Crippin also questioned asking the Johnson County Commissioners to conduct a cost study of alternate means of supplying power to the County, saying such an engineering study would cost a few hundred thousand dollars.

Councilman Hess moved that the resolution be adopted with the fourth paragraph to read:

"NOW, THEREFORE, BE IT RESOLVED that the Governing Body pledges its support for the aims, goals and objectives of the Johnson County Consumers for Lower Electric Rates (to convince the Kansas Corporation Commission that electric rates should be lowered in Johnson County) and urges all citizens and governmental agencies to support this organization in its very worthwhile effort; and"

Motion was seconded by Councilman Roberts. Resolution No. 552 was adopted, Councilmen Rinehart and Funk abstaining. A copy of the resolution is attached hereto as part of the record.
APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 412 in the amount of $283,210.01, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and approved on motion by Councilman Hodes, seconded by Councilman Carper. Councilman Hodes questioned paying $86.00 for memo pads, saying he was concerned about people in the city ordering things that may or may not be necessary; he noted an item to Century Labs for $497.00 and commented that for six years he had indicated that things were constantly bought right under the $500.00 department head authorization. Councilman Hodes also questioned the propriety of spending taxpayers' money to buy baseball shirts for any department within the city; he noted there were two checks to George Sneed for identical amounts and asked that it be checked, as well as whether an invoice for shirts and guard suits for the Recreation Department had been paid earlier in the year. There was discussion as to what happens after members of the Council make comments concerning items on the appropriation ordinance. Mayor Crippin said the staff should be mindful of the comments that are made so that those things do not happen again. Councilman Roberts suggested that the areas of concern be noted by the respective department heads and reported back at the next Council meeting. Councilman Carper said there was no excuse for buying common items at random (including food products, paper products, hardware, etc.). Mr. Garofano noted a decrease in the number of small checks.

At 10:39 p.m., Mayor Crippin stated the Council would go into executive session for no longer than twenty minutes to discuss personnel matters.

The Council returned to regular session at approximately 11:00 p.m.

The meeting was adjourned to Monday, November 3, 1980, 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 3, 1980, in Fire Station No. 2, 12701 Mission Road, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, Treasurer Herring, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter. City Attorney Winn arrived at 7:50 p.m.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Funk, the agenda was approved as written.

VISITORS

Karen Dykstra, J. N. Scott, Eric Morris, Mark Pratt, Jim Chapman, Kevin Finley, Mike Scott, Dan Jacob, Joe Stein, Dick Ink, Meyer Brown, Gordon Myerson, Edwin A. Koziol, Allen Mobley.

APPROVAL OF MINUTES

On motion by Councilman Roberts, seconded by Councilman Hess, the minutes of the meeting of October 20, 1980, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Plan Commission:

Ordinance No. 682 - Amending ZONING CODE, CITY OF LEAWOOD, REVISED EDITION OF APRIL 17, 1978 (Second Reading): City Architect Sanders explained that this ordinance and the next one on the agenda pertained to the timing for an applicant to submit his proposal to the City; the proposed ordinance would require submission thirty days in advance of a hearing for both zoning and preliminary platting. Mayor Crippin stated his questions raised at the last meeting had been answered. On motion by Councilman Rinehart, seconded by Councilman Hess, Ordinance No. 682 was adopted unanimously.

Ordinance No. 683 - Amending SUBDIVISION REGULATIONS OF CITY OF LEAWOOD (JANUARY, 1978) - (Second Reading): On motion by Councilman Rinehart, seconded by Councilman Hess, Ordinance No. 683 was adopted unanimously.
Public Works:

Ordinance No. 684 - Accepting Right-of-Way Grant for Street Purposes (89th and State Line) - (Second Reading): Councilman Jacob explained that the ordinance pertained to right-of-way at the northwest corner of 89th Street and State Line Road. On motion by Councilman Roberts, seconded by Councilman Rinehart, Ordinance No. 684 was adopted unanimously.

CITY ADMINISTRATOR'S REPORT

City Hall Remodeling: Mr. Garofano reported the move into the new city offices was scheduled for November 14th.

Sale of Traffic Signal Equipment: Mr. Garofano reported the total amount to be received from the City of Kansas City, Missouri, for the used traffic signal at 89th and State Line would be $6,500.00.

MAYOR’S REPORT

Deadline for Applications for Councilman, Ward 1: Mayor Crippin reported the newsletter which would be coming out shortly indicated that applications for the Ward 1 council seat should be received by November 21. Mayor Crippin hoped the new councilman could be appointed early in December. There was discussion that there may not be a quorum on December 1.

Report Regarding Police Chief Applications: Mr. Garofano reported approximately 25 applications had been received to date; advertisements had appeared in major newspapers throughout the Midwest; applications were to be submitted by November 14. Mayor Crippin stated Overland Park Police Chief Scafe, Sheriff Allenbrand, and Jim Graham, Director of Kansas City Crime Commission, would screen applications; the committee from the Council to work with those individuals would be Mayor Crippin, Public Safety Chairman Hodes, and Councilman Hess.

Proposed Presentation on Industrial Revenue Bonds: Mayor Crippin proposed a session for the Council on industrial revenue bonds, to be presented by Russ Brown of George K. Baum & Co., on Monday, November 24, in the Conference Room of the Police and Courts Building. Councilman Carper suggested that an additional person not in the bond business be involved in the presentation. The matter was discussed and it was decided that at this point one person would be sufficient for the presentation.

NEW BUSINESS

Report from Oxford Hills/Verona Gardens Storm Drainage Committee: Councilman Jacob reviewed that a committee consisting of Councilman Hess, Jerry Morrow, Ken Frashler and himself had been formed and met with residents concerning
the Oxford Hills/Verona Gardens storm drainage problem; the consensus had been that in order to get an accurate assessment of the problem and what it would take to rectify it, it would be wise to get an independent engineering study. Two engineering firms had been contacted--Kirkwood & Associates submitted a proposal in the amount of $5,000.00; Larkin & Associates' proposal in the amount of $2,000.00 was presented to the Council. Councilman Jacob stated the Committee and Tom Bieszczat felt the Larkin proposal was adequate and that the work it contemplated was what was needed in order to get an accurate assessment of the problem. He said the committee felt the study was needed, but because it was not known what rectifying the problem would entail and there were financial limitations, it was not suggesting that the Council commit itself to necessarily do the work. Councilman Jacob said funds were available in the Revenue Sharing Fund. Councilman Hess pointed out that the problem was probably going to get worse with further development and it encompassed a large area. Councilman Jacob assured Councilman Carper that Larkin & Associates had nothing to do with prior drainage work in the area involved. Mr. Bieszczat pointed out that it had been his understanding that the study should involve only the main channel at the rear of the homes; however, Meyer Brown was present and was concerned about drainage in front of his home also; the scope of the proposal would be increased somewhat to include that area also. Councilman Jacob was confident that Larkin & Associates could take into consideration the inlet in front of Mr. Brown's house. There was discussion that another independent engineer had accepted the original drainage plans for the area on behalf of the City. Mr. Bieszczat felt Larkin & Associates could include the entire drainage area in their proposal for a figure of approximately $2,500.00. The matter was discussed. Gordon Myerson said he hoped the City would get a full and complete report. Meyer Brown said he felt the problem in front of his home had to be contributing to the main channel in the rear. During discussion, Mr. Bieszczat said the study would not include construction drawings. Councilman Jacob moved that the Council approve the expenditure of a sum not to exceed $2,500.00 for the study of the storm drainage problem at 119th Street between Reinhardt and Aberdeen as set forth in the proposal of Larkin & Associates, including a study of the storm drainage inlet in front of Meyer Brown's house; seconded by Councilman Hess. Mayor Crippin emphasized that the contract would provide the City with an indication of the improvement which should be made as well as a description of the inadequacies of the existing drainage facilities. Motion carried.

Authorization to Purchase Motor Fuel Control System: City Administrator Garofano referred to a memorandum presented concerning a motor fuel control system accurate enough to provide proper accounting, since $67,000 was budgeted for motor fuel for 1981. He recommended a Keegard system whereby gasoline would be registered on individual meters and a running total provided each month as to the number of gallons
going into a particular vehicle. He was proposing a system that would have 30 meters on the unleaded pump and 20 meters on the regular pump; in addition, it was proposed to replace two gasoline pumps. The low bid for the system was in the amount of $4,879.52; an amount of $4,970.88 was available in the Federal Revenue Sharing Account which was originally intended for improvements at the public works garage but had been done by city staff at a savings. Mr. Garofano requested authorization to purchase the system plus the pumps from J-K Petroleum Equipment Company for $4,879.52. Following discussion, Councilman Carper moved that the Council approve the purchase from J-K Petroleum Equipment Company of a Keagard type motor fuel control system and pumps in the amount of $4,879.52, to be taken from Federal Revenue Sharing Account No. 8-00-5020; seconded by Councilman Hess. Motion carried.

Applications for Cereal Malt Beverage Licenses - Pumpernik's and Ranch Mart Barbeque - and Retail Liquor Occupation License - Ranch Mart Liquor: On motion by Councilman Roberts, seconded by Councilman Carper, the applications of Pumpernik's and Ranch Mart Barbeque for cereal malt beverage licenses and of Ranch Mart Liquor for retail liquor occupation license were approved.

Request for Extraordinary Sick Leave: City Administrator Garofano explained the request for extraordinary sick leave not to exceed three months for Paul Orrick, mechanic, who was injured lifting a transmission from a truck. A memorandum to the Council explained the situation. Mr. Garofano said Workmen's Compensation payments would be deducted so Mr. Orrick would be receiving no more than his full salary. During discussion, Mr. Bieszczat said safety standards had been reviewed with employees; he did not feel this injury was related to safety standards. Councilman Roberts moved that the request for extraordinary sick leave for Mr. Orrick be approved; seconded by Councilman Hess. Motion carried.

Executive Session Regarding Personnel Matters: On motion by Councilman Rinehart, seconded by Councilman Hess, the Council went into executive session at 8:40 p.m. to discuss personnel matters for approximately forty-five minutes.

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

The meeting was adjourned to Monday, November 17, 1980, 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, November 17, 1980, in Fire Station No. 2, 12701 Mission Road, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Hess, Jacob, Rinehart, Carper, Hodes. Councilman Funk entered the meeting at 8:23 p.m.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, Tom Bieszczat, Fred Krebs, the City Clerk, and the Council Reporter. City Attorney Winn arrived at 7:50 p.m.

APPROVAL OF AGENDA

On motion by Councilman Carper, seconded by Councilman Rinehart, the agenda was approved as presented.

VISITORS

John Round, Mike Katzman, Betty O'Brien, Fred Desy, Gary McKillip, Mary Textor. Member of the Press: Mark Whitehurst.

APPROVAL OF MINUTES

On motion by Councilman Rinehart, seconded by Councilman Hess, the minutes of the meeting of November 3, 1980, were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Hodes, seconded by Councilman Rinehart. Mayor Crippin requested information concerning discussions in the Planning and Development Department regarding shopping centers. The status of the property at 10346 State Line was discussed. Councilman Carper said he hoped the owners knew that if a building in the flood plain remained vacant for more than six months it was basically rendered useless.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance:

Proposal for 1980 Audit: Councilman Carper reported an Audit Committee consisting of City Administrator Garofano, Treasurer Herring and himself had met to review proposals for the 1980 audit; bids were solicited from eight firms, three chose not to bid, five bids were received. The Audit Committee recommended that the firm of Alexander Grant & Company be selected as the City's auditors for
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1980 at a cost of $4,800. Councilman Carper said it had been made clear to that firm that the amount of assistance provided to them would be minimal. A letter from John A. Parrish of Alexander Grant & Company outlining the proposal was presented to councilmen. Councilman Carper moved that the Council approve Alexander Grant & Company as the City's auditors for the year ending December 31, 1980; seconded by Councilman Roberts. Councilman Hodes was concerned about the range of the bids. Councilman Carper felt the higher bids included a reasonable profit to the bidders, the lower bids were from firms wanting to extend their practice and willing to take a loss in order to gain a market. Councilman Carper pointed out that $3,000 had been budgeted for a review of the system to insure that it was functioning properly. Motion carried.

Public Safety:

Crimestoppers Program: Captain John Round of the Overland Park Police Department, who had attended a seminar on the Crimestoppers program, was present to seek Leawood's support in cooperating with Overland Park in implementing such a program. Overland Park had agreed to provide a police officer. Captain Round explained the Crimestoppers program, essentially a long-term and ongoing secret witness program, the funding being generated by community support, members of the community being selected and asked to raise funds to be used to pay for information from sources outside the police department. He said the Johnson County Police Chiefs Association had voted to support the program. He explained the function of the police officer working with the program was to provide staff support for the Board of Directors who were volunteers from the community. He said the program was publicized by means of the "Crime of the Week," a video tape reenactment of the crime shown on television. The three major networks had all agreed to televise the Crime of the Week. Councilman Hodes moved that the Council approve the Crimestoppers program and adopt an appropriate resolution at the next Council meeting endorsing the program; seconded by Councilman Carper. Motion carried.

CITY ADMINISTRATOR'S REPORT

City Hall Remodeling: Mr. Garofano reported employees had moved into their new offices and work should begin on the City Hall building within the next week. Mayor Crippin commented that the new arrangement was much more efficient.

Police Chief Applications: Mr. Garofano reported 46 applications had been received; the selection process should be completed in early January.

Status of State Line Airport: The owner had stated he was terminating the lease with the present tenant; operations should cease by the end of December.
Mayor's Report

November 17, 1980

#393 Johnson County Council of Mayors Annual Dinner: Mayor Crippin asked that councilmen and spouses and department heads get reservations in as soon as possible.

Next Council Meeting: Mayor Crippin stated several councilmen would be out of the City on the first Monday in December. Even though there may not be a quorum, he asked that the Council meeting be convened to at least hear any statements that might be made by the public.

Report on Study of Possibility of Extending Maintenance Bond Requirement for Streets and Other Subdivision Improvements to Two Years: Mayor Crippin asked that a report be made at the second council meeting in December.

#406 Presentation on Industrial Revenue Bonds: Mayor Crippin reminded the Council of the presentation to be made on November 24 at 7:30 p.m., in the Lower Conference Room of the Police and Court Building. A publication including the state statutes and regulations associated with industrial revenue bonds was distributed to councilmen.

#409 Committee to Study City's Role in Assisting Homes Associations in Enforcing Deed Restrictions: Councilman Funk was appointed chairman of the committee consisting of Councilmen Jacob and Carper and three representatives of the Homes Association Council (to be appointed on December 11).

New Business

#419 Request for Alcohol Tax Funds: Mr. Garofano reviewed that a request was originally made by Blue Valley School District in July for funds from the City's share of the alcohol tax, but at that time the City had allocated all funds it had received to the Shawnee Mission alcohol education program and Johnson County Mental Health Center. Another payment of $964.00 had now been received which could be allocated. Mr. Garofano said the Blue Valley School District planned to use video tapes and films to assist classroom teachers in alcohol education efforts. Their total request was for $1,180.00. Councilman Carper moved that the Council grant funds to the Blue Valley School District to the extent of $964.00; seconded by Councilman Hodes. In answer to inquiry by Councilman Hodes, Councilman Hess said she believed anyone from the community could use the material on school premises. Motion carried. Councilman Rinehart announced that there would be a program at Brookwood School at 7:30 p.m. on November 18 funded by the monies allocated by the City to the Shawnee Mission alcohol education program.

#444 Addition to the Agenda: Mayor Crippin stated an application for cereal malt beverage license had been received but contained some deficiencies. City Attorney Winn stated ownership of the store at 7960 Lee Boulevard changed over the weekend; since there would not be a quorum for the December 1
meeting of the Council, a month would elapse before cereal malt beverage sales could be made at the store. The problems with the application were that the articles of incorporation apparently had not been filed with the Register of Deeds and a complete list of corporate directors, officers and managers had not been received. Councilman Hodes moved that the application of Atchity's Finer Foods, Inc. for cereal malt beverage license be added to the agenda; seconded by Councilman Carper. Motion carried.

Application for Cereal Malt Beverage License - Atchity's Finer Foods, Inc.: Councilman Carper moved for approval of the application subject to the items in the application being corrected by 4:30 p.m. on November 18, 1980; seconded by Councilman Hodes. Motion carried, Councilman Roberts opposed.

Discussion with Recreation Commission: Councilman Rinehart introduced Recreation Commission Members Fred Deay, Gary McKillip and Mary Textor. Mr. Garofano explained material presented on the recreation budgets for 1980 and 1981. He said 1980 recreation revenue was budgeted at $146,368.00, actual revenue was $131,322.00, a shortfall of $15,046.00, fees and concessions being the areas in which the shortfalls were the greatest. Expenditures for 1980 were estimated to be about $1,000.00 less than budgeted, so there was a projected year end deficit of $12,660.00. One option would be to charge tennis court resurfacing ($14,933.00) to either the Contingency Account in the General Fund or the Reserve Fund with a current balance of $91,209.00. Mr. Garofano stated it appeared at this time that receipts in the general fund would exceed the amount budgeted, but that would not be known definitely until the middle of December. Mr. Krebs added that projections of tennis fees for 1981 were conservative and there was a concessions inventory of approximately $2,000.00 on hand.

Mr. Garofano reviewed revised projected revenues in the recreation fund for 1981 totalling $139,792.00, compared with the original amount budgeted of $156,250.00; expenditures were budgeted at $156,250.00, now revised to $138,320.00. Reductions proposed in salaries, supplies, capital outlay and programs totalled $17,930.00. Councilman Hodes pointed out that a $6,000.00 reduction in park patrol wages would be thrown into Public Safety. There was discussion that any change in policy as to who would fund what should probably be done next April, at that time the Recreation Commission should come to the Council with recommendations. The Council assured the Recreation Commission that it was not holding the Commission responsible.
November 17, 1980

for the fact that not enough revenue was generated. There was consensus that the matter of which account would absorb the deficit should remain flexible and somewhat at the discretion of Mr. Garofano, working with the Recreation Commission. Mayor Crippin thanked members of the Recreation Commission for coming to the Council meeting.

APPROVAL OF APPROPRIATION ORDINANCE

#550 Appropriation Ordinance No. 413, in the amount of $225,463.07, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and approved on motion by Councilman Carper, seconded by Councilman Roberts.

#562 Executive Session to Discuss Classification and Pay Plan Study: Councilman Carper moved that after a five-minute recess, the Council go into executive session for not to exceed one hour to discuss the classification and pay plan study; seconded by Councilman Hess. Motion carried.

Councilman Rinehart commended Mark Whitehurst for his newspaper articles.

#565 The Council went into executive session at 9:10 p.m., and returned to regular session at approximately 10:30 p.m.

The meeting was adjourned to Monday, December 1, 1980, 7:30 p.m.

/Kirk
Mayor

/June Lile
Council Reporter

/Attorney
City Clerk

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December 1, 1980

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., Monday, December 1, 1980, at Fire Station No. 2, 12701 Mission Road.

Mayor Kent Crippin presided. The City Administrator was also present.

The Mayor announced the meeting could not be held, no quorum being present.

He adjourned to Monday, December 15, 1980, 7:30 P.M., this being the earliest date on which a quorum of the Council could be obtained.

Kent E. Crippin, Mayor

J. Oberlander, 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 15, 1980, in Fire Station No. 2, 12701 Mission Road, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, City Attorney Winn, Treasurer Herring, Tom Bieszczat, Bob Sanders, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

Mayor Crippin suggested that the order of the agenda be changed to move the Appointment to Fill Council Vacancy to the last item under New Business. On motion by Councilman Carper, seconded by Councilman Hess, the agenda was approved with that amendment.

VISITORS

Bob and Mary Lacy, Joe Scott, Gretchen Gill, J. Calvin Spradley, W. L. Fohey, Gary Corser. Member of the Press: Mark Whitehurst.

APPROVAL OF MINUTES

On motion by Councilman Roberts, seconded by Councilman Rinehart, the minutes of the meeting of November 17, 1980, were approved as submitted. On motion by Councilman Rinehart, duly seconded, the minutes of the meeting of December 1, 1980, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Plan Commission:

Recommendation for Rezonings - Patrician Woods: Plan Commission Chairman Spradley stated the Patrician Woods proposal was the most significant the City of Leawood had encountered from the standpoint of number of acres to be developed; no items of controversy developed at the public hearing; the development was considered to be well placed and well planned. Items of concern were sight lines at the entrance to the development on Roe, storm water drainage from several hundred acres coming onto the property at the southeast corner, access for emergency vehicles, length of streets in the RP-4 area, payment for improvement of streets, and phasing. Mr. Spradley said the Plan Commission was concerned for the success of the ambitious development
because of the state of the real estate market, but the proponents seemed to be sure of the market for RP-1 and RP-4, as well as R-1 homes. He said the greenway could be accommodated. Mr. Bieszczat stated at the present time, the responsibility for development of 127th Street was on the adjoining developer; however, the staff was studying and preparing recommendations as to possible alternatives for improvement of streets prior to adoption of final plat. Mr. Spradley said the Plan Commission did not feel a definite resolution of the matter should be a restraint on the development process at this time. It would be resolved prior to any recommendation for approval of final platting adjacent to 127th Street. Mayor Crippin pointed out that nothing would take place on the RP-1 and RP-4 areas without going back to the Plan Commission. There was discussion that a large area of RP-4 north of 127th Street had been tabled by the Plan Commission. Mr. Sanders explained the Plan Commission recommended rezoning from Agricultural to R-1 and approval of preliminary plat for 42 acres, rezoning from Agricultural to RP-1, Planned Single Family, of approximately 71 acres south of 127th Street, and rezoning to RP-4 of 9 acres abutting Roe.

A map had been distributed showing the proposed development and that of Longwood Gardens to the north and east. Mr. Sanders said at the suggestion of the staff the developer had drawn a profile and sketches for a public street connecting Roe to an internal street at the southern portion of the RP-1 area; it would require substantial fill and a large culvert; the matter had been left that if the street were feasible it might be built. Councilman Hodes expressed concern for the financial participation of other property owners in the area in the development of 127th Street.

Mr. Sanders explained there would be a recreational area within the R-1 subdivision, within the RP-1 area, and another within the RP-4, each of which would be controlled by a homes association, with a blanket homes association for all of Patrician Woods. He pointed out that the units per acre on the proposed RP-1 and RP-4 were far less than the R-1. There was discussion concerning the private streets in the RP-1 area, including that they would have to be constructed to minimum city standards. Mayor Crippin read from the regulations the list of uses permitted with action of the Council in RP-1 and RP-4. Gary Corser said the concept on patio homes was to provide the same type of living as in a single family subdivision in Leawood but on a smaller lot so they had less area in their own yard to take care of, extra space being provided in the common open spaces.

Ordinance Rezoning Property at Northeast Corner of 127th and Roe to R-1, Single Family Residential (First Reading): On motion by Councilman Rinehart, the ordinance rezoning property at the northeast corner of 127th and Roe to R-1, Single Family Residential District, was placed on first reading.
Ordinance Rezoning Nine-Acre Tract Between Nall and Roe, South of 127th Street, to RP-4, Planned Cluster Residential District (First Reading): On motion by Councilman Hodes, the ordinance rezoning a nine-acre tract abutting Roe Avenue south of 127th Street, to RP-4, Planned Cluster Residential District, was placed on first reading.

Ordinance Rezoning Tract Between Nall and Roe, South of 127th Street, to RP-1, Planned Single Family Residential District (First Reading): On motion by Councilman Hodes, the ordinance rezoning the tract between Nall and Roe, south of 127th Street, to RP-1, Planned Single Family Residential District, was placed on first reading.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilmen Rinehart, seconded by Councilman Hess.

COMMITTEE AND COMMISSION REPORTS (continued)

Plan Commission:

Resolution No. 553 - Recommending Approval of Replats and Acceptance of Private Streets as Public Streets - Leawood South: Mr. Sanders explained the streets were Condolea Terrace, Condolea Circle, Condolea Drive, Cambridge Court, Cambridge Circle, and Cambridge Terrace. Mr. Bleszczat stated these streets all met the criteria established by Council Resolution No. 515. Joe Scott, representing the Leawood South Townhouse Association, stated the Association would continue to contract for snow removal on the streets within that Association, and the sidewalk and driveway for each residence in snows over three inches. Following discussion, Councilman Roberts moved that the resolution approving the replat of streets in the Leawood South Townhouse Association and the Cambridge Townhouse Association areas and accepting the dedication of the private streets as public streets be adopted; seconded by Councilman Hess. Resolution No. 553 was adopted. A copy is attached hereto as part of the record.

Public Safety:

Approval for Purchase of 1981 Police Cars: Councilman Hodes reported that specifications for 1981 police cars had been made broad enough to encourage bids by a number of different manufacturers. The low bid, and really the only one that met the specifications, was for a Chevrolet Malibu police special vehicle for a total cost to the City of $30,006.28 with trade-in of three vehicles. Councilman Hodes moved that the Council accept the bid of Van Chevrolet in the amount of $30,006.28 for four police cars; seconded by Councilman Roberts. Councilman Carper requested in the future the names of dealerships given the opportunity to bid be listed on the distribution to the Council. Motion carried.
Approval for Purchase of Fire Hose and Masks: Councilman Hodes reported the Public Safety Commission had determined the need for 1,200 feet of 2½ inch hose which would amount to $1,944.00 at the low bid price, and 1,000 feet of 1½ inch hose at $1,070.00, making a total of $3,014.00. Councilman Hodes moved that the Council accept the bid of Hutchison-Afterup Fire & Safety in the amount of $3,014.00 for fire hose; seconded by Councilman Rinehart. Motion carried. Councilman Hodes reported there was concern that present masks were inadequate with the increased number of office buildings in the City; it was planned to replace them over a period of time. Councilman Hodes moved for approval of purchase of two 60-minute duration pressure-demand breathing masks from Safety, Incorporated, in the amount of $2,280.00; seconded by Councilman Carper. Motion carried.

Resolution No. 554 - Endorsing Participation in "Crimestoppers" Program: Mayor Crippin reviewed that participation in the "Crimestoppers" program had been approved pending preparation of the resolution; upon presentation of the resolution form, Resolution No. 554 was approved. A copy is attached hereto as part of the record.

Public Works:

1981 Uniform Rental: Councilman Jacob reported that uniforms were presently being provided for Public Works employees. To avoid the problem in the past of employees not having clean uniforms each day because of laundry time, the budget included 11 uniforms per employee at a total of $8,975.00. Mr. Bieszczat stated this was also an attempt to upgrade the appearance of the employees. Councilman Jacob moved that the Council accept the bid of Uniforms in an amount not to exceed $8,975.00; seconded by Councilman Hess. Councilman Roberts wondered why the matter had not come before the Public Works Commission; Mr. Garofano stated the amount exceeded the department limit for authorization. Motion carried, Councilman Roberts opposed.

Request for Purchase of Snow Plow: Councilman Jacob stated the request was for purchase of a snow plow for the department's 3/4-ton truck which would be ideal for plowing cul de sacs, from 1980 Federal Revenue Sharing funds, Account No. 8-00-50. He moved for approval of the expenditure of $2,500.00 for purchase of a snow plow; seconded by Councilman Hess. Motion carried, Councilman Roberts opposed.

CITY ADMINISTRATOR'S REPORT

City Hall Renovation: Mr. Garofano reported the estimated completion date was now the end of January.

Sewer Renovation Project: Mr. Garofano reported revised plans for the Dyke's Branch Sewer Renovation Project had been submitted to the State.
Selection of Police Chief: Mr. Garofano reported the screening committee had narrowed applicants down to approximately five finalists and would meet shortly with the Council Selection Committee.

MAYOR'S REPORT

Mayor Crippin reported the Council Police Chief Selection Committee would meet within the week to go over applications recommended by the screening committee.

NEW BUSINESS

The order of the agenda was adjusted because Councilman Hodes had to make a telephone call.

Authorization for Expenditures to Complete Building Renovation: Mr. Garofano referred to a memorandum distributed concerning items which needed to be addressed concerning the renovation, including a vestibule to be constructed in front of the existing City Hall building to provide a buffer, partitions in Director of Public Works office and City Architect's office, public address system for the new council chambers and court room, exterior sign to direct the public to city offices, furnishings, and interior painting, totalling $20,023.00. He reported $1,481.00 currently in the general fund of the original $78,500.00 budgeted for the project, plus an additional $2,500.00 in Federal Revenue Sharing budgeted for furnishings, or a balance of $3,981.00. He reported that some structural problems involving a bearing wall had been encountered in the City Hall building which would necessitate a change order of about $800.00. Mr. Garofano proposed appropriation of $17,525.00 from the contingency account to cover the items listed in the memorandum, adding that some $75,000.00 in additional revenue had been received over the amount budgeted for 1980, so anticipated carryover would not be reduced. During discussion, some reservations were expressed about the semi-partition for the administrative assistant's office. It was noted that there was no penalty clause for delayed completion in the contract. The City Attorney will investigate the possibility of providing a per diem penalty as a consideration for the extension of the contract. Councilman Roberts thought the contractor or architect should be responsible for the additional expense in connection with the weight-bearing wall. Councilman Hess suggested that the City make sure the prices on furnishings were as low as were available by checking with more dealers. Councilman Rinehart moved that the Council approve the recommendations by Mr. Garofano on the building renovation with two exceptions: (1) to see if the $800.00 in connection with the bearing wall should fall back on someone else, and (2) to suggest that Mr. Garofano try to find a couple of other bids on the furnishings; seconded by Councilman Carper. Motion carried.
Ordinance Changing Boundaries of Wards 2 and 4 (First Reading): Mayor Crippin stated it appeared there had been some difficulty in the past with persons having the opportunity to vote for representatives to the Shawnee Mission School Board and Advisory Board in their attendance area. Gretchen Gill and several of her neighbors had asked that an ordinance be prepared to alter the boundary between Wards 2 and 4 to extend directly east along 95th Street to State Line Road. Mayor Crippin commented that all the ward boundaries probably would be reviewed by the Council within six to eight months in order to bring them into balance. On motion by Councilman Rinehart, the ordinance was placed on first reading.

Resolution No. 555 - Adopting Pay Plan: Mayor Crippin reviewed that the Council had had several work sessions on the pay plan for city employees, Mr. Garofano had prepared background information and various options to be considered which took into consideration work done by Tom Donohue. Recommendations contained in Mr. Donohue's report had been upgraded and were before the Council at this meeting. Councilman Hodes noted that the options before the Council did not include the option presented by Mr. Donohue that if the City found within its budget constraints to pass on an increase over and above the recommended pay ranges, the adjustments could be made within the pay ranges at the top end of the scale; that option did not anticipate raising the minimum within a range by the amount of any across-the-board increase, while both options presented at this meeting took into consideration increasing the bottom pay range scale; some employees would receive automatic increases to get them within the scale. Councilman Hodes said he was in favor of a merit increase in addition to an across-the-board increase, significant enough to encourage employees to be competitive; he would be in favor of a small across-the-board increase and a larger merit increase than that stated in the two options, or something close to the original Option 1. Mayor Crippin had some doubt as to whether those beginning ranges were sufficient to attract the quality of employee he felt the City needed. Councilman Roberts said he believed in a merit pay plan significant enough to give recognition to outstanding employees. Mayor Crippin pointed out there were two things to approve, one was the range and the other the method by which increases were given; the proposal being discussed was what the ranges should be.

Councilman Rinehart said she believed at this time Council action should be weighted toward across-the-board raising of the ranges and a little less for merit, in the future she would like to see it weighted toward merit; hence, she could go for Option 1 or 2 but not the original as suggested by Councilman Hodes. Councilman Hodes pointed out that increasing ranges eight percent would mean immediate significant increases for seventeen people just to get
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in the pay plan; the consultant's original plan would mean seven people would receive additional increases but thirteen people would top out so they would be frozen; with an across-the-board eight percent increase leaving the bottom range the same, there would be seven with initial increases but only three people would top out.

Mayor Crippin recommended that the first issue to be voted upon should be the pay plan, the second should be the guidelines for increases. There was discussion that the intent was to have the City Administrator work out procedures to be referred to a committee which would be appointed so that the Council be aware of procedures followed and that there were no discrepancies or discrimination with regard to any position. Councilman Hess noted that Option 1 helped employees in lower ranges more than did Option 2. Therefore, Councilman Hess moved that the Council adopt a resolution adopting Option 1 as stated on December 12, 1980; seconded by Councilman Carper. Councilmen Funk and Rinehart each stated they favored Option 2. Resolution No. 555 was adopted, Councilmen Funk and Rinehart opposed. A copy is attached hereto as part of the record.

Salary Increases for 1981: Mayor Crippin outlined that two proposals had been presented: (1) a six percent minimum increase with merit increases in the range of nine percent, or total of fourteen percent; and (2) an eight percent minimum with a six percent merit increase to be at the recommendation of the department head. Councilman Hess moved that the Council adopt an eight percent minimum increase with potential of up to a six percent merit increase; seconded by Councilman Jacob. Councilman Jacob pointed out that in seconding the motion he was in favor of an eight percent minimum increase but also his support was based upon assurance that the City was going to make an extensive effort to upgrade the administration of a merit system. Councilman Roberts said he could not support the motion because he did not think the six percent merit increase was significant enough. Councilman Hodes said he felt the same way concerning merit increases, but could go along based on the assurance that an effort would be made to accurately give out merit increases where they were deserved. Mayor Crippin said he hoped the employees appreciated the time and effort which had gone into the pay plan and salary increases, and added that he thought the Council had acted admirably in terms of their association with each other, and he could be enthusiastic about the proposal presented. Motion carried, Councilman Roberts opposed.

Application for Cereal Malt Beverage License - Gates & Sons Barbeque, Inc.: On motion by Councilman Roberts, seconded by Councilman Rinehart, application of Gates & Sons Barbeque, Inc. for cereal malt beverage license was approved.

Appointment to Fill Council Vacancy: Mayor Crippin announced that President of the Council Hodes, Councilman Carper and he
had met and interviewed four candidates for Councilman, Ward 1, to fill the vacancy created by the resignation of Bill Reese. They submitted to the Council the name of Bob Lacy for approval. On motion by Councilman Rinehart, seconded by Councilman Carper, the appointment was unanimously approved. The City Clerk then administered the Oath of Office to Mr. Lacy as Councilman, Ward 1.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 414, in the amount of $231,805.99, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and approved on motion by Councilman Carper, seconded by Councilman Roberts.

At 10:35 p.m., the meeting was adjourned to Monday, January 5, 1981, 7:30 p.m.

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, January 5, 1981, in Fire Station No. 2, 12701 Mission Road, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Lacy, Hess, Jacob, Rinehart, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, Tom Bieszczat, Bob Sanders, Martha Heizer, and the Council Reporter. City Attorney Winn arrived at 7:40 p.m.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Funk, the agenda was approved as written.

VISITORS

Anne Butler, Sheri Rinehart, Charles M. Heizer, Mike Light, Alex George, W. L. Fohy, Gary J. Corser, Dr. and Mrs. Glenn Schwab, Cathie Simmons, Nancy Davis. Member of the Press: Mark Whitehurst.

APPROVAL OF MINUTES

Councilman Hodes moved that the minutes of the meeting of December 15, 1980, be approved; seconded by Councilman Rinehart. Due to an error in his computations on uniforms, Tom Bieszczat said the name of the company should be "Unitog Rental Systems" rather than "Faultless Uniform Rental." Councilman Hess moved that the minutes be amended to change "Faultless Uniform Rental" on page 2904, third paragraph, to "Unitog Rental Systems"; seconded by Councilman Roberts. Amendment carried. The minutes were approved as amended.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance:

1981 Insurance Program: City Administrator Garofano referred to a letter from Marsh & McLennan outlining changes incorporated in the 1980 insurance program, and to a tabulation on insurance renewal for 1981. The Insurance Committee had recommended that the City renew insurance in accordance with Option "C" which was $9,000.00 less than was paid in 1980; it would include changing some insurance from The Hartford to Aetna; the cost would be $64,580.00; additional coverage recommended was All Risk (DIC) Perils including earthquake and flood, premium $1,072.00, and Umbrella Legal Liability including Police Professional, Public Officials Liability.

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and Ambulance Attendants E & O, premium $4,000.00, or a
total for 1981 insurance of $69,652.00. Mr. Garofano and
Mayor Crippin emphasized that insurance coverage was
increased and improved but would cost less. Councilman
Rinehart moved that the 1981 insurance program be accepted
as presented; seconded by Councilman Funk. Motion carried.

Plan Commission:

Ordinances Rezoning Tracts Between Nall and Roe - Patrician
Woods: Mr. Sanders reviewed that there were three ordinances,
one rezoning approximately 71 acres to RP-1 to allow approxi-
mately 200 units, another rezoning approximately 42 acres to
R-1, Single Family Residential, 79 lots, and another rezoning
9 acres to RP-2, cluster housing, 28 units. It was clarified
that the density of the proposed R-1, RP-1, and RP-2 was less
than the maximum permitted in R-1. The process whereby
zoning ordinances are adopted and preliminary and final
development plans are approved was explained, the matter
before the Council being the second reading of the rezoning
 ordinances. Mr. Sanders stated there were a number of
conditions recommended by the Plan Commission which would
have to be met before a recommendation for approval of final
plan was forwarded to the Council, i.e., storm drainage,
light distance problems on Roe Avenue, private streets, etc.
Mr. Bieszczat stated the public works elements were a part
of the final plan approval and questions raised by the
Council would be answered at that time. Gary Corser said
they hoped to start construction on the R-1 in early spring,
and to have final plans in on the RP-1 in time to have
models ready by early spring of 1982, and hoped the RP-4
could be built at the same time as the RP-1 but it might
be a season behind. Councilman Funk expressed concern that
the land be rezoned and not built upon. City Attorney Winn
said the ordinance was silent on a time limit, but he
thought the Council could develop a system whereby the
underlying zoning be granted and the developer provided
some reasonable period of time in which to submit final
development plans. Concerning how to develop streets such
as 127th Street and Roe Avenue, Mr. Bieszczat said Mr.
Garofano, Mr. Sanders and he had discussed the street
construction matter and formulated some ideas which would
be submitted to the Plan Commission at its next meeting
and subsequently submitted to the Council, prior to approval
of final plan. Mayor Crippin said any family that had paid
on 123rd Street or on Mission Road would not be assessed
again for 127th Street.

Ordinance No. 685 - Zoning Tract Between Nall and Roe,
South of 127th Street, to RP-1 (Second Reading): Councilman
Rinehart moved that the ordinance rezoning a tract between
Nall and Roe Avenue south of 127th Street to RP-1, Planned
Single Family Residential District, be placed on second
reading; seconded by Councilman Hodes. Ordinance No. 685
was adopted, Councilman Hess opposed.
Ordinance No. 686 - Zoning Tract Between Nall and Roe, South of 127th Street, to RP-4 (Second Reading): Councilman Hodes moved that the ordinance rezoning a tract of approximately nine acres between Nall and Roe Avenue, south of 127th Street, be placed on second reading; seconded by Councilman Jacob. Ordinance No. 686 was adopted, Councilmen Roberts and Hess opposed.

Ordinance No. 687 - Zoning Tract at Northeast Corner of 127th Street and Roe Avenue to R-1 (Second Reading): Councilman Rinehart moved that the ordinance rezoning a tract at the northeast corner of 127th and Roe Avenue to R-1 be placed on second reading; seconded by Councilman Roberts. Ordinance No. 687 was adopted unanimously.

Public Safety:

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

Request for Permission to Keep a Horse - 2026 West 95th Street: Councilman Hodes stated the property was a three-acre lot, all the adjoining property owners had been contacted and there were no serious objections to allowing a horse to be stabled there. On recommendation of the Public Safety Commission, Councilman Hodes moved for approval of the request for permission to keep a horse at 2026 West 95th Street for a period of one year; seconded by Councilman Hess. Motion carried.

Public Works:

Request for Authorization to Purchase High Loader and Back Hoe - 1981 Budget: Councilman Jacob stated the 1969 Trojan High Loader was scheduled to be replaced in 1981; because of its condition, a new one was needed right away. The Public Works Commission recommended that a Case high loader from the Victor L. Phillips Company be acquired on a two-year lease-purchase plan. Mr. Bieszczat had proposed the purchase of a back hoe (scheduled to be replaced in 1982) along with the high loader, but it was the recommendation of the Public Works Commission that only the high loader be purchased at this time. Mr. Bieszczat said all companies indicated that the price of the back hoe would increase fifteen to seventeen percent in 1981; eight percent simple interest was charged on lease-purchase. Councilman Lacy stated he thought it would be good judgment to replace the high loader at this time because of the many breakdowns. Councilman Jacob reported the basis for the recommendation of the Public Works Commission to go ahead only with the purchase of the high loader was that if the City could get...
by another year before purchasing a back hoe, the increase in the cost of it would be offset by the interest paid. Councilman Hodes added that the uncertainty of Federal Revenue Sharing funding for 1982 was partially the basis for the Commission's denial of the request to purchase the back hoe. Mr. Garofano stated Congress had now extended the Federal Revenue Sharing law for three years, so the City would in essence receive the same amount it was receiving now through 1983. Councilman Jacob moved for approval of purchase of a Case high loader from the Victor L. Phillips Company on a lease-purchase plan in the amount of $24,361.76 plus eight percent interest, the funds to come from Federal Revenue Sharing; seconded by Councilman Roberts. Motion carried.

Request for Authorization to Purchase Diamond "3 in 1" Snow Plow - 1981 Budget: Two snow plows having been budgeted in the 1981 Federal Revenue Sharing fund, one having been authorized for purchase by the Council on December 15, Mr. Bieszczat requested authorization to purchase another Diamond "3 in 1" snow plow for the same price, $2,500.00. Councilman Jacob explained that it was an adjustable plow to be mounted on a 1-ton truck and used primarily for snow removal on approximately 300 cul de sacs in the City. Councilman Jacob moved for approval of the purchase of a second Diamond "3 in 1" snow plow for the amount of $2,500.00 from 1981 Federal Revenue Sharing funds; seconded by Councilman Roberts. Mr. Bieszczat explained the reason only one plow was requested at the last meeting was that the City was not assured at that time that Federal Revenue Sharing funds would be available. Councilman Jacob added that residents wanted snow removed right away, so several plows were needed. Motion carried.

Request for Authorization to Purchase Cement Mixer - 1980 Budget: Mr. Bieszczat stated the present mixer was not actually a cement mixer but rather a plaster mixer. On motion by Councilman Hodes, seconded by Councilman Jacob, the Council authorized purchase of a cement mixer as requested.

Request for Authorization to Purchase Car Wash - 1980 Budget: An additional bid for a car wash unit had been obtained since the memorandum to the Council was prepared, from Revochem, Inc., in the amount of $1,786.40, which Mr. Bieszczat recommended be accepted. Councilman Jacob moved that the Council approve the purchase of a car wash unit from Revochem, Inc. in the amount of $1,786.40; seconded by Councilman Roberts. Councilman Hodes stated it would also be used to clean engines, transmissions, brake drums, etc. The cost of the car wash unit would be shared equally by the Sewer, Street, and Police departments. Motion carried.

CITY ADMINISTRATOR'S REPORT

Sewer Renovation Project: Mr. Garofano reported the City
had advertised for bids on the Dyke's Branch sewer renovation project; the State had approved the final plans. Mr. Bieszczat added that bids would be opened March 4, 1981, at 3:00 p.m., hopefully construction could begin around May 1.

OLD BUSINESS

#311 Ordinance No. 688 - Relating to Ward Boundaries (Second Reading): Councilman Rinehart moved that the ordinance be placed on second reading; seconded by Councilman Hess. Ordinance No. 688 was adopted unanimously.

NEW BUSINESS

#315 Application for Cereal Malt Beverage License - King Louie Ranch Mart: Councilman Hodes reported that the Public Safety Commission had recommended approval of the application. City Attorney Winn stated the City had allowed King Louie Ranch Mart to continue in operation from December 31st presuming the application presented would be essentially the same application which had been approved by the Council for several years. He said there may have been some transfer of ownership, and asked representatives to explain what had taken place with reference to operation of the bowling alley. Mike Light said the principal interest in the company was sold, but the people who previously owned and operated it were still operating it. Councilman Jacob reported since Friday, January 2, he had received 25 letters opposing any renewal of the cereal malt beverage license of the King Louie bowling alley at Ranch Mart; in view of the number of letters received in such a short time, he did not feel he could vote in favor of renewal of the license; should the Council choose to renew the license, he suggested that it be a probationary type license conditioned upon the management of the bowling alley providing sufficient personnel to police their patrons to be sure they were not spilling out into the parking lot with beer, spreading trash, being noisy and creating a problem for residents. The matter was discussed. Councilman Lacy suggested that perhaps the City could address the creating of a disturbance in the area in a manner other than not allowing the cereal malt beverage license. Captain Cox said the Police Department did not devote an inordinate amount of resources to the bowling alley and he could not hold any of the complaints or problems to the cereal malt beverage license itself. No one appeared before the Council to oppose the license. Councilman Hodes moved for approval of application for cereal malt beverage license for King Louie Ranch Mart; seconded by Councilman Lacy. Councilman Rinehart suggested that the Police Department step up surveillance particularly on Friday and Saturday evenings. Alex George, vice president of King Louie, said they had operated there for twenty years and had never had a violation--they could not afford a bad reputation which would hinder their junior program. He added that they only sold
January 5, 1981

Drinks in cups, not bottles and cans, were closed by 12:30 a.m. Mr. Light said they had raised the minimum age of persons to whom they would sell beer to twenty-one. Motion carried, Councilman Jacob opposed.

Executive Session to Discuss Personnel Matters: At 9:00 p.m., the Council went into executive session until 10:15 p.m. to discuss personnel matters.

When the Council returned to regular session at 11:30 p.m., Councilman Roberts had left the meeting.

Councilman Hess moved to increase salaries of Police Department personnel of the rank of Master Patrol Officer and above by six percent; seconded by Councilman Jacob. The increase was based on the fact that previous department policies allowed for promotions which did not coincide with anniversary dates and, therefore, prevented all officers but one from receiving a merit increase at the proper time. The salary of the one remaining officer was also to be increased to maintain the proper salary differential for that officer's time and grade. Motion carried, Councilmen Hess, Jacob, Rinehart, Funk, and Mayor Crippin voting yea, Councilmen Hodes and Lacy abstaining.

Councilman Hess moved to establish the salaries of the City Administrator and department heads for 1981; seconded by Councilman Jacob. These salary increases were based on increases granted to other City employees and a discussion of overall job performance. Motion carried unanimously.

At 11:40 p.m., the meeting was adjourned to Monday, January 19, 1981, 7:30 p.m.

[Signatures]

Jane Lile
Council Reporter

Joanne Landa
City Clerk

2914
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, January 19, 1981, in Fire Station No. 2, 12701 Mission Road, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Lacy, Hess, Jacob, Rinehart, Carper.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, Treasurer Herring, Tom Bieszczat, Martha Heizer, and the Council Reporter.

APPROVAL OF AGENDA

Councilman Rinehart requested deletion of the discussion regarding park maintenance as that item would be referred to staff. On motion by Councilman Carper, seconded by Councilman Rinehart, the agenda was approved with deletion of the Recreation Report.

VISITORS

None.

APPROVAL OF MINUTES

On motion by Councilman Rinehart, seconded by Councilman Carper, the minutes of the meeting of January 5, 1981, were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Roberts.

CITY ADMINISTRATOR'S REPORT

City Hall Renovation Project: Mr. Garofano reported renovation of the City Hall building, except the vestibule, would probably be completed by the second Council meeting in February. He added that he had discussed with City Attorney Winn the date the contract was supposed to have been completed, and they felt at this time it would be best to have the contractor proceed with the work; there was a ten percent retainage on the contract; steps to be taken concerning the delay in completion could be discussed near the end of the contract.

Status of Police Chief Selection: Mr. Garofano reported that one of the five applicants on which background investigations were being conducted had withdrawn; hopefully investigations would be completed on the four remaining
candidates within the next week. The next step would be interviews.

MAYOR'S REPORT

Date for Second Meeting in February: Mayor Crippin pointed out that the second meeting in February would fall on Monday, February 16, the holiday for George Washington's birthday. The Council decided to go ahead and meet on that date.

Citizens Committee for July 4th Celebration: Mayor Crippin announced he was beginning to appoint the citizens committee to work on the July 4th celebration and thought it would be appropriate for one member of the Council to serve on the committee. He asked for a volunteer.

Dinner of Mid-America Regional Council: Mayor Crippin announced there would be a dinner meeting of the Mid-America Regional Council on Friday, January 23. Reservations should be submitted to Mr. Garofano by January 20.

National League of Cities Legislative Conference: Mayor Crippin noted the National League of Cities legislative conference would be held March 1-3 in Washington, D.C. He advocated attendance and suggested that councilmen desiring to attend contact Mr. Garofano early.

NEW BUSINESS

Discussion Regarding Mortgage Revenue Bonds: Mr. Garofano referred to a letter and summary data submitted by George K. Baum & Company on the Johnson County mortgage revenue bond concept with a request that the Governing Body indicate whether or not it would support continuing the program. He said there were three mortgages granted under the program in Leawood. Councilman Carper noted that the maximum price of a home was $68,500 and family income of $30,000 or less; he wondered if the price of a home might be raised to $75,000 or $80,000 and income to $40,000 to make the mortgage bond program available to more people. Councilman Roberts commented that he was opposed to the principle of local governments getting into competition with private enterprise. Councilman Rinehart moved that the Council continue to support the Johnson County mortgage revenue bond concept; seconded by Councilman Lacy. Councilman Jacob noted it had had very little impact in the City of Leawood. There was discussion that the Council's endorsement would have no legal or financial impact on the City. Mayor Crippin stated if the concept were not approved, there would be a very difficult market for homes under $70,000 in the county. Councilman Roberts said there were a lot of innovative financing methods surfacing because of the economy. Councilman Carper suggested that any disapproval of the concept be qualified by the statement that it did not
benefit the City of Leawood last year as proven by the sale of only three homes under the program. Motion failed.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 415, in the amount of $229,113.47, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and approved on motion by Councilman Carper, seconded by Councilman Rinehart. There was discussion concerning departments of the City buying similar items from different vendors.

Discussion Regarding Review and Appointment of Judge:
Mayor Crippin said under the procedures which had been set up, he felt the judge should be reviewed every time there was opportunity for a new mayor to be elected; therefore, he proposed the appointment of a review committee and asked councilmen to present recommendations of persons to serve on the committee at the first meeting in February.

Executive Session Regarding Communications: At 8:15 p.m., on motion by Councilman Carper, seconded by Councilman Lacy, the Council went into executive session for a period not to exceed thirty minutes.

The Council returned to regular session at 9:00 p.m., and the meeting was adjourned to Monday, February 2, 1981, 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 2, 1981, in Fire Station No. 2, 12701 Mission Road, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Lacy, Hess, Jacob, Rinehart, Carper. Councilmen Funk and Hodes arrived during recognition of visitors.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, City Attorney Winn, Bob Sanders, Tom Bieszczat, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Carper, the agenda was approved as written.

VISITORS

Jennifer Zimola, Mrs. M. E. Zimola, Bernard Madden, Mr. Adkins.

APPROVAL OF MINUTES

On motion by Councilman Rinehart, seconded by Councilman Hess, the minutes of the meeting of January 19, 1981, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Plan Commission:

Ordinance Relating to Maintenance Surety (First Reading): Mr. Sanders reported that following a public hearing the Plan Commission recommended that Section 17-404 of the subdivision regulations be amended by increasing the period of maintenance surety bonds for public works elements from one to two years. On motion by Councilman Carper, the ordinance was placed on first reading.

Request for Permission to Install Exterior Sign at 1903 West 135th Street: Mr. Sanders explained Madden-McFarland Interiors was housed in a residential structure at 135th and State Line for which the City Council had issued a special use permit with seven conditions, one of which was that there be no exterior signage. Following a public hearing, the Plan Commission had recommended approval of the request of Messrs. Bernard Madden and Gene McFarland for permission to install a 20" by 30" exterior sign since it would not change the character of the neighborhood and would assist applicants in identifying the location
of the business. Councilman Rinehart moved that the special use permit be amended to allow a sign approximately 20" by 30"; seconded by Councilman Hess. Motion carried.

Public Safety:

Request for Permission to Keep Three Dogs - 9318 State Line: Councilman Hodes explained that the property included several acres and the adjoining neighbors had no opposition; therefore, he moved that the Council grant permission for one year to keep three dogs at 9318 State Line; seconded by Councilman Carper. Motion carried.

Request for Permission to Conduct Subscription Drive - Blue Valley Gazette: Councilman Hodes reported the Public Safety Commission felt there were a number of other avenues available to any commercial establishment to solicit business other than door-to-door; therefore, the Public Safety Commission recommended that the request of Blue Valley Gazette for permission for members of the Blue Valley High School Kayettes to solicit newspaper subscriptions in south Leawood be denied. Councilman Hodes moved that the Council not allow the Blue Valley Gazette the right to solicit subscriptions door-to-door in south Leawood; seconded by Councilman Hess. Motion carried.

Speed Limit - Mission Road from 119th to 127th Street - 123rd Street from Mission Road to School: Councilman Hodes reported the Public Safety Commission agreed with the engineers' recommendation to increase the speed limit on Mission Road to 35 miles per hour from 119th to 127th Street and to leave the present speed limit of 30 miles per hour on 123rd Street between Leawood Elementary School and Mission Road. Acting Police Chief Cox will order the speed limit change on a temporary basis.

CITY ADMINISTRATOR'S REPORT

Police Chief Selection: Mr. Garofano reported background information had been completed on the four candidates, the screening committee would review the background information, followed by scheduling of interviews by the screening committee and the Council committee which would recommend interviews by the Council of at least two of the candidates. The Council committee agreed to meet on February 3 at 4:00 p.m. to review the background investigations.

Status of Property Maintenance Code: Mr. Garofano reported the committee had met several times; a report should be submitted to the Council by February 16, to be discussed by the Council on March 2.

MAYOR'S REPORT

Appointment of Municipal Judge Review Committee: Councilmen submitted names of suggested representatives from each ward.
February 2, 1981

to serve on the committee. Mayor Crippin stated the committee would be appointed at the next meeting.

Speed Limit - State Line from I-435 to K-150: Mayor Crippin stated there had been several requests for lowering of the speed limit on State Line Road from 45 miles per hour to 35 miles per hour. Since most of the area was within the jurisdiction of Kansas City, Missouri, Mr. Bieszczat had written a letter to Kansas City requesting that the speed limit be lowered.

Appointment of Committee for July 4th Celebration: Mayor Crippin reported the appointment of Mike Garrison as chairman of the committee, with Councilman Rinehart, Mary Textor, Bill Symon and Joe Comer as members. He said two others would be added.

NEW BUSINESS

Authorization for Agreement with Overland Park for Sealing Nall Avenue: Mr. Bieszczat referred to a letter from Overland Park requesting participation by the City of Leawood in double sealing of Nall Avenue between 115th Street and 143rd Street; Overland Park would do all the work, furnish all the equipment and maintain the roadway; estimated cost to Leawood for material was $6,255.00. Mr. Bieszczat recommended the project and authorization of a sum not to exceed $8,000.00 as his experience demonstrated that Overland Park preliminary estimates were usually low; the funds to come from Special Highway Account--Street Maintenance. An interlocal agreement would be required. Councilman Jacob moved that the Council accept the Overland Park proposal for the sealing of Nall Avenue south of 115th Street for a sum not to exceed $8,000.00; seconded by Councilman Lacy. Motion carried.

Schedule of Work Session: Mayor Crippin requested a work session following the Council meeting to discuss update of the comprehensive plan and street improvement priorities. He stated Mr. Kellenberg had substantially completed work on the section maps for the comprehensive plan update; the Mayor planned to meet with Leawood Country Manor people on February 10th at 7:30 p.m. in Fire Station No. 2, and with the Community Development Committee on February 9th in the Lower Conference Room at City Hall, to show the map in an attempt to resolve any controversies or conflicts. Councilmen were invited to attend. In addition, the Mayor said the Johnson County Commissioners had requested that each City submit its priorities for a street improvement bond program.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 415, in the amount of $11,156.07, providing for payment of certain claims against the City and
the Leawood Sewer System for 1980, was submitted, discussed and approved. Councilman Carper suggested that a procedure be worked out for department heads to check long distance calls charged to the department.

Executive Session to Discuss Litigation: At 8:25 p.m., the Council went into executive session for approximately forty-five minutes. The Council discussed litigation regarding zoning of the Leawood Drive-In property at 123rd and State Line, and decided to appeal the decision of the Johnson County District Court regarding that lawsuit. Secondly, the Council discussed the report regarding the storm drainage problem in the Oxford Hills-Verona Gardens area, and decided to have the City Attorney send a letter to the developers regarding the findings of the engineering study.

At approximately 9:30 p.m., the meeting was adjourned to Monday, February 16, 1981, 7:30 p.m., and the Council went into a work session.
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, February 16, 1981, in Fire Station No. 2, 12701 Mission Road, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Lacy, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, City Attorney Winn, Treasurer Herring, Bob Sanders, Tom Bieszczat, the City Clerk, and the Council Reporter.

APPROVAL OF AGENDA

On motion by Councilman Carper, seconded by Councilman Lacy, the agenda was approved as written.

VISITORS

Gina Pulliam, Till McPherson, Melissa Smith, Gayle Sheedy, Janet Baker, Cathie Simmons, Barbara E. Stewart, Don Brain.

APPROVAL OF MINUTES

On motion by Councilman Lacy, seconded by Councilman Carper, the minutes of the meeting of February 2, 1981, were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted, discussed and approved on motion by Councilman Rinehart, seconded by Councilman Carper.

COMMITTEE AND COMMISSION REPORTS

Plan Commission:

Ordinance No. 689 - Relating to Maintenance Surety (Second Reading): Mr. Sanders reviewed that the ordinance would increase the period of maintenance surety bonds to two years for public works improvements. On motion by Councilman Rinehart, Ordinance No. 689 was adopted.

Public Safety:

Ordinance Relating to Speed Limits (First Reading): Councilman Hodes stated the ordinance was to revise the speed limit on Mission Road between 119th and 127th Streets. He expressed concern about the considerable expense of publishing the complete ordinance in the official city newspaper. Mayor Crippin asked the City Clerk to prepare
a revision of the speed limit ordinance so that only the items being amended would have to be published, or break it down into subsections. Speed limits adjacent to school zones were discussed. Councilman Hodes suggested that the Acting Police Chief invoke the new speed limit on a temporary basis while the ordinance was being revised to cut publication expense. Mayor Crippin suggested that the reduction in speed limit on Mission Road from 35 to 30 to 20 miles per hour at Cure of Ars School be looked into. He questioned having the speed limit 30 miles per hour on Mission Road for the first 600 feet south of 119th Street, saying drivers turned the corner going south expecting to go 35 miles per hour. He also wondered how a driver would know what was a.4 mile west of Mission Road on 123rd Street. Councilman Rinehart stated the flashing light at the school on 123rd-103rd Street was on all during the day while the ordinance stated the times it would be monitored were between 8:00 and 9:00, 11:00 and 1:00, and 3:00 and 4:00. She did not think it right to slow the traffic all day long. Mr. Bieszczat will check with Kansas City Power & Light Company to see if a timer could be installed on the light and set for hours to correspond with the ordinance. The ordinance will be reviewed.

Resolution No. 556 - Establishing "Stop" Signs at the Intersection of 121st Street and High Drive: Councilman Hodes moved for approval of Resolution No. 556 with the fourth paragraph revised to read, "NOW, THEREFORE, BE IT RESOLVED that a '4 Way Stop' be installed at the location; and". The motion was seconded. Resolution No. 556 was adopted. A copy is attached hereto as part of the record.

Request for Permission to Keep Six Dogs on Premises - 12320 Mission Road: Councilman Hodes stated this was renewal of a permit issued year after year; the closest residence was several hundred feet from the property line; the dogs were fenced in. He moved for approval of the request; seconded by Councilman Carper. Motion carried.

CITY ADMINISTRATOR'S REPORT

Distribution of Property Maintenance Code Report: Mr. Garofano distributed copies of the proposed property maintenance code saying it was a lengthy document. Since Councilman Hess, chairman of the committee, was not present, he proposed a work session on the matter at the next Council meeting.

MAYOR'S REPORT

Additional Appointment to Committee for July 4th Celebration: Mayor Crippin announced the additional appointment of Mrs. Diana Clark to the July 4th Celebration Committee.

Appointments to Judge Review Committee: Mayor Crippin announced the following appointments to the Judge Review
Committee: John Henson, representing Ward 1, chairman; Nancy Davis, Ward 3; Matt Buchmann, advising attorney. Additional appointments will be made.

Jury Award in Negligence Suit: Councilman Carper referred to a news article concerning a jury award in the amount of $1.7 million where a city was found negligent in not installing a signal on a timely basis. In light of the jury award, he thought Leawood's decision to have umbrella coverage was a good one. City Attorney Winn was concerned about settlement by Kansas City, Missouri, of a sewer back up case for $25,000. Mayor Crippin added that some people were ready to file injunctions against Leawood to prevent the sewer renovation project, but the settlement of the back up case indicated the liability the City would have if the renovation does not occur.

NEW BUSINESS

Recommendations Relating to Alcohol Tax Funds: In addition to information already distributed, Mayor Crippin presented a recent letter from Dennis Moore requesting that the City of Leawood support the Task Force on Battered Persons. The Alcoholism Planning Council had recommended distribution of Leawood 1981 alcohol tax funds, as follows: Mental Health Center, $4,379; Shawnee Mission Schools Alcohol Education Program, $760; Task Force on Battered Persons, $860; APC administrative services, $300; total $6,325. Mr. Garofano stated last year the City funded the Johnson County Mental Health Center in the amount of $2,398, Shawnee Mission Schools Alcohol Education Program, $1,372, and Blue Valley School District, $964. The Blue Valley School District had applied for Overland Park funds this year, not Leawood funds. Mr. Garofano said $6,325 was budgeted for distribution in 1981. Gina Pulliam of the Alcoholism Planning Council answered questions regarding the allocations. She said the Alcoholism Planning Council had one half-time staff person and office expenses. The Task Force on Battered Persons was developing its own shelter program and services for battered persons. Councilman Carper suggested that the City's support of the alcohol projects be communicated to residents through the City newsletter. Councilman Hodes wondered if the Shawnee Mission Schools program might be more applicable to Leawood residents than the Johnson County Mental Health Center and he was concerned that the budget request had been cut by the Alcoholism Planning Council. Melissa Smith, president of the PTA at Brookwood School, reported on results of a survey among Brookwood parents on the alcohol education program. Janet Baker, coordinator of the Shawnee Mission Schools Alcohol Education Program, presented letters supporting the program from Leawood residents Mr. and Mrs. C. Taylor Hess and Ruth McKenzie, president of Shawnee Mission PTA Area Council, and a letter from Superintendent of Schools Arzell Ball verifying the District's position. Mrs. Baker said she was concerned
February 16, 1981

about the lack of funding for prevention of alcoholism as over ninety percent of the funding had been recommended for treatment programs. Her Plan A was for $1,725 (essentially the same program as last year); Plan B had been presented in response to the APC recommendation. She said 2,000 volunteer hours had been contributed by parents to the program between August, 1980, and February, 1981. She said materials at the Marsha Bagby Center were used by all the schools and any Leawood resident would be welcome to them. Mrs. Baker introduced Till McPherron, program assistant.

Councilman Rinehart recommended that the City fund Plan A of the Shawnee Mission program; Councilman Hodes agreed. Councilman Jacob also agreed and added that the City did utilize the facilities of the Mental Health Center. Mayor Crippin stated he saw no reason to fund the $300 for APC administrative services with the availability of other Johnson County agencies. Councilmen Hodes moved that the City of Leawood designate 1981 alcohol tax funds as follows: To the Shawnee Mission Schools program, $1,725; to the Task Force on Battered Persons, $500; to the Alcoholism Planning Council for administrative costs, $300; to the Johnson County Mental Health Center, $3,300. There was discussion that $500 be reserved for future distribution. Motion was seconded by Councilman Rinehart and carried. Mayor Crippin said individually at the Council of Mayors meetings he would continue to oppose the funding of administrative services of APC. Janet Baker recommended that the cities using APC send a delegate. Mayor Crippin stated as soon as a new police chief was appointed, he would recommend to the Council that the new chief represent Leawood on APC.

#860 Resolution No. 557 - Regarding Leawood Drive-In Property Clean Up: Mr. Garofano said now that a decision had been handed down in the litigation concerning zoning of the property, he felt it was appropriate to take action to convince the property owner that he should clean up the site. The City Architect had inspected the property and determined that the structures were unsafe. Mr. Garofano said the substandard structures ordinance provided for the public officer to go through a process to gain compliance with the ordinance either by bringing the structures up to standard or by demolishing them, and it also referred to dead trees and unsightly growth. There were three ways for the ordinance to be initiated, one of which was for a quorum of the Council to direct the public officer to initiate the enforcement process, which he recommended. On motion by Councilman Carper, seconded by Councilman Rinehart, the following resolution was adopted:

RESOLUTION NO. 557

BE IT RESOLVED that the Governing Body of the City of Leawood hereby directs the Public Officer, City Administrator Dick Garofano, to initiate the enforcement process of the Substandard Structure Ordinance.
February 16, 1981

by serving a letter of violation of that Ordinance on the owner of the Leawood Drive-In Theater property at 123rd and State Line Road.

Date for Public Hearing Regarding Comprehensive Plan: Mayor Crippin stated March 9th had been suggested as the date for the public hearing by the Plan Commission on the comprehensive plan. Mr. Sanders said the hearing would be held in the multi-purpose room of Brookwood Elementary School at 7:30 p.m. on that date.

Work Session Regarding Streets Abutting New Subdivisions: Mayor Crippin suggested a work session following a short executive session at the end of the Council meeting.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 416, in the amount of $223,955.29, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and approved. Councilman Carper questioned buying spark plugs from a retail service station. Chief Toman said a Leawood volunteer fireman owned and operated the station and furnished spark plugs to the City at his cost. Councilman Carper asked to see the invoice on the spark plugs. As to the budget, Mayor Crippin commented that there were a lot of accounts where all the money had been spent.

Executive Session: Councilman Carper moved that the Council go into executive session for approximately ten minutes to hear a report on police activities; duly seconded. Motion carried.

The Council went into executive session at 9:16 p.m. and returned to regular session in approximately ten minutes.

The meeting adjourned to Monday, March 2, 1981, 7:30 p.m., and the Council went into a work session.

Mayor

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 2, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with President of the Council Hodes presiding in the absence of the Mayor. Roll call was answered by Councilmen Funk, Lacy, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, City Attorney Winn, Bob Sanders, Tom Bieszczat, Martha Heizer, and the Council Reporter.

APPROVAL OF AGENDA

Councilman Hodes moved that report on an accident at 103rd and Lee Boulevard and the actions taken, and two requests for permission to keep more than two dogs be added to the agenda; seconded by Councilman Rinehart. Motion carried. The agenda was approved with those additions.

PRESENTATION OF POLICE DEPARTMENT'S DISTINGUISHED SERVICE AWARD TO MERLE GANADEN

Councilman Hodes reviewed that last summer Merle Ganaden had been recognized with a Distinguished Service Award and Resolution No. 542 was passed commending Officer Ganaden for his work for a number of years in examining businesses and residences to make recommendations for security. Councilman Hodes presented the Police Department's Distinguished Service Award plaque to Officer Ganaden.

VISITORS

Sue Kramer, Roger Dickerson, Barbara Hodes, Jennifer Hodes, Julie Hodes, Dick Rinehart, Cathie Simmons, Leo C. Trageser, K. C. Viets, Judith Rosenthal, John Parrish, Joel Krichiver, Phil Kline, Debbie Spiecker, Cissy Wheelock, Mary Textor. Member of the Press: Diane Wolkow.

APPROVAL OF MINUTES

Councilman Rinehart suggested that the minutes be corrected by changing "123rd" to "103rd" in the fifteenth line of the first paragraph on page 2923. On motion by Councilman Carper, seconded by Councilman Lacy, the minutes of the meeting of February 16, 1981, were approved as corrected.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance:
Authorization for Study of Accounting System: Councilman Carper presented a proposal from Alexander Grant & Company for reviewing the City's accounting system. Mr. Garofano stated it was proposed to fund the study from the allocation in the 1981 budget and the excess budgeted for the 1981 audit. He further explained there was a $1,500 credit from Alexander Grant & Co. which could also be applied to the study. Councilman Carper moved for approval of the proposal of Alexander Grant & Co. in an amount not to exceed $7,500 for the three phases of the project; seconded by Councilman Lacy. Motion carried.

Plan Commission:

Request for Special Use Permit - Rural Water District No. 2: Mr. Sanders referred to information distributed to councilmen, including a Plan Commission resolution recommending that a special use permit be approved for a proposed booster pump station for a transmission water line running parallel to 135th Street on the south side, with the following conditions: (1) that drive and parking area improvements would be in conformance with zoning regulations, (2) that there would be no signage allowed, (3) that a driveway easement be obtained from adjacent property owner, and (4) that there be no fencing on the site. Mr. Sanders said one elevation of a below-ground building would be exposed. He said a special use permit was required because it did not fit any zoning category; the proposed comprehensive plan designated this area as nonretail and he saw no difficulty with future development. It was recommended for an indefinite period of time because it was a permanent facility. Mr. Sanders said the applicant had obtained an option to purchase the property involved. On motion by Councilman Carper, seconded by Councilman Rinehart, a special use permit was granted to Johnson County Rural Water District No. 2, subject to the conditions shown on the staff review fact sheet.

Ordinance Relating to Rezoning to RP-4, Planned Cluster Residential - Hunter's Ridge II, 123rd and State Line Road (First Reading): Mr. Sanders said this project encompassed 28 acres, part of the 80-acre development of Hunter's Ridge where two final plats of single family lots had been approved. The 28 acres had been reserved for development as a multi-family project. The request submitted was for rezoning from Agricultural to RP-4, Planned Cluster Residential, to allow proposed density of approximately 4 units per acre. Ninety-three units were shown on the site plan with both public and private streets. A swimming pool complex was proposed at the corner of 123rd and State Line Road to accommodate both the RP-4 and the single family subdivision of Hunter's Ridge. Draft deed restrictions had been submitted similar to Brittany Court. The developer was Saul Ellis. Units varied from 1500 to 2200 sq. ft. to sell from $85,000 to $110,000, designed to attract people who could not afford Leawood single family houses being built. Five conditions were proposed: (1) That an overall site
grading plan for each phase of development be submitted in advance for approval; (2) that fencing, monument plans and signs be submitted for approval; (3) that the final plat of ten lots immediately west of the new development and immediately east of the first and second plat of Hunter's Ridge be submitted with the first phase; (4) that a temporary construction easement required for the public street at State Line Road be obtained; and (5) that the developer's obligation for street improvements on State Line Road be resolved. Mr. Bieszczat said it was difficult to say definitely at this point what would happen to State Line Road; it had been built and refurnished without Leawood participation, the majority of the roadway was not within the city limits of Leawood, maintenance was provided by Kansas City, Missouri. He said by regulation the developer was required to provide one-half the cost of a collector street. Meetings were scheduled with Johnson County and Kansas City engineers to determine what would happen to State Line Road if it were improved. Any approval of the rezoning request would have to be contingent on the State Line Road decision. Mr. Bieszczat said staff would make a recommendation as to the obligation of any developer along State Line Road prior to approval of the final plat of this project. He said if any improvement to State Line Road was required because of this development, that would definitely be the developer's responsibility, but none was required. There was discussion concerning safety at the intersection of State Line Road and the proposed public street in the area between two hills at the gas station. Councilman Hess said the station was a gathering place for young people.

Councilman Rinehart thought a church site which had previously been indicated would provide more open space. Mr. Bieszczat said the church site was presented by the original developer, not the present developer. Councilman Hess was concerned about the size of the lots and of the houses being proposed.

Mr. Sanders related that the developer had indicated he would rather have the swimming pool and parking lot adjacent to the intersection of 123rd Street and State Line than houses backing on it, and it would be an advertisement of the project. He said the concept of smaller lots, zero lot lines, was new to Leawood; it would look rather intensely developed. Mr. Sanders said details of the plan had been worked out very carefully. There was discussion that the proposal was in conformance with the new master plan. Mr. Sanders noted that 200 cluster units were proposed in Patrician Woods, this would bring the total in Leawood to 322 units. Councilman Hess wondered if any thought had been given to the impact on existing houses in Hunter's Ridge in terms of property values. Mr. Sanders said the developer was providing the same 30-foot rear setbacks as in standard single family for the cluster units abutting the single family plat.
Mr. Sanders said there were four stub streets, at least one of which did not fall within Plan Commission guidelines, but the developer had agreed to do whatever was required to meet the criteria.

Councilman Rinehart was concerned about the amount of green space. There was discussion that no perimeter fences would be allowed which would enhance openness and also allow for lawn maintenance by the homes association.

Roger Dickerson, resident of Hunter's Ridge, said it was represented to him, as well as other single family owners in Hunter's Ridge, that any cluster housing would be a strip up against State Line; what was proposed was several times larger than what was represented to him. He said he was somewhat amazed at the density and the location of the swimming pool; he hoped the streets were such that fire equipment would have adequate access. Since the 175 foot dead end would have only three units on it, Chief Toman said he was not concerned about it. Mr. Sanders said the plan exceeded the amount of green space normally found in a development of this kind. He said berm, landscaping and fencing were being provided along 123rd Street and State Line Road for buffering and privacy.

Sue Kramer said she had understood that the cluster homes would be up against State Line, not abutting their property; she said four homes per acre was astounding to her; she liked the idea of the pool and driving that far to it did not bother her.

Phil Kline related that Mr. Ellis told the Plan Commission that he had displayed in his office the original preliminary plan which showed what part of the subdivision was to be R-1 and what part was to be higher density. Mary Ann Sloop, a sales representative with Coldwell Banker, said this was the first time she had seen the cluster project, the plat they had in their sales office was just the single family homes; they were told that there would be cluster homes closer to State Line Road.

Charles Cole, a resident of Hunter's Ridge, said the cluster housing issue had not been clearly defined and buyers in Hunter's Ridge had the impression that it was not going to be that extensive; there was not a plat in the developer's office representing the cluster portion.

Councilman Carper stated people in Leawood Lanes were upset when The Cloisters was proposed but The Cloisters had not caused a significant problem in terms of property valuation. Jean Wise said there had been a rather dramatic change in the real estate market, notably in Leawood, with many houses being on the market for two years--perhaps such homes were being priced out of the market with current interest rates and utility costs. She felt the supply of expensive houses already exceeded the demand; there was a growing market for
smaller homes and for condominiums. Councilman Hodes said he felt the City should be making things easier for developers to come to Leawood, not more difficult, and this developer was proposing four units per acre where the master plan would allow up to eight units per acre. Councilman Funk said what she saw was an expensive home on a small piece of ground where she had envisioned a creative, perhaps townhouse, answer to the problem. City Attorney Winn suggested if councilmen were having a problem with the concept of medium density residential, perhaps this should be continued and the comprehensive plan restudied. Councilman Carper said he thought the Council should listen to the experts it hired to help make the decision on the comprehensive plan.

Mr. Sanders summarized that the matter before the Council was a rezoning or land use issue based on a plan; the Plan Commission recommended it; it had staff recommendation with the conditions listed on the fact sheet. He said there was no opposition to the rezoning at the public hearing before the Plan Commission. Councilman Jacob moved that the ordinance be put on first reading and suggested that some renderings of the project might be available at the next meeting.

In response to a question from the audience, it was stated that the City's comprehensive plan showed the entire area included in the rezoning request to be multi-family. Councilman Rinehart said she would like to see the street connecting with State Line reworked; she thought it was a bad location. Councilman Hodes suggested that the developer be present at the next meeting; if a number of residents appeared, he suggested that there be one or two spokesmen for the group. Mr. Sanders said he would be glad to make all the information he had available to residents in his office.

Resolution No. 558 - Approval of Final Plat - Patrician Woods (127th and Roe): Mr. Sanders presented the first final plat of the total development of 240 acres located at Roe Avenue and 127th Street. The final plat was for the first phase consisting of 34 lots of the detached single family portion of the development. Entrance to the plat was by public street off Roe Avenue. Both the staff and the Plan Commission recommended approval with the condition that the Mayor and the Council must determine how to treat peripheral street improvements. Mr. Bieszczat stated since the developer was out of town a decision on peripheral street improvements could not be made, so staff was asking that approval of the final plat be given with the contingency that the plat could not be recorded until a decision had been made as to how the funding of improvement of Roe Avenue will be taken care of; the developer had indicated he would be willing to do whatever the City required him to do. Mr. Kline stated it was important to the developer that he have contingent approval at this meeting; it would help him with
March 2, 1981

his financing, with time, and his contract. City Attorney Winn said Roe Avenue did not lend itself to an improvement district, it would probably be a cash contribution, bond or letter of credit by the developer. Councilman Carper moved for approval of the plat contingent upon final determination of the developer's participation in peripheral street improvements by April 6, 1981; seconded by Councilman Rinehart. Resolution No. 558 was adopted, Councilman Hess opposed. A copy is attached hereto as part of the record.

There was a ten minute recess following which the same councilmen were present.

Public Safety:

Report on Accident at 103rd and Lee Boulevard and Actions Taken: Councilman Hodes reported as a result of an accident involving a school child at 103rd and Lee, the following actions were taken: (1) the stop bars (wide white lines before the crosswalk) would be repainted, (2) school crossing signs would be installed at the appropriate locations, (3) Kansas City Power & Light Company would be contacted to modify the existing signal to cause an additional three second delay for the red in all directions before the walk light appears, and (4) a school crossing guard would be posted at that location before and after school until the intersection has been improved. Councilman Jacob said there were some long range considerations which the Council should address in a work session.

Request for Permission to Keep Four Dogs at 9625 Belinder: Councilman Hodes reported the Public Safety Commission recommended denial of the request based on the objections of adjoining neighbors. He moved that the Council deny permission to keep four dogs at 9625 Belinder; seconded by Councilman Carper. Motion carried.

Request for Permission to Keep Four Dogs at 9713 High Drive: Councilman Hodes reported adjoining neighbors were contacted; there were no objections. He stated, however, if at any time a neighbor did object permission could be rescinded. On recommendation of the Public Safety Commission, Councilman Hodes moved that the Council grant a non-renewable permit for a period of six months to house four dogs at 9713 High Drive; seconded by Councilman Lacy. Motion carried.

CITY ADMINISTRATOR'S REPORT

Mr. Garofano reminded the Council that on March 9th at 7:30 p.m. at Brookwood Elementary School, a public hearing would be held on the comprehensive plan update.

MAYOR'S REPORT

2932
RESOLUTION NO. 558 rescinded by #559

The Leawood City Council has considered the final (R-1) plat of Patrician Woods, located at the northeast corner of Roe Avenue and 127th Street, and resolves the following:

WHEREAS, the property is zoned R-1, Single Family Residential; and

WHEREAS, the preliminary plat was previously approved by the Plan Commission; and

WHEREAS, the final plat conforms to the preliminary plat; and

WHEREAS, the final public works plans have been approved by the City's Director of Public Works; and

WHEREAS, the developer has agreed to submit an agreement whereby the owner or owners of property shall not oppose an improvement district for peripheral street improvements for a period of time yet to be determined; and

WHEREAS, the Leawood Plan Commission recommends approval of this plat to the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Leawood City Council approves the final (R-1) plat of Patrician Woods.

Adopted by the Governing Body this 2nd day of March, 1981.

(S.E. Hall)
Attest:

G. Oberlander City Clerk

K. E. Griffin Mayor
March 2, 1981

#830 Appointment of Judicial Selection Committee: Councilman Hodes reviewed that councilmen were asked to submit names of persons to serve on a judge review committee. The following had agreed to serve: Johnnie Henson, Ward 1; Patrick Wilkerson, Ward 2; Nancy Davis, Ward 3; Dick Fuller, Ward 4; and two attorneys, Matt Buchman and John Donner. Mr. Garofano stated there had been a press release, and the qualifications for persons interested in serving as judge would be mentioned at the next Johnson County Bar Association meeting.

NEW BUSINESS

#839 Ordinance No. 690 - Adopting State Line Road Map: Mr. Bieszczat reviewed that the Council had authorized $2,000 for map preparation in cooperation with Kansas City, Missouri, to be used primarily for law enforcement jurisdiction. Captain Cox said the real benefit would be that there would be a single source document for determining where the state line was. Mr. Bieszczat stated Kansas City had already approved the map and suggested that the Council consider the ordinance on an emergency basis. Councilman Rinehart moved that the ordinance be considered on an emergency basis; seconded by Councilman Carper. Motion carried. On motion by Councilman Rinehart, Ordinance No. 690 was adopted.

#864 Discussion Concerning Work Session on the Property Maintenance Code and Executive Session on Personnel Matters: It was suggested that the sessions be held following the Council meeting. Councilman Funk said it was hard to have a work session after a council meeting, she would prefer to reschedule a lengthy work session to another Monday. She was assured the session would not be lengthy.

#872 Ordinance Relating to Acceptance of a Right-of-Way Grant for Street Purposes from Central Estates, Inc. (First Reading): Mr. Bieszczat said it appeared Kroh-Moffitt was disposing of all of their holdings in Leawood South; there was a proposed street across Tract I, the right-of-way for which was to be dedicated and that was now being done. Another signature on the right-of-way grant was to be obtained before the second reading of the ordinance. Councilman Hess moved that the ordinance be placed on first reading. City Attorney Winn explained the right-of-way was for a street to connect with one on the airport property when that property is developed.

#894 Executive Session on Personnel Matters and Work Session on Property Maintenance Code: Councilman Jacob moved that the Council go into executive session until 10:15 p.m. to discuss personnel matters; seconded by Councilman Hess. Motion carried.

The Council went into executive session at 10:10 p.m. and returned to regular session at approximately 10:15 p.m.
March 2, 1981

The meeting was adjourned to Monday, March 16, 1981, 7:30 p.m., and the Council went into a work session.

President of the Council

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, March 16, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Lacy, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, City Attorney Winn, Bob Sanders, Tom Bieszczat, Martha Heizer, and the Council Reporter.

APPROVAL OF AGENDA

Mr. Sanders reported that the developer, Saul Ellis, had requested that his rezoning request for Hunter's Ridge II be continued. On motion by Councilman Roberts, seconded by Councilman Funk, second reading of ordinance relating to rezoning for Hunter's Ridge II at 123rd and State Line was deleted from the agenda and continued to the next meeting. On motion by Councilman Rinehart, seconded by Councilman Lacy, the agenda was approved as amended.

VISITORS

Jeannine Fox, Jean Wise, Larry Brockhouse, Judy Waugh, Sue Kramer, Rog Dickerson, Cathie Simmons, Judy Rosenthal, John Snyder, Phil Kline, W. L. Fohey, William D. Lamm. Member of the Press: Thomas McCormally.

APPROVAL OF MINUTES

On motion by Councilman Rinehart, seconded by Councilman Hodes, the minutes of the meeting of March 2, 1981, were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Hodes, seconded by Councilman Carper.

COMMITTEE AND COMMISSION REPORTS

Budget and Finance:

Discussion of 1981 Health Insurance Program: Councilman Carper reported for the Budget and Finance Committee that as of April 1 there would be a rate change in Prime Health coverage. He said it should be considered whether or not the City would change the contribution made on behalf of employees under Prime Health or leave it as is. He proposed that the matter be referred to the Wage and Salary Committee.
Mr. Garofano referred to a memorandum from John Snyder outlining employee group health insurance. He said both the Prime Health and The Hartford contracts expired on April 1 and normally any premium increase would happen at that time; however, The Hartford rates would continue until June 30, but Prime Health was proceeding with a 17 percent rate increase as of April 1. He explained that the City presently paid an amount equal to the Hartford premium toward Prime Health coverage for employees enrolled in that plan, so that at present employees were paying $20.52 per month for Prime Health family coverage; that would increase to $38.77 per month on April 1. Mr. Garofano stated since writing his memorandum to the Council suggesting that the City continue its present policy of absorbing the premium cost equal to that charged by The Hartford, Mr. Snyder had suggested that the City could make a temporary adjustment until it was known what the Hartford premium would be as of July 1. He was concerned that the 23 employees enrolled in Prime Health might rush out of the program because of the increase when that increase may be only temporary based on what The Hartford does on July 1. There were two options: (1) continue the present contribution with Prime Health members paying the increased difference, or (2) make a temporary adjustment in the City's contribution for those enrolled in Prime Health. Councilman Carper suggested further that the Council might make a retroactive adjustment after learning what the Hartford rate would be as of July 1. Mr. Garofano suggested that the City's contribution to Prime Health coverage might be raised ten percent, or $8.90, anticipating that a ten percent rate increase for Hartford coverage was probably forthcoming. John Snyder emphasized that the difference in contribution to the two plans would only be for two months, while a decision by an employee to drop out of Prime Health because of the increased cost to him would affect him for a whole year.

Councilmen Rinehart and Carper wondered how department heads felt their employees who were under Prime Health would react with a ten percent increase. Tom Bieszczat said he anticipated that many of his employees would feel forced to drop the Prime Health coverage with the $20.00 per month increase. A retroactive rebate was discussed. Councilman Hodes felt the Council had established a benchmark with the Hartford rate being the amount the City would pay, because Prime Health had made an increase and Hartford had not did not mean the City should rebate the difference for the intervening months; Councilmen Funk and Roberts agreed. Councilman Rinehart said she would be in favor of raising the City's contribution ten percent at this point because $10 or $20 made a difference to those employees in the lower echelon. Chief Toman said he felt many of those who elected to take Prime Health did so because of the $100 deductible under the Hartford plan; in effect, they would pay an amount per pay check to avoid having to pay the $100 all at once plus
March 16, 1981

the twenty percent participation in total cost of hospitalization. He thought they would be willing to pay an additional amount per pay check in the hope that there would be some relief by July 1. Councilman Jacob felt the Council should stay with its present policy. John Snyder stated The Hartford was required by law to take every one of the employees who had elected Prime Health back into its plan as of April 1, but the option to return was only open between April 1 and April 10. From the discussion, Councilman Carper summarized that he thought the only thing the Council would want to communicate to the people in Prime Health was the Council's position to continue the same funding policy, that when in fact an increase was realized with the Hartford plan, the intention would be to pay the same premium dollars toward Prime Health as under the Hartford plan. That being the consensus of the Council, the matter was not referred to the Wage and Salary Committee.

Plan Commission:

Roe Avenue Improvements - Patrician Woods: Mr. Sanders reviewed that at its last meeting the Council passed Resolution No. 558 approving the final plat for Patrician Woods, First Plat. That resolution incorrectly provided that the developer would not have to participate in street improvements on Roe Avenue. Mr. Sanders presented a new resolution substituting a new paragraph that the developer provide an irrevocable letter of credit for an amount not to exceed $65,000.00 effective for a three-year period. He said through discussions between the developer (Mr. Fohey), his engineer (Phil Kline), the City Attorney, Tom Bieszczat and Bob Sanders the arrangement which seemed workable had been arrived at. There was discussion that the $65,000.00 figure was computed using a cost of $160 per lineal foot for the 800 feet adjacent to the plat times one-half (the developer's responsibility under the subdivision regulations). City Attorney Winn explained under the letter of credit the City could at any time notify the bank that it was ready to proceed with the improvement of Roe Avenue and the money would be paid to the City. There was discussion that it would probably be some time before improvements were made to Roe Avenue. Councilman Carper was concerned as to whether or not the $65,000.00 would cover the improvements that the developer would be responsible for two and a half years from now. Mr. Bieszczat felt confident that amount would cover it; he said the cost of $150 per foot on Mission Road included thirty percent for engineering, utility relocation, legal expense and right-of-way acquisition; he felt the $160 per foot figure already had at least $10 for inflation built into it. City Attorney Winn said he did not think it reasonable to require the developer to make an open-ended commitment to pay his portion of the cost whenever the improvement was made in the future. Mr. Sanders stated after a lot of discussion, it was felt that the irrevocable letter of credit was the most equitable solution. Mr. Bieszczat pointed out
that Roe probably would be improved to a four-lane arterial route, the developer was only responsible for one-half of a collector street, so it would be an estimated amount even if it were built at this point. City Attorney Winn stated there could be a benefit district for the improvement of Roe Avenue with the lineal footage involved in this letter of credit being excused. Mr. Kline said he did not feel Roe Avenue construction would be as costly as the construction of Mission Road.

**Resolution No. 559 - Approval of Final Plat - Patrician Woods (127th and Roe):** The wording of the resolution concerning letter of credit was discussed. On motion by Councilman Hodes, seconded by Councilman Rinehart, Resolution No. 558 was rescinded. Councilman Rinehart moved that the new resolution be adopted with revised wording in the fifth "whereas", to read, "providing an irrevocable letter of credit for an amount not to exceed $65,000.00 payable to the City of Leawood no later than three years from the date of issuance"; seconded by Councilman Lacy. Resolution No. 559 was adopted, Councilman Carper opposed. A copy is attached hereto as part of the record.

**Ordinance Relating to Adoption of the BOCA Basic Property Maintenance Code, 1981 (First Reading):** Larry Brockhouse and Judy Waugh of the Property Maintenance Code Committee were present. A proposed ordinance had been distributed. Mr. Brockhouse stated the committee reviewed the entire BOCA Basic Property Maintenance Code of 1981; the ordinance presented adopted the code with changes detailed. He said the changes basically pertained to due process so that citizens of Leawood would definitely be afforded their legal rights. The committee felt the code proposed was very simple, fair and reasonable. It was discussed. Mr. Brockhouse said the provision for initiating enforcement procedures by a petition filed by at least five residents was the minimum number allowed by state statute, as was the provision for minimum number of days for corrections. City Attorney Winn said deletion of the provision under the old procedure that five residents within 500 feet of the property file a complaint got away from immediate neighbors having to complain. There was discussion that a committee was working on recommendations for ways the homes associations and the City could work together to make persons knowledgeable of deed restrictions in the area in which they live. Mr. Brockhouse explained the code dealt with three types of violations: (1) unsafe structures, (2) dangerous and immediately hazardous structures, and (3) conditions unpleasant to the eye. The right of entry provision was discussed.

Judy Waugh explained that the code was designed to be used in cases where things get out of hand, but the committee would like to see the city function in such a fashion that that never occurs; therefore, a neighborhood conservation committee was proposed for the purpose of maintaining healthy, thriving neighborhoods, staffed by residents.
themselves, probably working in coalition with the homes association, to generate home renovation—residents would take more pride in their neighborhood, crime would be reduced, neighborhoods would be beautified. Mr. Brockhouse further explained that the neighborhood conservation angle was a positive approach by the citizens; if they failed to do it, then the code would be used. Mrs. Waugh emphasized that the major concern of the committee was the property maintenance code, the neighborhood conservation concept was an outgrowth of the overall philosophy of what they were trying to achieve and was presented as a suggestion for the neighborhood homes associations to consider; it was not completely worked out.

Mayor Crippin said he would recommend appointment of a task force of about 25 persons on residential crime in the City which would be made up of representatives from each homes association who would work with representatives of the Police Department and the City Administrator on various programs, projects that could be implemented for the citizen to become more aware of residential crime. He said perhaps the task force group might also be concerned about conservation. On motion by Councilman Rinehart, the ordinance adopting the property maintenance code was placed on first reading.

Mayor Crippin thanked Mrs. Waugh, Mr. Brockhouse and the committee for their efforts.

Public Safety:

Discussion Regarding Speed Limits: Councilman Hodes suggested that a report concerning speed limits at a number of locations be sent to councilmen in writing.

CITY ADMINISTRATOR'S REPORT

Status of Greenway Development Application: Mr. Garofano reported the State Park and Resources Authority had approved the City's application for grant in the amount of $411,000 for development of the greenway, but the federal agency to fund the grant had been abolished and 1981 funds had been frozen.

Report Concerning Park Near 91st and Lee Boulevard: Mr. Bieszczat reported Mr. and Mrs. Jordan, City Attorney Winn and he had met; there seemed to be a three-way split as to how the property owners saw fit to dispose of the land; hopefully in a reasonable amount of time it would be resolved. Mr. Brockhouse said he was one of the residents involved and had not been notified that the City had decided to dispose of the park. City Attorney Winn stated Mrs. Jordan was trying to determine if there was sentiment to form a private park association to maintain the park, and suggested that Mr. Brockhouse contact Mrs. Jordan. Mayor Crippin suggested that the matter be put on the Council agenda at a later date.

MAYOR’S REPORT
Use of Fire Station No. 2 - CPR Training: On motion by Councilman Hodes, seconded by Councilman Carper, the Council approved use of Fire Station No. 2 for CPR training. Mayor Crippin said he thought any use of City facilities for public purposes should be approved by the Council.

OLD BUSINESS

Ordinance No. 691 - Accepting Right-of-Way Grant for Street Purposes Across Tract I, Leawood South, Second Plat (Second Reading): Councilman Rinchart moved that the ordinance be placed on second reading; seconded by Councilman Roberts. Ordinance No. 691 was adopted.

NEW BUSINESS

Acceptance of Bid for Dykes Branch Sewer Renovation Project: Mr. Garofano stated the apparent low bidder on the Dykes Branch sewer renovation project was Lamm Construction Company with bid in the amount of $2,635,223.91. Mr. Bieszczat stated the City must notify E.P.A. as soon as possible as to its recommendation as to the lowest responsible bidder and that the City concurred that the bidder had met the 15% Minority Business Enterprise requirements, and the City must fill out Form 5200-43 which in essence brought the grant down to the bid amount. Mr. Bieszczat referred to background information on Lamm Construction Company and its projects. He emphasized that bids of this nature were based on units of work performed, so the final amount paid would probably not be the exact amount of the bid. Mayor Crippin emphasized that the Governing Body was concerned that the contractor for this project do everything possible to keep peace with Leawood families as the work would be done in 180 back yards. Mr. Lamm stated his company had had quite a bit of experience going through yards in the past; he said they would notify property owners well in advance that they were coming, would inform them what the status and limits of the construction were, and would assure them that the area would be restored. There was discussion that there was a two-year completion date; Mr. Lamm hoped to have it completed within a year. Councilman Funk moved that the bid of Lamm Construction Company for the Dykes Branch sewer renovation project be accepted and that the Mayor be authorized to sign E.P.A. Form 5200-43 and to notify E.P.A. by letter of the recommendation; seconded by Councilman Carper. Motion carried.

Authorization for Interlocal Agreements for Construction of Intersection Improvements at College Boulevard and Roe Avenue and Improvement of 119th Street from Roe Avenue to Mission Road: Mr. Garofano stated the City of Leawood had submitted Improvement of the intersection of College Boulevard and Roe Avenue as its first priority under the Johnson County Road Building Program, and the County had requested submission of an interlocal agreement expressing intent to undertake that project. Mr. Gerofano requested authorization to enter into an interlocal agreement between Leawood, Overland Park...
and Johnson County for the improvement of the intersection. Mayor Crippin stated 119th Street must be included. Councilman Hodes moved that the City of Leawood enter into an interlocal agreement with the City of Overland Park and the County of Johnson for improvement of the intersection at College Boulevard and Roe Avenue; seconded by Councilman Rinehart. Councilman Carper confirmed that the city as a whole would be paying for the improvement as it would be financed through bonds with participation by the owners of property on the southeast and southwest corners of the intersection. Motion carried.

Councilman Hodes moved that the City of Leawood enter into an interlocal agreement with Johnson County for the improvement of 119th Street from Roe Avenue to Mission Road; seconded by Councilman Rinehart. Councilman Carper commented that the city as a whole would be paying for the improvement. Motion carried.

Work Session on Comprehensive Plan: Mayor Crippin stated a work session on the comprehensive plan scheduled immediately following the Council meeting should not take more than a few minutes.

APPROVAL OF APPROPRIATION ORDINANCES

Appropriation Ordinance No. 415 in the amount of $43,963.87 for 1980, and No. 417 in the amount of $530,349.78, providing for payment of certain claims against the City and the Leawood Sewer System, and bond payment of $333,593.37, were submitted, discussed and approved on motion by Councilman Hodes, seconded by Councilman Roberts.

At 10:00 p.m., on motion by Councilman Rinehart, seconded by Councilman Carper, the meeting adjourned to Monday, April 6, 1981, 7:30 p.m.

Council Reporter
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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 6, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Lacy, Hess, Jacob, Rinehart, Carper, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Captain Cox, City Attorney Winn, Treasurer Herring, Bob Sanders, Tom Bieszczat, Martha Heizer, and the Council Reporter.

APPROVAL OF AGENDA

Councilman Funk moved that discussion concerning a Council work session with Bob Saunders be added to the agenda as the last item under New Business; seconded by Councilman Rinehart. Motion carried. On motion by Councilman Rinehart, seconded by Councilman Funk, the agenda was approved as amended.

VISITORS

Judy Rosenthal, Dr. and Mrs. N. K. Mitra, Jean Wise, H. C. Heyde, Joyce Dickey, Dana Dowd.

APPROVAL OF MINUTES

On motion by Councilman Hodes, seconded by Councilman Rinehart, the minutes of the meeting of March 16, 1981, were approved as submitted.

COMMITTEE AND COMMISSION REPORTS

Plan Commission:

Request for Rezoning at 83rd and State Line: Mr. Sanders referred to a fact sheet, a draft policy statement which addressed potential development of bypassed parcels of land to be considered by the Plan Commission at its April meeting, and a Plan Commission resolution recommending denial of the rezoning request at 83rd and State Line. He explained the location of the site and said everything in the area on the Leawood side of State Line was zoned single family residential with the exception of CP-0 at the corner adjacent to Prairie Village. The site involved 7/8ths acre, 100 feet wide, 38½ feet deep, immediately adjacent to the Leawood Baptist Church property; the church also owned a 3/4ths acre tract north of the subject tract. On the Missouri side was basically office commercial zoning. Mr. Sanders said the Plan Commission felt the proposed office use was an intrusion in the
neighborhood which could lead to other future zoning. There had been considerable neighborhood opposition at the public hearing. At the last meeting of the Plan Commission when it voted on the matter, applicants were not represented in the audience. Mr. Dana Dowd, applicants' architect, said he had not received notice of the Plan Commission meeting nor of the Council meeting. Mr. Sanders said he had written a letter to applicants, Dr. and Mrs. Peter Boylan, informing them of the meetings.

Mr. Dowd said most communities furnished copies of correspondence, staff reports, etc. to the project architect.

Councilman Roberts wondered if the Plan Commission was somewhat inconsistent in its reasons for not approving this rezoning while it did approve a commercial project at the drive-in theater site. Mr. Sanders said Leawood had on a number of occasions made its position clear that it was not in favor of the Ward Parkway Corridor Plan as it now exists as uses on the Missouri side were not as compatible with single family residential as they were in the original plan. The Plan Commission felt it should hold the single family area at this location in Leawood. Mr. Sanders said the drive-in theater site was on a future major intersection. Mr. Roberts said it was inconceivable to him that anyone would want to build single family residential facing on State Line Road. Mr. Sanders suggested that houses might be located with common driveways or in a configuration that was other than standard single family.

Dana Dowd, architect for the project, said they had taken a bypassed piece of ground; his clients very much wanted to build an office building and would be very receptive to any suggestions the Council or Plan Commission would care to make. He said the CP-O zoning was addressed to large tracts, the 40-foot setbacks were unworkable on small tracts. He felt an office building was not a big intrusion in a residential area and the proposed building had only 8,800 sq. ft. He said the building was set back ten feet from the property line as was the church next door, there would be extensive screening. He hoped there would be a way to work out some kind of compromise for a site like this which was not very suitable for residential. Councilman Hodes noted that the Plan Commission resolution mentioned that the applicants or their representatives were not in attendance at the Plan Commission meeting. Mr. Sanders said that statement was put in the resolution because that was so unusual.

The draft policy statement was discussed. Mr. Sanders said it was saying bypassed tracts should be developed. Councilman Carper wondered to what extent the Plan Commission took into consideration the impact of development of the tract on storm drainage, traffic, and other environmental impact. Mr. Sanders reviewed that the staff report
pointed out that the parking lot needed rip rap in times of high water, storm drainage inlets needed to be repositioned, questioned how many existing trees on the rear of the lot would actually be saved, and commented that exterior lighting would have to be such that it would not be a nuisance factor to the neighbors.

Dr. N. K. Mitra said he lived just behind this project and invited the Council to come and see the area; he said the building would be a long way back from State Line and would be on top of the neighboring back yards; the residents felt it would be a tremendous intrusion on their privacy; it did not follow the zoning regulations; the Leawood Baptist Church people were also against the project; and it would be a place where burglars might park and burglarize the homes.

Mr. Sanders pointed out that the neighborhood did submit a petition of protest which meant that an affirmative vote on the rezoning would have to be carried by a three-fourths majority.

Councilmen Hodes asked if the residents would be satisfied with anything other than a single family dwelling on the tract. Dr. Mitra suggested a single family home or perhaps leaving it like a park or a playground for the children at the church. Councilman Rinehart wondered if a decision should be deferred until the policy statement on vacant tracts had been adopted. Mayor Crippin said the policy was more or less oriented to bypassed properties throughout the City rather than properties along State Line. Councilman Roberts asked how a single family residence could be placed on the property without facing State Line Road. Mr. Sanders said such a house would have to be deep, recognizing the depth of the lot, there were many kinds of configurations. Councilman Roberts said he felt a great deal of consideration should be given to what Dr. Mitra said. He hoped the City of Leawood would continue to have respect for existing residential areas and would protect them from commercial development. Dr. Mitra added that it was almost final that the Leawood Baptist Church was getting enough money donated to do something with the Majors home.

Councilman Carper moved to approve the Plan Commission resolution as submitted to the Council containing a recommendation for disapproval of the rezoning from R-1 to CP-0 and preliminary development plan; seconded by Councilman Roberts. Motion carried unanimously.

Public Safety:

Requests for Permission to Keep Three Dogs - 8523 Cherokee Place and 3504 West 97th Place: Councilman Hodes reported the requests had been reviewed and there were no objections by neighbors found in either case; therefore, he moved that the Council grant permission for one year to house three dogs
Request to Proselyte - Latter Day Saints: Councilman Hodes reported in consideration of the decision of the U. S. Supreme Court, the Public Safety Commission recommended approval of the request to conduct a door-to-door information campaign. Councilman Hodes, therefore, moved for approval of the request; seconded by Councilman Carper. Councilman Carper suggested that length of time for the campaign be established. The matter was discussed. With the current burglary problem, Mayor Crippin felt the requirement of having those participating in the campaign check in with the police department and imposing a time limit would be reasonable; he suggested that the staff contact the applicant and give an appropriate length of time that they might carry on the activity. Motion failed with two aye votes, six nays.

Request to Conduct Political Canvassing Drive - Missouri Public Interest Research Group: Councilman Hodes stated the Public Safety Commission had requested more information; the matter would not be brought before the Council at this time.

Authorization to Purchase Pickup Truck: Councilman Hodes said a bid had finally been received for an import pickup truck to be used for stray animals; it was budgeted; approval had been given to solicit bids. Councilman Hodes moved that the Council authorize the purchase of a Datsun pickup truck from Metcalf Datsun at a price not to exceed $6,670.00; seconded by Councilman Roberts. There was discussion that there was a lower bid but delivery time was as long as five months. Councilman Carper stated before going out for bids the department should make a decision as to what kind of vehicle it needed and obtain bids for that specific product, rather than attempting to compare bids on different brands. Councilman Hodes said all the bids involved half-ton pickups and were basically the same vehicle. Captain Cox said he had no information that would lead him to believe that any one make of that type of truck was any better suited than any other, so open specifications were drawn. Councilman Carper stated he had asked that bid tabulations indicate who the requests for bids were sent to. Motion carried, Councilman Carper opposed.

Discussion of Residential Burglary Problem: Councilman Hodes said the Public Safety Commission would like to go on record as supporting the Mayor's task force concept to combat crime within the City. He said the Commission was very concerned about the rising burglary rate in the City. Acting Police Chief Cox introduced a presentation by the department to help the Council understand the burglary problem. Detective Dave Slade presented a detailed report on the 53 unsolved burglaries out of a total of 80 since January 1, 1981. Sergeant Ron Anderson presented statistics
on Leawood's burglary rate compared with 10 other cities. He said there was an increase of fifty percent in 1980 over 1979 residential burglaries, but Leawood had the lowest rate of burglaries per 1,000 citizens, excluding Westwood. Councilman Hodes pointed out that in 1981 Leawood already had half the number of total burglaries it had in 1980. Sergeant Anderson said the secret to reducing burglaries was getting neighborhoods involved in watching out for each other. He urged citizens not to be afraid of calling the department on something that was not important. He said the department was happy to talk with groups and did home inspections. Captain Cox displayed a neighborhood watch area sign which would serve as a deterrent and would reinforce the resolve of those residents to call every time they saw something suspicious. The sign would be put up in areas where there was a commitment to participate in the watch program. Councilman Hodes suggested that if the press would publicize the Mayor's task force, burglars might move to other cities. Mayor Crippin said he had directed the Police Chief to draft a plan for the department manpower and equipment and particularly to take into consideration burglaries and other activities that occur in the City; when that was presented, the Council should have a work session to review the Police Department, its functions, and the direction it should go. He emphasized that the public would have to become very well educated. Herbert Heyde suggested that on Friday nights between 7:00 and 10:00 p.m. each of five streets leading out of north Leawood be blocked off and contents of cars examined. He pledged the cooperation of people in his homes association. Captain Cox said a citizen had the same rights, responsibilities and authorities as a law enforcement officer to use the minimum amount of force necessary to detain an individual. Councilman Hess commented that the article in the last newsletter would be helpful to homeowners. There was a discussion concerning the parole system in Johnson County. Councilman Carper requested that information be furnished to the Council as to how many of the people involved in the burglaries that had been solved had been brought before the Johnson County court system before, and what judge was responsible.

CITY ADMINISTRATOR'S REPORT

Final Payment - City Hall Renovation: Responding to concern expressed by the Council on the length of time to complete the renovation contract, Mr. Garofano referred to letters from James Balderson, the architect, and Bob Campbell, the construction company president. He said there were five change orders issued which increased the time for the project by six weeks and there was a two-week delay between the time the Police Building was finished and the time they could begin on the Council/Court Building. Mr. Garofano requested the delay in order to sort through things stored in the attic. With the change orders plus the time period of requested delay of construction, they did not exceed the required time.
Status of State Line Airport: Mr. Garofano said he had talked several times with Leo Eisenberg & Co. and they had served notice on the tenant to vacate; however, there were airplanes on the property. The City was working with the owner in an effort to identify the owners of the aircraft so that they could be notified that the airport had been closed. The airport had been taken off the FAA charts, but the problem was that some people were not aware of this. The City had requested that the owner post no trespassing signs on the property. Councilman Carper suggested that white X's be placed on the ends of the north-south runway. Mayor Crippin suggested that the City volunteer to paint the X's.

Vacancy on Recreation Commission: Mr. Garofano reported the Recreation Commission was taking applications to fill a vacancy on the Commission.

MAYOR'S REPORT

Restructuring of Recreational Vehicle Ordinance: Mayor Crippin said he was requesting the Property Maintenance Code Committee to revive restructuring of the ordinances associated with the regulation of recreational vehicles, trucks, campers, etc.

Work Session of the Council: Mayor Crippin announced a work session on Monday, April 13, 1981, at 7:30 p.m., for discussion of restructuring of council and committee procedures and the handling of their business.

Meeting with Plan Commission on Comprehensive Plan: Mayor Crippin said he would meet with the Plan Commission regarding the comprehensive plan prior to the next meeting of the Plan Commission. Council members will be notified so they might attend.

OLD BUSINESS

Ordinance No. 692 - Relating to Adoption of the BOCA Property Maintenance Code, 1981 (Second Reading): Councilman Rinehart moved that the ordinance be placed on second reading. Ordinance No. 692 was adopted unanimously.

NEW BUSINESS

Appointment of Chief of Police: Mayor Crippin announced that the Council had come to the decision that Captain Steve Cox should be appointed as Chief of Police of the City of Leawood. Councilman Hodes moved that the Council appoint Captain Steve Cox as Chief of Police of the City of Leawood; seconded by Councilman Carper. Motion carried unanimously. Mayor Crippin administered the Oath of Office to Steve Cox.

Resolution No. 560 - Relative to Mortgage Revenue Bonds: A letter had been distributed inviting the City to participate
in a program for the second issue of Mortgage Revenue Bonds by the County to assist moderate income families in purchase of residential housing. Mr. Garofano said the income qualifications had been increased from $30,000 to $37,500 per year; the maximum purchase price for a house remained $68,500. Mayor Crippin explained that if the Council did not approve the resolution presented, no houses in the City of Leawood would be eligible for these funds. Councilman Lacy said he felt this program would bring into the City of Leawood some secondary sales; that is, application of the program to homes in other areas of Johnson County would allow the sellers to buy homes in Leawood. Councilman Rinehart moved that the Council adopt the resolution to support the program; seconded by Councilman Lacy. Resolution No. 560 was adopted. A copy is attached hereto as part of the record.

Scheduling of Executive Session Regarding the Metro Squad Investigation: Mayor Crippin suggested that an executive session of approximately ten minutes regarding the Metro Squad Investigation be held immediately after the Council meeting.

Discussion of a Council Work Session with Bob Saunders: Councilman Funk suggested it would be helpful to schedule a work session with Bob Saunders as he was familiar with the basic plan the Council had in mind when the City Administrator was hired. Mayor Crippin stated he hoped at the work session scheduled for Monday, April 13, the Council could firm up some things as to the direction which council and committee procedures would take prior to the May 7th reorganization meeting. Councilman Rinehart was in favor of having Mr. Saunders at the meeting on the 13th, but thought the Council should go ahead with the meeting if he was not available, then the new council might meet with him. The Council agreed.

At 9:45 p.m., the Council went into executive session for ten minutes to discuss the Metro Squad investigation, following which the Council returned to regular session and adjourned to Monday, April 20, 1981, 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 20, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Roberts, Funk, Lacy, Hess, Jacob, Rinehart, Carper. Councilman Hodes arrived at 7:35 p.m.

Also present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Bob Sanders, Tom Bieszczat, Martha Heizer, and the Council Reporter.

APPROVAL OF AGENDA

At the request of Chief Cox and on motion by Councilman Roberts, seconded by Councilman Hess, request of American Cancer Society for permission to solicit funds, and request of Boy Scout Troop 83 for permission to distribute advertising were included on the agenda. As suggested by Mr. Garofano and on motion by Councilman Hess, seconded by Councilman Rinehart, authorization of contract for 4th of July fireworks was included on the agenda. At the Mayor's suggestion and on motion by Councilman Rinehart, seconded by Councilman Lacy, discussion of a slurry seal program was included under New Business. On motion by Councilman Rinehart, seconded by Councilman Hess, the agenda was approved as amended.

PRESENTATION OF CERTIFICATES OF APPRECIATION AND KEYS TO THE CITY TO COUNCILMEN CARPER AND ROBERTS

Mayor Crippin presented certificates of appreciation and keys to the City to Councilmen John T. Carper and Herbert L. Roberts in recognition of their service on the Council and on various committees.

VISITORS

Mr. and Mrs. Norwood G. Carper, Mrs. John T. Carper, Mrs. Herbert L. Roberts, Jean Wise, Howard Kipfer, and a Sun Newspaper reporter.

APPROVAL OF MINUTES

On motion by Councilman Rinehart, seconded by Councilman Lacy, the minutes of the meeting of April 6, 1981, were approved as submitted.

APPROVAL OF DEPARTMENTAL REPORTS

Departmental reports were submitted and approved on motion by Councilman Rinehart, seconded by Councilman Roberts.
Councilman Hodes noted a one hundred percent increase in driving while intoxicated arrests during the month of March, two were before the court, one was dismissed because the warrant expired, the other was not tried. Councilman Hodes also was concerned about animal complaints consuming 97 units of time with 17 arrests. Chief Cox stated the complaints included all animal calls, including squirrels. Councilman Hodes noted there were 86 calls on alarms. Chief Cox said probably all but two or three were false alarms. Chief Cox will try to get at least one false alarm ordinance to include in the Council packet for the next meeting.

COMMITTEE AND COMMISSION REPORTS

Plan Commission:

#166 Ordinance Accepting Right-of-Way Grant for Street Purposes (First Reading): Mr. Sanders explained the ordinance was to accept right-of-way grant from the owner of ten acres of land at 4900 West 143rd Street, and recommended that the ordinance be adopted. On motion by Councilman Carper, the ordinance was placed on first reading.

MAYOR'S REPORT

Policy on Meetings: Mayor Crippin stated there had been discussion concerning the legality of the kinds of meetings the Council and commissions had been holding. He appointed a committee consisting of Jean Wise, chairman, Councilman Lacy and Councilman Hess to work with the City Attorney to draft a policy for the City on the kinds of meetings that can be held.

NEW BUSINESS

#205 Authorization of Right-of-Way Payments for Dykes Branch and James Branch Sewer Renovation Project: Mr. Bieszczat stated due to Howard Kipfer's perseverance, the City had managed to save somewhere in the range of $80,000 over the original anticipated cost of obtaining right-of-way. Mr. Bieszczat requested blanket authorization to make payments for right-of-way as deemed necessary. Mayor Crippin related an incident where Mr. Kipfer with good effort and congeniality had avoided a lawsuit against the City and reduced the claim to pennies on the dollar. Mayor Crippin requested that the claim letter be copied for members of the Council. City Attorney Winn commented on the high percentage of easement acquisitions at this stage of the project. Councilman Carper suggested that a ceiling be placed on the authorization, and moved that the Council approve payments up to a limit of $50,000.00 for right-of-way acquisition for the Dykes Branch and James Branch sanitary sewer renovation project; seconded by Councilman Rinehart. Motion carried. The Council expressed appreciation to Howard Kipfer for the excellent job he was doing.
Discussion Concerning Road Improvements - Somerset and Lee:
Mr. Bieszczat stated 1200 feet of Somerset from Booth Street to Cambridge would be totally destroyed by the sanitary sewer renovation project. He said for some time there had been discussions with Prairie Village about the possibility of the improvement of Somerset from west of Wenonga easterly to perhaps State Line Road. Mr. Bieszczat felt this was an opportune time to reopen negotiations for the improvement of Somerset Road. He said there was $80,000 in the sanitary sewer renovation project for replacement of the roadway. He estimated Leawood's cost of construction would be about $52,000 to $53,000 plus the $80,000 in the sewer project, whereas Prairie Village cost would be in the range of $216,000 based on abutting front footage. Leawood has the responsibility for the south side of Somerset from Wenonga to Lee Boulevard. Mr. Bieszczat displayed a map of Somerset showing the city limits and the portion that would be replaced by the sewer renovation project. He added that the contractor on the sewer project had submitted an alternate proposal not replacing the entire roadway. There was discussion that the figures mentioned did not include intersection improvements at Lee Boulevard and Somerset. Councilman Roberts said the intersection made it a very complex problem, he felt it should go to the Public Works Commission for comprehensive study. Mr. Bieszczat said he would place Somerset fairly high on Leawood's priority list for streets that needed repair. Councilman Jacob suggested that Mr. Bieszczat go ahead and explore the possibilities with Prairie Village. Mayor Crippin stated a capital improvements program committee would be appointed in the near future to work with Public Works to sort out all the street and storm drainage problems in the City, and to program improvements. Mr. Bieszczat said if Leawood was going to do something to Somerset, it needed to move as soon as possible since the sewer project could be completed by September of 1982. The matter was referred to the Public Works Commission.

Discussion of Slurry Seal Program: Mr. Bieszczat stated slurry seal was a street surfacing similar to chip and seal only the aggregate was mixed in with the emulsified asphalt, it rejuvenated the asphalt to a certain extent, and looked like a street which had been overlaid at about half the cost. However, what he was proposing would be about a quarter inch thick. He said there was a Federal grant program available which would pay a maximum of $15,000 for the use of slurry seal and $10,000 for engineering. Mr. Bieszczat said slurry seal took four to six hours to set up before the street could be traveled. He said the streets that had been overlaid were built up so high they should not be overlaid again, but should be cold planed; cold planing and overlaying would be three times the cost of slurry seal. He said slurry seal took less energy to produce and was broken with water whereas asphalt in the overlaying process was cut back with petroleum products. The Federal government
was trying to get more communities to use it as an environmental and energy conserving process. Mr. Garofano noted that slurry seal had been used on streets in the Foxcroft area just north of Barstow School in Kansas City.

Request for Permission to Solicit Funds - American Cancer Society: Chief Cox stated the request was for solicitation from April 24 through May 4; there had been no problems in the past. On motion by Councilman Carper, seconded by Councilman Lacy, the request of American Cancer Society for permission to solicit funds was approved.

Request for Permission to Distribute Advertising Material - Boy Scout Troop 83: Chief Cox explained the request was to distribute handbills on April 21 and 22 for a paper drive, the actual paper collections to be held May 2, June 6 and July 11. Councilman Funk objected to such handbills being left on doorknobs. Councilman Rinehart said she resented anyone ringing her doorbell and suggested that they collect their papers at a universal place like a shopping center. There was no motion.

Contract for 4th of July Fireworks: Mr. Garofano presented a proposal from the All American Fireworks Company, the same company that put on the fireworks display last year, to provide the show for the amount of $3,500. Mr. Garofano said at budget preparation time no money was allocated although there was discussion that money could be taken from the contingency fund. Councilman Rinehart moved that the Council appropriate $3,500 from the contingency fund in the 1981 budget for the fireworks display; seconded by Councilman Hess. Motion carried, Councilmen Hodes and Roberts opposed.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 418, in the amount of $309,353.27, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and approved on motion by Councilman Hodes, seconded by Councilman Jacob. Councilman Hodes noted there were four vendors for sign blanks; he commented on the cost of replacing detector loops in electronic traffic signals, suggesting that the City look into a trencher to install the loops. There was discussion concerning the Council's responsibility in approving the appropriation ordinance and the fact that some of the checks had already gone out.

Since Councilman Carper was leaving the City, Jean Wise read a humorous resolution she had prepared concerning his service on the Council.

City Attorney Winn suggested that he study current law on solicitations and prepare a memorandum for consideration.
April 20, 1981

by a committee. Mayor Crippin suggested that Councilman Funk's committee with the homes associations might consider whatever memorandum was drafted.

At 9:08 p.m., the meeting was adjourned to Monday, May 4, 1981, 7:30 p.m.

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, May 4, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Lacy, Hess, Jacob, Rinehart, Hodes.

Also present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Treasurer Herring, Bob Sanders, Tom Bieszczat, Jinny Oberlander, Martha Heizer, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Lacy, the agenda was approved as written.

PRESENTATION OF CERTIFICATE OF RECOGNITION TO KARL ENGLUND

Mayor Crippin expressed appreciation to Karl Englund for his service on the Recreation Commission and Councilman Rinehart presented a Certificate of Recognition to Mr. Englund.

APPROVAL OF CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hess, the Consent Agenda was approved, including approval of minutes of the meeting of April 20, 1981, second reading of Ordinance No. 693 accepting right-of-way grant for street purposes, and approval of Appropriation Ordinance No. 415 for 1980 expenditures in the amount of $70,683.04.

CITY ADMINISTRATOR'S REPORT

Additional Appropriation Ordinances: Mr. Garofano reported arrangements had been made for two appropriations ordinances per month to keep more current in payment of bills.

MAYOR'S REPORT

Size of Trucks Permitted to be Parked: Mayor Crippin said he had received several calls about a large tractor truck parked in a yard on Lee Boulevard. Chief Cox stated present ordinance specified that no truck larger than a half ton could be parked in a residential area. Mayor Crippin will write a letter enclosing a copy of the ordinance and a warning.

Dykes Branch Sewer Renovation Project: Mr. Bieszczat announced that after fifteen years, ground was broken for the Dykes Branch sewer renovation project.
Work Session: Mayor Crippin stated it had been discussed that the Council would hold work sessions on the second Monday night of each month. The Council agreed to hold a work session on Monday, May 11, at 7:30 p.m., to discuss 123rd and State Line, the comprehensive plan, and the shopping center at 128th and State Line. Mayor Crippin said any additions to the agenda should be submitted by noon on Friday, May 8.

OATHS OF OFFICE ADMINISTERED TO NEWLY ELECTED CITY OFFICIALS

City Clerk Jinny Oberlander administered the Oath of Office to Mayor Kent E. Crippin; to Councilman Bob Lacy, Ward 1; to Councilman Randy Jacob, Ward 2; to Councilman Jean Wise, Ward 3; and to Councilman Phillip Hodes, Ward 4.

ROLL CALL OF NEW COUNCIL

Roll call of the new Council was answered by Councilmen Wise, Funk, Lacy, Hess, Jacob, Rinehart, Hodes.

NEW BUSINESS

Ordinances Numbered 694, 695, 696, 697, 698, and 699 - Relating to Organizational Changes: Mr. Garofano explained the ordinances dealt with organizational changes discussed at a work session. Changes included eliminating a number of standing committees, provision had been made for the appointment of ad hoc committees when the Council deemed necessary, the Council would make assignments to the committees, procedures had been set out for conduct of the committees; duties and responsibilities of a number of city offices had been redefined and some outdated sections had been deleted; a position of presiding officer had been created with rotating appointment of council members to serve for three-month periods, to preside over meetings in a temporary absence of the mayor; in the event of more permanent vacancy in the office of mayor, it was provided that the Council could elect a President of the Council; responsibilities of the city treasurer had been clarified; and the section dealing with claims against the City had been revised. Councilman Rinehart moved that the ordinances be passed on an emergency basis; seconded by Councilman Wise. Motion carried. Councilman Rinehart then moved that Section 1-603(e) be amended to read, "Minutes of a committee meeting shall be kept and shall be retained by the city clerk and made available for public inspection upon request"; seconded by Councilman Hess. Councilman Wise questioned the necessity for keeping minutes of committee meetings under the new format. Following discussion, amendment carried. Ordinances Numbered 694, 695, 696, 697, 698 (as amended), and 699 were approved.
Appointment of Presiding Officers: Councilman Hodes moved that presiding officers be appointed for a three-month term based on the alphabetical order of their last names, starting with the councilmen whose terms end at the next organizational meeting of the Council; seconded by Councilman Wise. Motion carried. It was agreed that the person filling the Ward 1 vacancy would be fourth in the rotation as presiding officer.

Resolution No. 561 - Designating Official City Newspapers:
On motion by Councilman Hodes, seconded by Councilman Lacy, Resolution No. 561, designating The Johnson County Sun and/or The Daily News as the official city newspapers for all documents requiring legal publication, was adopted. A copy is attached hereto as part of the record.

Designation of Depositories for City Funds: On motion by Councilman Wise, seconded by Councilman Hodes, Southgate Bank and Trust Company, Kansas National Bank and Trust Company, Johnson County National Bank and Trust Company, and Franklin Savings Association were designated as depositories for City funds.

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

- Fire Chief: Jourdan A. Tomen, Sr.
- Chief of Police: J. Stephen Cox
- City Treasurer: Joseph Herring
- City Attorney: Larry Winn III
- Assistant City Attorney: David M. Jancich
- City Architect: Robert Sanders
- City Clerk: Jinny Oberlander
- Municipal Judge: Joseph N. Vader
- Director of Public Works: Tom E. Bieszczat
- Municipal Judge Pro Tem: Gerald Rushfelt
- Public Official-Property Maintenance Code: Ray Borth

Oaths of Office Administered to City Officials: Mayor Crippin administered the Oath of Office to Jinny Oberlander, City Clerk, who, in turn, administered the Oath of Office to other city officials.

Authorization of Signatures for Warrant Checks for City Obligations, All Funds: On motion by Councilman Rinehart, seconded by Councilman Wise, the Mayor, Treasurer, City Administrator, and City Clerk were authorized to sign warrant checks for city obligations.

Appointments to Committees: On motion by Councilman Wise, duly seconded, the following appointments were approved:
Acceptance of Bids for Curb and Gutter Renovation: Mr. Bieszczat requested authorization to enter into a contract
with K. Muehlberger Concrete Specialists, Inc. for curb and gutter renovation. He said he would like to get the work done prior to the street resurfacing this summer. On motion by Councilman Jacob, seconded by Councilman Lacy, the bid of K. Muehlberger Concrete Specialists, Inc. for curb and gutter replacement was accepted for an amount not to exceed $20,000.00.

Resolution No. 562 - Establishing a Sanitary Sewer District:
On motion by Councilman Wise, seconded by Councilman Jacob, Resolution No. 562, establishing a sanitary sewer district for the Dykes Branch sewer renovation project, was adopted by roll call vote. A copy is attached hereto as part of the record. City Attorney Winn explained that basically every single family house north of 95th Street would pay a uniform charge for the capital cost of the project; under the new use ordinance, yearly operation and maintenance cost would be dependent on water use during January, February and March, as determined by the Johnson County Water District, commercial users having multiple connections would pay more, and persons on septic tanks would pay only the capital cost.

Request for Permission to Proselyte - Latter Day Saints:
Mr. Garofano stated the Church of Jesus Christ of Latter Day Saints had reapplied to proselyte every day in May. City Attorney Winn stated under the law, particularly regarding religious organizations, once the application was filled out according to ordinance, the Governing Body could exercise no discretion. He said he was studying material he had gathered and would make a recommendation by the next meeting on how much the City could ask, require, and restrict charitable, commercial and religious organizations. Mr. Winn said probably one of the recommendations would be to permit the posting of "no solicitation" signs and to provide a specific criminal offense for violation of such signs. Councilman Lacy moved that the request of Latter Day Saints to proselyte be approved; seconded by Councilman Hess. Motion carried.

Mayor Crippin stated he would like to appoint the task force on crime and a Leawood arts council at the next meeting.

At 8:50 p.m., the meeting was adjourned to Monday, May 18, 1981, 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 18, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Jacob, Rinehart, Hodes, Wise, Lacy, Hess.

Also present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Jinny Oberlander, and June Lile. Bob Sanders and Fred Krebs arrived at 7:48 and 8:07 p.m., respectively.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hess, Application for Renewal of Cereal Malt Beverage License of Leawood South Country Club and Ordinance Authorizing Issuance of Temporary Notes for Sanitary Sewer Renovation Project were added to the agenda as the last two items under New Business. On motion by Councilman Hess, seconded by Councilman Rinehart, the agenda was approved as amended.

APPROVAL OF CONSENT AGENDA

Councilman Wise moved that the Consent Agenda be approved; seconded by Councilman Rinehart. Mayor Crippin requested that Appointments to Task Force on Residential Crime and Committee Assignments be deleted from the Consent Agenda and placed under the Mayor's Report. Motion carried.

COMMISSION REPORT

Recreation:

Acceptance of Engineering Proposal - West Bridge Soccer Field: Councilman Rinehart stated Loren E. Drews had the low bid in the amount of $900 for the West Bridge Soccer Field, and moved that the engineering proposal for design work on the West Bridge Soccer Field be approved; seconded by Councilman Wise. Motion carried.

Acceptance of Engineering Proposal - Eleven Acre Tract: Councilman Rinehart stated Loren E. Drews had the low bid of $2,260 for engineering study. Fred Deay, new chairman of the Recreation Commission, explained the eleven acre tract, use of which had been granted to Leawood by the Johnson County Sewer District, was immediately adjacent and west of the West Bridge Soccer Field. He said Leawood had embarked on a joint basis with Johnson County Parks and Recreation District in developing the rendering of
potential use of the area. Mayor Crippin stated the State
had approved a $411,000 construction grant for park property
located in the flood plain from the existing City park south
along Tomahawk Creek; however, all funds had been frozen.
Mr. Deay said an engineering topographic study was necessary
to indicate development costs. Mr. Bieszczat said the
engineer would be determining existing conditions utilizing
information the Johnson County Park and Recreation District
had provided, incorporating this in designing a usable plan
and thus determining anticipated cost of construction. The
Recreation Commission felt it would fit the City's needs
very well; it would blend nicely with the existing City park.
Mayor Crippin pointed out that the plans had proceeded this
far courtesy of the Johnson County Park and Recreation District
which prepared the plans and drew necessary schematics to show
how the property could be utilized. Mr. Bieszczat estimated
development costs to be in the range of $90,000.

Mr. Garofano referred to a memorandum outlining two sources
of funding: (1) reserve fund for future land acquisitions
and maintenance and development of recreation facilities,
balance approximately $91,000; and (2) contingency account
in the general fund which had a balance of about $70,000.
He added that it would appear that carryover from 1980 would
be larger than anticipated because of increased sales tax
and franchise tax revenues. He recommended that the money
be appropriated from the contingency account in the general
fund. Councilman Rinehart moved that Consulting Engineer
Loren E. Drews be awarded a contract not to exceed $2,260
for design and survey work on the eleven acre tract, the use
of which the City had received from the Johnson County Sewer
District, funds to come from the contingency fund; seconded
by Councilman Wise. Motion carried, Councilman Hodes opposed.

Authorization to Solicit Engineering Proposal for Tennis
Courts: Councilman Rinehart stated the Recreation Commission
had authorized the Public Works maintenance crews to proceed
with cleaning out the crack and filling it with sand and then
sealing it with liquid asphalt at a cost which should not
exceed $500. However, that would still leave the major
problem of tennis court cracking which was worse than ever
this year. The Recreation Commission had gone on record that
maintenance of existing facilities was the top priority. Mr.
Deay said there were two questions, (1) do we yearly on an
interim approach fill and tar the cracks and live with it, or
(2) do we spend money for engineering investigative studies
to find the problem and see if there is a solution. He added
that there might not be a conclusion even after an engineering
study. Mr. Bieszczat referred to his memorandum to the
Recreation Commission; he said his opinion was that the
cracking was caused from the fact that asphaltic concrete
was not a totally flexible material, especially in that
massive size, some expansive clays were used in the sub-
grade, and the wind nets added to the problem. He ques-
tioned whether or not anything additional would be learned
from a soils test. There was discussion that expansion
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Joints were specified in the original design but were never installed. The matter was discussed. Mr. Bieszczat recommended Solution No. 2 in the memorandum involving sawing through the asphalt pavement on each side of the cracks, removing the asphalt, replacing it with new asphalt, and cutting expansion joints to give a controllable system. Councilman Rinehart thought the Council should make the final decision because of the money involved. Mayor Crippin suggested that the Recreation Commission make a recommendation for next year. Councilman Wise said the consensus seemed to be that it would not be very productive to do an engineering study as a number had been done in the past, that the least expensive route should be followed and possibly look into the second alternative on a smaller scale. She wondered if it might be possible for a contractor to experiment on a segment of the court.

MAYOR'S REPORT

#793 Appointments to Task Force on Residential Crime: A list of representatives from each homes association was submitted. On motion by Councilman Hodes, seconded by Councilman Rinehart, the appointments to the task force on residential crime were approved.

#798 Committee Assignments - Public Safety - Police Planning: Mayor Crippin requested that the Public Safety Committee make a recommendation on the plan of Chief Cox by June 15.

#806 Public Works - Street Maintenance Program: The street overlay program was referred to the Public Works Committee for report by June 1st. Mayor Crippin said in view of street problems the City may have to do more street maintenance than could be funded by the money returned to the City from the State.

NEW BUSINESS

#814 Discussion of Drive-In Property - 123rd and State Line Road: Mr. Sanders explained Alternate No. 1 showed approximately ten acres of commercial on the corner of 123rd and State Line and about 20 acres of RP-2 residential with a density of about 8 units per acre; in the ten acres of commercial there would be approximately 70,000 sq. ft. of building area. Alternate No. 2 was a variation of the plan submitted by Mr. Williams in his original submission. It showed approximately 14 acres in commercial use, designated CP-2, a strip of residential remained the same, the corner adjacent to the school property now showed residential use, in the original plan it was designated as office use. In addition, there was a small portion of residential use directly back of the shopping area. It showed 14 acres of commercial use, 16 acres of residential and 3½ acres in right-of-way. The density for residential use was about five units per acre. Alternate No. 3 had been drawn up showing all residential on this 33-acre site with about 110 detached single family dwelling units, 3.3 per acre, more dense than Leawood standard single
family, which was 2.5 per acre. It probably would be
classified as RP-1 or RP-4. There was discussion that
the understanding was that the third alternative was going
to involve something more dense. Mr. Sanders emphasized
that economics did not enter into preparation of the site
plan, it was merely a fairly reasonable type plan. There
was discussion that it was unusual for the City to draw up
the plans, the usual procedure was to be reactive to plans
prepared by developers. Mr. Sanders said marketing studies
that had been done would support some kind of commercial
use there. He believed the reasonable and prudent approach
would be Alternate No. 1.

Following the Council work session, Councilman Wise said
she and Councilman Hess requested that a plan with medium
density on the corner be drawn up. She noted that the new
master plan would show the opposite corner as medium density,
and it would seem to be consistent with stands taken by the
council in the past. She read her statement from minutes
of a Council meeting in 1978 that since the adoption of the
comprehensive plan in 1975 three significant changes had
taken place in the vicinity of the drive-in—a dramatic
increase in the number of high quality residential subdivisions
and homes on both sides of the state line, withdrawal of long
standing plans for two sizeable shopping centers in the area
by J. C. Nichols and Kroh-Moffitt because of community resis-
tance, and purchase and development of a large school site
by the Blue Valley School District. She also read from those
minutes a statement by Councilman Crippin that additional
families had moved into the area, a new school was under
construction, attitudes had changed, the comprehensive plan
should be made flexible to reflect change, and neighborhood
residents should have the opportunity to protect their environ-
ment. Councilman Wise was concerned that if this site were
zoned commercial, it would be requested on the other side of
the street. She thought there was merit to considering a
medium density proposal of some kind. Councilman Hess read
a statement she had prepared that there were single family
units to the north, south, and planned on the east side,
the new elementary school imposed new restrictions on traffic,
the east side of the school was ideal for single family
development; to zone otherwise would be to substantially
change the character of the neighborhood, an argument recently
used to deny zoning at 83rd and State Line. She concluded
that a reasonable use of this land was residential zoning.

Rod Richardson spoke for the Verona Gardens Homes Association
and read from the Court's decision in the drive-in theater
case which he said gave the City a very clear slate to decide
what it wanted to do with this property as long as it was not
arbitrary and capricious and did not inversely condemn the
land. He said people who bought homes in the area relied on
what the City of Leawood had done in the past with this land
and the City had never cast a commercial role on this site;
they were opposed to commercial development on it. He
suggested something like Alternative 3, or multi-family
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residential, would be something the people of Verona Gardens would support; Mr. Richardson said his clients would like to see something that preserves the general character of the area as it now exists, protects the existing land values, avoids spot zoning, stays within the comprehensive plan and allows reasonable use, all of which could be met by medium density residential. He said inverse condemnation denied all reasonable use of the land and he did not think it applied to being denied the highest and best use of the land. He thought any suggestion that a full residential development would expose the city to an inverse condemnation judgment was in error.

There was discussion that rezoning initiated by the city would be handled exactly the same as any other rezoning case.

Diane Querry of the Leawood South Homes Association said residents of Leawood South respected the decision of the City to deny the rezoning request at 83rd and State Line because it would cause substantial change in the neighborhood; they were requesting equal protection in this case at 123rd and State Line.

City Attorney Winn read from the decision of the court and interpreted that the judge was reminding the Council of the separation of powers between the planning commission and the governing body and that the council could not capriciously ignore recommendations that come from that separately created statutory body. Councilman Hodes was concerned about whether the Council was acting in a prudent manner by denying the owner of a piece of property reasonable use of that property and how much had been lost in tax base because this had been held up. He said the matter would be decided in the courts, it would not be the Council's decision. Councilman Jacob said the Council was not working with a clean slate, whatever action was taken would be judged in accordance with the history of that piece of property, and it did have a commercial history; he felt the Council should attempt to come up with something that would be acceptable to the residents from an aesthetic standpoint and at the same time recognize the commercial history of that piece of ground.

Gordon Myerson commented that if the tract were zoned multi-family, a higher use than the surrounding properties, he thought the court would be amenable to such change. He said the new master plan of the City indicated medium density on the tract; the spirit and intent of the zoning ordinance of Leawood was to have single family dwellings; to put commercial in the middle would be contrary to that intent. Kathy Simmons referred to traffic and drainage problems and said with commercial that would get worse and the city would be opening itself to more litigation. Eleanor Brown emphasized that the people did not want commercial. Virgil Snyder stated the history of Leawood was no business; he said commercial development lowered the tax base of adjoining property.
In response to inquiry by Councilman Rinehart, Mr. Sanders said he did not think the property had been marked commercial just because the drive-in was there. He said the 1975 comprehensive plan showed six-plus acres on that corner as commercial; the rest of it was medium density residential and R-1. That was what the Plan Commission took into consideration when it recommended commercial zoning for Mr. Williams in 1978. He said the area was shown medium density on the new comprehensive plan only because that was a fairly arbitrary kind of use, the matter still being in litigation.

Mayor Crippin outlined the actions which could be taken at this meeting: If no motion were made, it would mean that the City would continue with the current procedure of appealing the decision by the Johnson County District Court; or the Council could go ahead and initiate rezoning in terms of Alternate 1; or initiate rezoning and place this in residential, perhaps multi-family, and instruct Mr. Garofano to prepare the appropriate papers. He said with the appeal being filed, the City was protected from the standpoint of issuing building permits until the matter was decided by the court. Mayor Crippin said the land was now classified agricultural.

Councilman Rinehart moved that the City initiate rezoning of the 33 acres commonly known as the Leawood Drive-In Theater property to classify the property multi-family, RP-4, and authorize the City Administrator to file the appropriate papers for hearing before the Plan Commission; seconded by Councilman Hess. Motion carried, Councilmen Hodes and Jacob opposed. There was discussion that the matter would go before the Plan Commission on June 23rd. Mr. Sanders asked for direction as to what kind of plan to prepare to take to the Plan Commission. Mayor Crippin suggested that he meet with the City Attorney to determine what would have to be done to get it in proper legal form so the recommended zoning could occur.

Amendment to Step II Design Contract - Sanitary Sewer Renovation Project: Mr. Bieszczat explained that Step II was the design of James and Dykes Branch; it had become necessary to ask for an increase in the contract of Shafer, Kline & Warren from $222,000 to $227,000 due to the expense incurred in the redesign for relocation of the sanitary sewer line, manholes, etc. that the City found necessary in right-of-way negotiations. Mr. Bieszczat said the cost was eligible for EPA participation. City Attorney Winn commented that the $5,000 in redesign probably saved tens of thousands of dollars in right-of-way acquisition. Councilman Hodes moved that the amendment be approved to pay Shafer, Kline & Warren the $5,000 additional on the contract for engineering services; seconded by Councilman Lacy. Motion carried.

Amendments to Step III and Step IV Construction Contracts - Sanitary Sewer Renovation Project: Mr. Bieszczat explained
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Step III was the construction phase for Dykes Branch, Step IV was the construction phase for James Branch. The amendments were for site photography along the sewer route to serve as a permanent and irrevocable record in the event claims were made against the City for unnecessary removal of trees, etc. In Step III, Shafer, Kline & Warren was asking $2,750, in Step IV the amount was $1,250. Mr. Winn said the most frequent claim was for bank destabilization. The amounts were eligible for EPA participation. Councilman Lacy moved that the Step III contract be amended in the amount of $2,750 for photographs by Shafer, Kline & Warren; seconded by Councilman Hess. Motion carried.

Mr. Bieszczat said Step IV, the James Branch, was exactly the same except the cost was $1,250. On motion by Councilman Hodes, seconded by Councilman Hess, the amendment to the Step IV contract in the amount of $1,250 was approved.

At the suggestion of Mayor Crippin, Councilman Wise moved to amend the agenda to include a report on the intersection of College Boulevard and Roe Avenue; seconded by Councilman Hess. Motion carried.

Report on Intersection of College Boulevard and Roe Avenue:
Mr. Bieszczat said the County had indicated it would fund fifty percent, not to exceed $280,000, of the intersection of College Boulevard and Roe Avenue; an interlocal agreement had been authorized with Johnson County and Overland Park for design and construction of the intersection. The City of Leawood would have to guarantee irrevocably that it had funds to cover its share; Overland Park had not made a firm commitment that it would participate. It was estimated preliminarily that the total cost of the project would be $536,120; Leawood's share was estimated to be $231,725; Overland Park's share, $118,105; and Johnson County $186,290, for construction only. Engineering would be about ten percent, or an additional $50,000 to $55,000. Johnson County would not participate in traffic signals, street lights, right of way or new sidewalks. Mayor Crippin stated bonds would be sold to fund Leawood's share. Mr. Bieszczat said Leawood was fortunate to receive consideration from the County for participation at this point. The matter was presented as a matter of information, an interlocal agreement will be submitted to Overland Park.

Acceptance of Bid - James Branch Sanitary Sewer Renovation Project: Mr. Bieszczat presented a letter from Shafer, Kline & Warren recommending the low bidder on the James Branch sanitary sewer renovation, R. A. Pohl Construction Company; Mr. Bieszczat also recommended that the contract be awarded R. A. Pohl Construction Company contingent upon EPA's approval. Councilman Hodes moved that the Council accept the bid of $863,479.00 from R. A. Pohl Construction Company, subject to approval by EPA; seconded by Councilman
Lacy. Motion carried. Mayor Crippin challenged the two contractors working on sanitary sewer renovation in the City to hold a competition to see who would have the fewest number of complaints. Mr. Garofano commented that there was a good chance that the City may be able to fund these projects without any permanent financing.

Request for Permit to Distribute Advertising: City Attorney Winn reported he had researched Green River (solicitation) ordinances in some detail. He said the existing ordinance was constitutional except Section E which provided that the Council could vote for or against the request once the required information was presented. Mr. Winn felt the City had two choices: (1) take the discretionary authority out of the ordinance so that if they fill in the application that was satisfactory, or (2) require extensive information to adequately protect constituents from any type of fraudulent, misleading solicitation. He recommended that he be given authority to draft an ordinance. Such an ordinance would include commitment to honor no solicitation signs. The ordinance would address primarily religious and charitable organizations. The Council agreed that the City Attorney should draft an ordinance.

The application of Leawood United Methodist Church for permission to distribute advertising to announce their Vacation Church School was discussed. Boy Scouts would participate in the distribution. Councilman Hess moved that the Council allow Leawood Methodist Church to distribute advertising material; seconded by Councilman Wise. Councilmen Hess and Wise voted aye, Councilmen Lacy and Hodes voted nay, Councilmen Jacob and Rinehart abstained, and Mayor Crippin voted aye. Motion carried.

Application for Renewal of Leawood South Country Club Cereal Malt Beverage License: On motion by Councilman Hodes, seconded by Councilman Lacy, the application of Leawood South Country Club for cereal malt beverage license was approved upon the condition that the application and normal review processes be completed.

Ordinance No. 700 - Authorizing Issuance of Temporary Notes for Sanitary Sewer Renovation Project: City Attorney Winn recommended that the ordinance be adopted on an emergency basis to avoid using funds invested at a higher rate of interest. Councilman Rinehart moved that the ordinance be adopted on an emergency basis. Ordinance No. 700 was adopted unanimously by roll call vote.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 419, in the amount of $246,043.86, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Hodes. Councilman Hodes mentioned hardware
bought from three suppliers, checks written for small amounts, engineering costs for intersection at 95th and Mission Road, and amount of money for a riding lawnmower. He said he had done some checking on the average life and cost of traffic signal loops. Mr. Bieszczat said he had no control over the loop cost since Leawood had an agreement with the City of Kansas City for maintenance.

At 10:38 p.m., the meeting was adjourned to Monday, June 1, 1981, 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, June 1, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Hodes, Wise, Lacy. Councilman Hess arrived at 7:55 p.m.

Also present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, Treasurer Herring, Bob Sanders, Tom Bieszczat, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Lacy, seconded by Councilman Rinehart, the agenda was amended to include Oath of Office to Dick Ink as Councilman, Ward 1, immediately following the Consent Agenda. On motion by Councilman Wise, seconded by Councilman Lacy, the request of Latter Day Saints for permission to proselyte was added to the agenda under New Business. On motion by Councilman Lacy, seconded by Councilman Wise, the agenda was adopted as amended.

CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Jacob, the Consent Agenda, including approval of minutes of May 18, 1981, first reading of ordinance designating certain streets as main trafficways, and appointments to the Capital Improvements Committee, was approved.

Oath of Office to Dick Ink: City Clerk Jinny Oberlander administered the Oath of Office to Dick Ink as Councilman, Ward 1, to fill the unexpired term of John Carper.

COMMITTEE AND COMMISSION REPORTS

Resolution No. 563 - Adopting OPEN MEETINGS POLICY:
Councilman Wise reviewed the Committee recommendations for a policy that would make all city meetings as accessible to the public as possible. Mayor Crippin questioned the advisability of including "when possible" at the end of the sentence that notice of meetings will be given at least 48 hours in advance, saying those words would place the burden on the City to prove that such notice was not possible if questioned. Councilman Jacob suggested that it read, "Notice of meetings will be given as soon as practical." Mr. Garofano said the law did not address posting of notice. It was agreed that the policy should read, "Notice of meetings will be given to those persons requesting notice as soon as practical"; and "Notice of non-regularly scheduled
meetings will be posted as soon as practical." A paragraph was added that in the event an emergency meeting was held, every effort would be taken to provide proper notice as required by the open meetings law. Councilman Wise moved that the Open Meetings Policy be approved as amended; seconded by Councilman Jacob. Motion carried. On motion by Councilman Lacy, seconded by Councilman Hess, Resolution No. 563 was adopted as amended. A copy is attached hereto as part of the record.

Public Works:

1981 Street Maintenance Program: Councilman Lacy referred to a distribution relating to estimated cost of 1981 street improvements. He said the Public works Committee opted to stay within the $125,000 budget, including curb and gutter renovation. Mr. Bieszczat reported the City's application for grant of $15,000 for a slurry seal program had been approved; it also included $10,000 for engineering. There was discussion that slurry seal required six hours curing time so streets would have to be blocked off. Councilman Wise moved that the Council authorize Public Works to proceed with the 1981 street improvement program not to exceed the budgetary limits, as recommended by the Public Works Committee; seconded by Councilman Ink. Motion carried.

Somerset Drive Improvements (at Lee Boulevard): Councilman Lacy reported the Public Works Committee discussed Somerset Drive improvements on the same evening as Prairie Village had discussed the proposed joint venture, and the conclusion was to proceed with the improvement with or without Prairie Village. Prairie Village had elected not to enter into such a project at this time. Mr. Bieszczat had discussed the matter further with Prairie Village and said if there was no decision out of Prairie Village and/or this Council by July 1, work would have to proceed without improving the intersection. A diagram was submitted showing the section of street that would be destroyed by the sewer renovation project. Mr. Bieszczat said approximately 1200 feet of Somerset from Booth Street east to Cambridge would be totally destroyed with the sanitary sewer running up the center of the street; if the total roadway were replaced at its present location, nothing would be gained toward intersection improvement. In order to utilize the $80,000 to lessen Leawood's cost and move the project on to get an improved intersection, the northern curb line would have to be moved north approximately ten feet; Leawood would pay in the range of $75,000 for intersection improvements, provided Prairie Village would have sufficient funds to do the engineering, driveway replacement and transitioning from the new to existing pavement. In the meantime, Lamm Construction had presented a proposal to lessen the trench width and only spend $60,000 for replacement of Somerset. Since Prairie Village was trying to determine the cost of an alternative involving construction of pavement to conform
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CITY ADMINISTRATOR'S REPORT

Report from Alexander Grant: A report from Alexander Grant representing completion of Phase One of their review of the City's accounting system had been distributed.

Report on Year-End Financial Situation: A report had been submitted concerning the year-end financial situation. Mr. Garofano will prepare a schedule outlining the role of the Budget and Finance Committee and the Council in the budget-making process.

MAYOR'S REPORT

Committee Assignments: Mayor Crippin asked that the Property Maintenance Committee continue with regard to parking of buses, trucks, etc., and that the liaison committee with the Homes Association Council begin again also.

Work Session: Mayor Crippin mentioned a work session was scheduled for Monday, June 8, to discuss the comprehensive plan, and asked that councilmen submit their comments.

Ordinance Governing Charitable and Religious Solicitations: Copy of a proposed ordinance was distributed; it will be on the agenda of the next Council meeting.

Appointment of Leawood Arts Council: Mayor Crippin stated he would appoint a Leawood Arts Council at the next meeting.

OLD BUSINESS

Ordinance No. 701 - Accepting Right-of-Way Grant for Street Purposes from James L. and Linda J. Kilroy, 5000 West 143rd Street (Second Reading): On motion by Councilman Rinehart, Ordinance No. 701 was unanimously adopted by roll call vote.

NEW BUSINESS

Acceptance of 1980 Audit and Management Letter: Councilman Hodes moved for acceptance of the 1980 audit and management letter; seconded by Councilman Rinehart. Motion carried.

Contractor's Estimate No. 1 - Dykes Branch Sewer Renovation Project: Councilman Rinehart moved that the Council approve the contractor's estimate in the amount of $162,483.67; seconded by Councilman Wise. Motion carried.

Request for Permission to Proselyte - Latter Day Saints: Mr. Garofano said a representative of Latter Day Saints had delivered the application that afternoon seeking an extension through the month of June of the permission granted for May.
Commenting that in the meantime the Council would have the new ordinance, Councilman Hess moved that the Council grant permission to Latter Day Saints to continue during the month of June; seconded by Councilman Wise. Motion carried by vote of 5 to 3.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 420, in the amount of $137,138.93, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote on motion by Councilman Rinehart. Mr. Garofano said the Council would be receiving an appropriation ordinance at each meeting from now on. Councilman Hodes commented that this was the first appropriation ordinance that he had found nothing to quarrel about.

At 9:00 p.m., the meeting was adjourned to Monday, June 15, 1981, 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, June 15, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Hodes, Wise, Ink, Lacy, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Bob Sanders, Tom Bieszczat, Herbert Johnson, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hess, the agenda was approved as written.

CONSENT AGENDA

On motion by Councilman Jacob, seconded by Councilman Funk, the Consent Agenda was approved, including approval of minutes of June 1, 1981, approval of departmental reports, and first reading of ordinance accepting easement for utility purposes.

COMMITTEE AND COMMISSION REPORTS

Plan Commission:

Request for Rezoning and Preliminary Plan Approval - Shopping Center, Leawood South: Mr. Sanders stated the request was for rezoning and preliminary plan approval for a shopping center on five acres at 128th and State Line Road. The Plan Commission recommended approval with conditions. He said there were existing townhouses built around the site, the property to the south was zoned CP-2, across the street there was a small strip shopping center. The original CP-2 zoning included plan approval for a shopping center of about 24,700 sq. ft. The present applicant had been asked to go through the entire rezoning process because he was asking for substantially more square footage (33,000 sq. ft.) than was originally allowed. Conditions of approval recommended by the Plan Commission were: (1) that there be a right-of-way of 50 feet dedicated to the City; (2) that there be a 10 foot utility easement; (3) that a new lane of pavement be constructed approximately 710 feet in length in front of the shopping center plus two 150 foot transition lanes to take turning movements and traffic flow precipitated by the center; (4) that the center be designed to allow for an ultimate of 30 feet of pavement on State Line Road; and (5) that the architectural design of the center and the...
detached building be of the same character. The developer, through a series of meetings, had agreed to comply with all the zoning regulations and stipulations. In response to concerns of residents, the grocery store was now located adjacent to the CP-2 zoning to the south. The entire truck loading dock was enclosed. Mr. Sanders said the most consideration possible had been given to traffic in and out of the center. The Council was being asked for a reaffirmation of the existing zoning and preliminary plan approval.

A protest petition had been submitted; it was signed by only sixteen percent of the landowners required; therefore, it was not valid.

Allan Frenkel, the developer, emphasized that they had designed and intended to construct a quality center.

Muriel Tompkins could not see how signatures on the petition amounted to only sixteen percent of the owners, and asked that it be investigated. She said residents were present to protest the size of the shopping center. Herb Plonsky asked that the Council consider the seriousness of the traffic that would be created. He said the area would begin to look like downtown. Mr. Sanders read Mr. Johnson's traffic report and the report of the developer's traffic consultant, the latter concluding that the proposed development would not adversely affect traffic operations on State Line. Mr. Johnson stated the developer had done the best he could on access to and away from the site. Mr. Sanders said the developer felt the additional 8,000 sq. ft. was necessary to make the center economically feasible. Regulations would allow 39,500 sq. ft. Mr. Sanders explained storm drainage provisions. Chief Toman said the construction materials planned would reduce the problem of inability to get to the rear of the building with fire apparatus and would protect the townhouses to the west. Mr. Frenkel said the fronts of the shops would have a residential flare. Architect Larry Blankenship explained the rear setback would be 40 feet, the back of the center would be a masonry wall which would screen the existing condition on State Line, and they were providing a berm with trees on it. Councilman Wise pointed out that a smaller center might be of marginal quality and she felt the plan presented should be approved. Councilman Hess agreed.

Councilman Rinehart moved that the Council approve the preliminary plan for property located at approximately 128th and State Line as presented, including the five conditions recommended by the Plan Commission; seconded by Councilman Hodes. There was discussion concerning the signatures on the protest petition. Motion carried unanimously.

Request for Rezoning and Preliminary Plan Approval for Patrician Woods - 130 acres north of 127th Street Between Roe and Nall: Mr. Sanders reviewed that an R-1 section...
June 15, 1981

of 40 acres had been approved, as well as 71 acres of RP-1
and 9 acres of RP-4 south of 127th Street. He said the
density on the 130 acres fell into the low density schedule
of the new comprehensive plan and was comparable to standard
single family density. He explained the traffic circulation
pattern. One basic issue mentioned at the Plan Commission
meeting was that the developer shall make a commitment to
dedicate to the City area within the 100 year flood plain.
Mr. Sanders read a letter from Mr. Fohey stating he was
willing to dedicate this land to the city for park area
when he was in a position to do so, providing another use
could not be found which would benefit the development and
the City alike. A second condition was a statement of
intent as to construction of perimeter streets. Mr. Sanders
read from Mr. Fohey's letter regarding street improvements
at Roe and 127th Street that his intention was to petition
for a benefit district when it was needed. The developer
was aware of his obligation to build one-half of a 41-foot
street. He had submitted a letter of credit for $65,000
for the improvement of Roe Avenue along the first phase of
the development included in final plat. Mr. Fohey would be
totally responsible for 127th Street between Roe and Nall,
partially in control east of Roe, regulation requirements
for Nall and Roe, plus internal streets. City Attorney Winn
said details of the dedication of flood plain and development
of the streets should be finalized at the time of final plan
approval. Mr. Fohey said he had thought about developing a
golf course on the flood plain land. He planned to include
the cost of street improvements in the price of the lots,
and said he would like to have 127th Street in before
attempting to show model homes. There was discussion that
the City would like the improvement to extend to Mission
Road. Mayor Crippin said he thought the street situation
east of Roe had been resolved with Mr. Fohey financing his
portion, the City would finance the other portion and charge
it back to the developer on the south side of the street
when that land was developed.

Mr. Fohey said the size of the townhouse units would depend
upon the market four or five years from now.

A motion to approve the rezoning and preliminary plan was
withdrawn during discussion concerning the land to be
dedicated to public use and remain as park or open space.
Mayor Crippin suggested that the land dedicated for park,
open space, and recreational land could include a privately
owned public golf course or a park under public ownership.
Councilman Wise said she would like to see a statement
incorporated that the City would have the right to approve
the alternate plan, and that it be accessible to the public.
Councilman Rinehart moved that the rezoning and preliminary
plan for Patrician Woods, 130 acres north of 127th Street
between Roe and Nall, be approved provided land approxi-
mating thirty-five acres located in the Tomahawk flood plain
be dedicated for park, open space and recreational land with
the City having the option to approve the ultimate use, and that the developer pay for the cost of construction of streets surrounding the development in accordance with the City's subdivision regulations; seconded by Councilman Wise. Motion carried unanimously. (Ordinance placed on first reading.)

CITY ADMINISTRATOR'S REPORT

Report on Health Insurance Rate Increase: Mr. Garofano reviewed that the Prime Health rate increase on April 1 was approximately 17 percent and reported that The Hartford rate increase as of July 1 would be approximately 35 percent for health insurance coverage. Request for proposals had been sent out but none lower than The Hartford had been received. The City was looking at the possibility of self insurance. John Snyder's recommendation was that the City continue with the Hartford coverage until a plan could be found which would offer significant improvements. Councilman Hodes noted that the increase would amount to $25,320.00 in the next twelve months; he felt a policy should be adopted whereby increases would be borne by the employee. As a way of bringing down the City's cost and making the employee aware of the cost, John Snyder suggested at least one-third of dependent coverage be borne by those employees who have dependents, or that the deductible be increased. He said with only ninety employees the City could only partially self insure. Mayor Crippin suggested in review of the budget the City could determine whether or not to continue to pay full coverage. Councilman Wise moved that the City continue with The Hartford program of health insurance; seconded by Councilman Hess. Motion carried.

MAYOR'S REPORT

Appointment of Leawood Arts Council: Mayor Crippin appointed the first Leawood Arts Council, as follows: Cal Spradley, George Lund, Don Distler, Serean Borcherding, Jeanette Lee, Dottie Romjue, Merit Thornhill, Jim Firth, Marilyn Hoffman, Jean Wise, Jim Krekovich.

Concerts in the Park: Mayor Crippin announced concerts in the park on June 28, July 19 or 26, and August 9 or 16th. The cost was $100 per appearance. Aleta Rosenthal said they would like to have the concerts around the pool.

Appointment to Capital Improvements Program Committee: Mayor Crippin announced the appointment of Jerry Foster as chairman of the Capital Improvements Program Committee.

It was decided there would be no work session before the next Council meeting unless the Council was notified otherwise.

OLD BUSINESS

Presentation Concerning Comprehensive Land Use Plan: Judith Rosenthal introduced Diane Querry and Dr. J. C. Grosskreutz,
two speakers of the Leawood Citizens Council, made up of members of the homes associations in south Leawood in response to action by the Plan Commission approving the comprehensive plan. Diane Querry, chairman, said they felt threatened by a proposed master plan with the stated intent of changing the character of Leawood from a residential city to a city also characterized by commercial and industrial centers. She presented a Master Development Plan - Alternate A. She said the basic difference between Alternate A and Alternate 2 approved by the Plan Commission would involve the area at 115th to College Boulevard along State Line where there was commercial and low to medium density, 119th Street north to College along Roe, low to medium density, and 123rd Street and State Line, low to medium density and also on 135th Street low to medium density.

Charles Grosskreutz, director of the Huntington Farms Homes Association, said he did not believe adequate attention had been given to the impacts of further loading Roe, State Line and Mission Road into and out of the proposed commercial and medium density housing areas between I-435 and 119th Street. He described traffic density problems and summarized (1) that the town center south of I-435 was contrary to the tradition of Leawood's development as a suburban residential community, (2) that the proposed Master Plan was unsupported as to economic, traffic or capital improvement studies, (3) traffic congestion and other safety problems associated with commercial development were not in the best interests of Leawood residents south of I-435 who had already made substantial investments in their property. He asked that the Council consider carefully the consequences of the major change in direction this Master Plan gives to the City of Leawood.

Mayor Crippin complimented the Leawood Citizens Council on their presentation. He explained that the Plan Commission would review the Master Development Plan again on June 23. Mr. Sanders said it was the obligation of the Governing Body to make a response within the sixty-day period ending June 23.

John Moffitt, developer, objected to the Land Use Intensity having a maximum square foot area and suggested a minimum. He also objected to the gridiron pattern of streets.

Councilman Funk moved that the Council send a resolution to the Plan Commission that the Council approves Alternate Plan No. 2 of the Comprehensive Plan; seconded by Councilman Jacob. Councilman Wise moved to amend the motion to add the Council's sentiments expressed at the work session to include a change to Single Family Residential of the area north and west of State Line Road and 119th Street, and secondly that the Plan Commission consider lowering the ratios in the land use intensity scale for the office development; seconded by Councilman Hess. Dr. Grosskreutz emphasized that his group would hope that the Council would hear what they had said
on (1) the direction of development of Leawood, (2) the input of its citizens, and (3) the need for supporting studies and backup of the land use intensity plan. He urged that the Council not rush into approving the plan.

Don Hall, Jr. said his family was surprised by the plan and had not had any input into it, he hoped the Council would give further consideration to its resolution. Sue Kramer, Hunter's Ridge, said 12 of the 21 families in that subdivision moved there from other parts of Kansas City because of the reputation of Leawood being a residential community. Councilman Hess commented that the Council had worked on the plan for a year. Councilman Wise did not feel postponing or not commenting to the Plan Commission was going to accomplish anything. She said the main difference between Alternate No. 2 and what the citizens were proposing was the commercial and office park area, both of which she felt were appropriate in the locations indicated; another difference was along 135th Street where there were considerations because of sewage problems. Mayor Crippin said he did not think anyone had any objection to having some amount of single family housing on the north side of 119th Street, whatever configuration that might take, especially for a major landowner in the City. In the discussions that took place over the past year, Mayor Crippin said there was every intent that the greatest amount of flexibility possible be allowed the developer of that property. He cautioned that the City not prevent quality development. As to the six-story buildings and the office park, Mayor Crippin had submitted a list of corrections in which that type of thing was eliminated from the text. Councilman Wise said another way of stating it would be to lower the land use intensity ratios so that the office development would be more compatible with neighboring residential development.

The amendment carried unanimously. Mayor Crippin said he was convinced it was best that the area south of 135th Street be approached as Land Use Intensity No. 3 and that the codes and regulations governing subdivision development, septic tanks, sanitary disposal, etc. would govern what happened within that property. He was concerned as to whether or not the City could maintain consistency in enforcing the original intent to slow down development in that area because of the cost of providing city services. He thought it would be difficult to defer development there. The Council decided to leave that area as it was.

The motion as amended carried unanimously. Diane Querry commented that she was very disappointed because she did not feel the Council listened.

Ordinance No. 702 - Designating Certain Streets Within the City as Main Trafficways (Second Reading): On motion by
Councilman Rinehart, duly seconded, Ordinance No. 702 was adopted unanimously by roll call vote.

NEW BUSINESS

Consideration of Solicitation Ordinance (First Reading): Councilman Rinehart moved to place the solicitation ordinance on first reading; seconded by Councilman Wise. City Attorney Winn stated the ordinance did not regulate proselyting. Councilman Rinehart suggested that the "no solicitation" sign be described as not to exceed three inches by four inches in size rather than making it a specific size. Councilmen Ink and Hodes suggested that the hours of solicitation be shortened. Councilman Wise questioned the requirement that persons selling goods carry a sample. City Attorney Winn said the definition of canvasser may not be necessary as there really was no such thing. Councilman Funk suggested the addition of wearing a badge as a condition for solicitation. City Attorney Winn suggested that councilmen call him concerning any corrections before the next meeting. Motion to place the ordinance on first reading carried unanimously.

Approval of Engineering Contract for Intersection Improvements - College Boulevard and Roe: On motion by Councilman Hodes, seconded by Councilman Rinehart, the Council unanimously approved the engineering contract for intersection improvements at College Boulevard and Roe contingent upon the county signing the interlocal agreement.

Approval of Engineering Contract for Slurry Seal Program: On motion by Councilman Rinehart, seconded by Councilman Hodes, the engineering contract for the slurry seal program was approved unanimously.

Ordinance Establishing Employee Benefits Fund (First Reading): Mr. Garofano recommended establishment of an Employee Benefits Fund to allow the City to levy for these costs outside the lid. On motion by Councilman Wise, seconded by Councilman Hess, the ordinance was unanimously placed on first reading.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 421, in the amount of $257,817.37, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and unanimously approved by roll call vote on motion by Councilman Rinehart, seconded by Councilman Wise.

At 11:18 p.m., the meeting was adjourned to Monday, July 6, 1981, 7:30 p.m.

[Signatures]

City Clerk
Minutes of Public Hearing on Proposed Use of 1982 Federal Revenue Sharing Funds of the City of Leawood, Kansas.

In attendance were Mayor Crippin, Councilman Ink, Councilman Lacy, Don Brain, Jr., Dick Garofano, City Administrator, and Jinny Oberlander, City Clerk.

The 1982 Proposed Use Hearing on Federal Revenue Sharing Fund was held at 7:00 p.m. July 6, 1981 in the Council Chamber at 9615 Lee Boulevard.

The purpose of the Hearing was to obtain oral and written comments and suggestions from the public regarding the possible use of the anticipated $55,918 in Federal Revenue Sharing available for 1982.

As no one from the public attended, nor were written comments submitted, the Proposed Use Hearing was closed at 7:30 p.m. without suggestions being obtained.

[Signatures]

Mayor

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 6, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Rinehart, Hodes, Wise, Lacy, Ink.

Others present were City Administrator Garofano, Fire Chief Toman, Police Captain Sharp, City Attorney Winn, Fred Krebs, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

Mr. Garofano proposed addition of resolution relating to granting of an easement from the General Services Administration in regard to the sanitary sewer renovation project under New Business. On motion by Councilman Hodes, seconded by Councilman Wise, the agenda was approved as amended.

CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Lacy, the Consent Agenda, including approval of Council minutes of June 15, 1981, and first reading of ordinance accepting permanent sewer easements for sanitary sewer renovation project, was approved unanimously.

COMMISSION REPORT

Recreation:

Discussion Concerning Development of Eleven Acre Tract: Councilman Rinehart presented a plan for development of the eleven acre tract leased from the sewer district and a preliminary estimate of construction costs, and asked the Council to decide how to proceed, whether to proceed and, if so, how to fund the two soccer fields, softball field, roadway and two parking areas. The estimate was approximately $90,000. A list of Recreation Commission considerations for development of the eleven acre park was presented. There was discussion that the reserve fund could be utilized, or the cost could be included in the 1982 budget. Mr. Garofano read from the resolution establishing the reserve fund that it was for the purpose of acquisition of public land, renovation, replacement and addition to park and recreation facilities, funded by a small levy. It was estimated the fund would have $101,000 at the end of the year. Councilman Wise asked if the Recreation Commission felt this was the top priority for spending the reserve fund. Councilman Rinehart responded that the Recreation Commission had never discussed whether this was the most appropriate use of the reserve fund. Councilman Wise felt
there was a problem in that the lease gave Johnson County the right to take the property back in two years, and questioned spending $100,000 on ground which the City did not control. She wondered if the City might negotiate a change in the lease agreement. Fred Deay said the matter had come up quickly and there was no way to budget for it. He felt the Council should address the seven considerations listed. City Attorney Winn stated the City could construct facilities on leased land but it would do so at its own peril. He said the Johnson County Sewer Commissioner was contending nothing different would happen there at least for the period the bonds remained unpaid which was about ten years. Mr. Winn suggested the City might investigate whether the lease could be renegotiated to better protect the City for this kind of investment through option to purchase, right of first refusal, etc. Councilman Ink was concerned about maintaining the greenway and this tract. Mayor Crippin suggested that the City could go out for bids with two alternates. Councilman Wise wondered if there was demand in the City for more fields. Fred Krebs reviewed park usage by soccer leagues. Councilman Wise said she would be very uncomfortable appropriating any significant amount of money on ground the City did not control on a long term basis; therefore, she saw no purpose in going out for bids until that was resolved. Mayor Crippin asked Council members if they were against spending any money on the eleven acres. Councilman Hodes said he had concern about spending any money down there at this time until the budget situation was determined. Councilman Ink said he did not think it served Leawood's credibility well to go out for bids unless the City was ready to go ahead with the project. He recommended that the matter be considered after the budget had been established. Councilman Wise thought the Recreation Commission should establish the priorities and the Council should respect those priorities. Mr. Deay said the Commission felt the fields would be a very good addition to the park, but the concerns listed needed to be addressed by the Council. There was general consensus that Mayor Crippin and City Attorney Winn talk with the County Commissioners to see where the City stands and report to the Council.

Fourth of July Celebration: Councilman Ink commented that he thought the Fourth of July celebration was outstanding, and was joined by Mayor Crippin in complimenting the Police Department, Fire Department, City staff, and the Committee.

CITY ADMINISTRATOR'S REPORT

1982 Budget: Mr. Garofano reported the Budget and Finance Committee had met, the budget process was underway, and a budget schedule had been distributed.

MAYOR'S REPORT

American Revolution Tricentennial Fund: Mayor Crippin reported the balance in the Tricentennial Fund was $1,473.21.
Work Session: The Council agreed to hold a work session on the budget on July 13 at 7:30 p.m. Mayor Crippin commented that on the evening of July 1 there were 25 to 30 people at City Hall doing work for the City.

OLD BUSINESS

Ordinance No. 703 - Accepting Easement for Utility Purposes (Second Reading): Ordinance No. 703 was adopted unanimously on roll call vote.

Resolution No. 564 - Relative to Dedication of Flood Plain, and Ordinance No. 704 - Relating to Zoning - Patrician Woods - North of 127th Street Between Roe and Nall (Second Reading): Mayor Crippin reported that after first reading of the ordinance City representatives had met with the developer to determine how dedication of the flood plain area would be handled. Mr. Garofano said the meeting resulted in the resolution presented. City Attorney Winn said the intent of the resolution was to make certain that the City controlled the property in the flood plain and to retain some flexibility as to its use as a possible golf course, etc. He emphasized that the resolution and the ordinance should be tied together. Councilman Hodes suggested that the next to last paragraph of the resolution be clarified. Mayor Crippin said if the City received funds for development of the greenway to Roe Boulevard, he would request that the application be amended to take some of that money to develop the pathway and necessary trails on over to Nall which could be done without interfering with any golf course or other development in the flood plain area. Mayor Crippin said he would like to go to the owner of the property to see if the City could obtain that access through the property. Mr. Fohey said the City would have to work with Dr. McKee on that, but he would be willing to help negotiate with Dr. McKee. There was discussion that the provision in the resolution did not preclude dedication of the flood plain area prior to platting. Mr. Fohey said it would be two or three years before that area would be developed because some of the other ground had to be closed on before they would be allowed to take any of the RP-4 ground. Councilman Rinehart moved that the resolution dealing with Patrician Woods RP-4 be adopted with amendment in the next to the last paragraph to read: "BE IT FURTHER RESOLVED that the Deed of Dedication be filed of record at any time prior to but no later than that time when 50% of the land area comprising said RP-4 tract has been approved for final platting." Motion was seconded by Councilman Hodes. Resolution No. 564 as amended was unanimously approved. A copy is attached hereto as part of the record.

Councilman Rinehart moved that the ordinance relating to zoning, Patrician Woods, north of 127th Street between Roe and Nall, be approved subject to Resolution No. 564; seconded by Councilman Wise. Ordinance No. 704 was adopted unanimously by roll call vote.
July 6, 1981

Ordinance No. 705 - Establishing Employee Benefits Contribution Fund (Second Reading): Ordinance No. 705 was adopted unanimously by roll call vote.

Ordinance No. 706 - Relating to Solicitations (Second Reading): On motion by Councilman Rinehart, seconded by Councilman Wise, the ordinance relating to solicitations was placed on second reading. City Attorney Winn noted that "or from street to street" had been deleted from the definition of "canvasser." Ordinance No. 706 was adopted unanimously by roll call vote.

NEW BUSINESS

Ordinance No. 707 - Relating to Revocation and Penalty for Violations of Occupation License and Permit Requirements: City Attorney Winn explained after the solicitations ordinance was separated out this ordinance was necessary to make sure penalty sections were attached to all prohibitions in the chapter. Councilman Wise moved that the ordinance be passed on an emergency basis; seconded by Councilman Rinehart. Motion carried. Ordinance No. 707 was adopted unanimously by roll call vote.

Ordinance Relating to Commercial Use of Streets - Loudspeakers: City Attorney Winn stated the provisions of this ordinance were currently on the books but he felt it should be a separate ordinance. Action on the ordinance was deferred for further study by the City Attorney.

Contractor's Estimate No. 2 - Sanitary Sewer Renovation Project - Dykes Branch: Mr. Garofano presented Contractor's Estimate No. 2 for work on the Dykes Branch sewer renovation project through June 30, 1981, in the amount of $124,720.65. On motion by Councilman Ink, seconded by Councilman Lacy, Contractor's Estimate No. 2 was unanimously approved.

Authorization for City Administrator to Attend Conference: On motion by Councilman Rinehart, seconded by Councilman Funk, the City Administrator was authorized to attend the International City Management Association Conference in Anaheim, California, from September 20 through September 24.

Resolution No. 565 - Relating to Grant of Easement from the General Services Administration to the City of Kansas City, Missouri; Agreement to Perform Certain Conditional Requirements and to Release and Hold Harmless: City Attorney Winn explained City representatives had been negotiating for approximately a year for the right for the sewer line to go across State Line by the agriculture building operated, by GSA; by the resolution, Leawood was protecting Kansas City, Missouri, from all the contingent provisions of the easement. On motion by Councilman Wise, seconded by Councilman Ink, Resolution No. 565 was unanimously adopted. A copy is attached hereto as part of the record.
APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 422, in the amount of $170,590.21, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and unanimously approved by roll call vote.

At 9:08 p.m., on motion by Councilman Rinehart, seconded by Councilman Funk, the meeting adjourned to Monday, July 20, 1981, 7:30 p.m.

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, July 20, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with President of the Council Jen D. Funk presiding in the absence of the Mayor. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Hodes, Wise, Lacy, Ink. Councilman Hess arrived at 7:35 p.m.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Bob Sanders, Tom Bieszczat, Jinny Oberlander, and June Lile.

APPROVAL OF CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Lacy, the Consent Agenda, including approval of minutes of hearing on proposed use of 1982 Federal Revenue Sharing funds and of the Council meeting of July 6, 1981, approval of departmental reports, and request for permit to keep four dogs on premises at 9718 Sagamore, was approved unanimously.

CITY ADMINISTRATOR'S REPORT

Budget Hearing: Mr. Garofano reminded the Council of the public hearing on the 1982 budget to be held on July 27, 1981, at 7:30 p.m.

Report on Vehicular Fire: Mr. Bieszczat reported the City’s 1980 2½ ton dump truck was virtually destroyed by fire with some $8,000 damage. Chief Toman explained due to the heat the gasoline expanded and leaked out of the filler cap which was alongside the exhaust pipe, causing the fire.

APPROVAL OF AGENDA

Councilman Hodes requested addition of a resolution concerning the Hyatt tragedy and discussion of the procedure for handling substandard structures along with consideration of the ordinance relating to BOCA Property Maintenance Code; Councilman Lacy requested addition of Somerset and Lee intersection improvements in lieu of the Mayor’s Report. On motion by Councilman Wise, seconded by Councilman Lacy, the agenda was approved with those three amendments.

MAYOR’S REPORT

Discussion of Intersection Improvements - Somerset and Lee: Councilman Lacy reviewed that the Council had tabled action on the improvement of the intersection of Somerset and Lee to be destroyed by the sanitary sewer renovation. The
intent had been expressed to go ahead with Leawood improvements no matter what Prairie Village did. Councilman Lacy reported in reconsidering it was felt that Leawood improvements would be insignificant in terms of the overall intersection. Prairie Village had opted to do nothing at the intersection other than that provided in the contract which was replacement of the surface. Mr. Bieszczat explained the original bid was $80,000 for the intersection, a change order had been submitted and approved by EPA to lessen that to $60,000, Leawood Sewer System's share would be twenty-five percent of that.

OLD BUSINESS

Ordinance No. 708 - Accepting Permanent Sanitary Sewer Easements Required for Sewer Renovation (Second Reading): Councilman Rinehart moved that the ordinance be placed on second reading; seconded by Councilman Wise. Ordinance No. 708 was adopted unanimously by roll call vote.

NEW BUSINESS

Ordinance No. 709 - Amending the BOCA Basic Property Maintenance Code, 1981 (First and Second Readings): Councilman Wise moved that the ordinance be passed on an emergency basis; seconded by Councilman Hodes. Mr. Sanders explained the reason for presenting the ordinance was to amend the provision that a renter be a member of the Property Maintenance Board of Appeals and merely make that member a resident of the City because he had not been able to find a qualified renter. Mr. Sanders explained under the code when there is a violation concerning maintenance of the premises or the structure itself, someone reports the violation; the building inspector makes an inspection and makes a list of the violations; the list is sent to the violator who is given sixty days to make corrections; at the end of the sixty days the building inspector makes another inspection to determine if all the items have been corrected; if everything is corrected, the case is closed; if some items are done and there are reasons why some items are not corrected but could be within a short time, it is discussed with the building inspector; if items are not corrected without adequate reason, the building inspector reports to the chief building official that the items should go before the appeals board; the appeals board reviews the case and makes its determination of the violation and specifies an amount of time to have the corrections made; if the corrections are not made at the end of the time specified, the chief building official can have the work done and have it charged against the property. Mr. Sanders said there were presently five cases which needed to go before the appeals board. Ordinance No. 709 was adopted on an emergency basis by unanimous roll call vote.

Ordinance Authorizing and Providing for Codification of the General Ordinances of the City (First Reading): Councilman
Ink moved that the ordinance be placed on first reading; seconded by Councilman Hess. Mr. Garofano explained the ordinance book had not been reviewed for quite a number of years for redundant, conflicting or duplicate ordinances. The cost of maintenance of 67 ordinance books was discussed. Motion carried unanimously.

Resolution No. 566 - Pertaining to the Hyatt Disaster:
Councilman Hodes suggested since the lives of some Leawood residents were lost in the Hyatt disaster and it would affect the lives of a lot of people that a resolution be adopted pertaining to the disaster. Councilman Rinehart moved that the Council adopt a resolution extending sympathy to victims and families involved in the Hyatt disaster; seconded by Councilman Hodes. Resolution No. 566 was adopted unanimously. A copy is attached hereto as part of the record.

Discussion of Redistricting of Wards: Councilman Wise commented on the growth of Ward 3, stated it was the City's duty to redistrict wards when they get out of alignment, and read the pertinent sections of the state statute. Councilman Rinehart said the Mayor had already asked some people to serve on a committee to consider redistricting. Councilman Wise said in Ward 1 there were 2,131 voters, in Ward 2, 2,332; in Ward 3, 3,442; in Ward 4, 1,619. She said it would seem logical that the area south of I-435 would be a separate ward, with the area north of I-435 now in Ward 3 being encompassed by the other wards. President of the Council Funk asked that the information gathered be turned over to the committee. Mr. Garofano stated Councilman Rinehart had been appointed as Council representative on such a committee. Councilman Wise added if redistricting were to be accomplished before the next election it needed to be done by October.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 423, in the amount of $275,548.29, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Hodes.

Public Hearing on Intersection Improvements at 95th and Mission Road: Mr. Bieszczat announced a public hearing on Wednesday, July 22, at 7:30 p.m. on intersection improvements at 95th and Mission Road.

Fire Department Annual Report: Councilman Hodes referred to the annual report on the Leawood Fire Department and called attention to the excellent response time, from the time a call is received by the dispatcher and the first unit arrives at the scene, which never exceeded 3.2 minutes and most were significantly under 3 minutes.
Request for Contribution to MARC: Councilman Hess referred to a letter from Mayor Crippin to County Commissioner Wirt stating he did not believe cities such as Leawood should be required to provide financial support to MARC. Mr. Garofano stated Leawood had not contributed to MARC's operation in the past; now that Federal funding was being cut back, more was being asked from the County which, in turn, was asking for cities to participate in the additional funding.

Report Concerning Title to Eleven Acre Tract: City Attorney Winn explained from a telephone conversation and letter from Doug Smith, he understood that the County was not going to do anything until some permanent disposition of its problems with Kansas City had been resolved; even if that were resolved unfavorably and the plant remained in operation as an overflow facility, they would still not consider dismantling or moving the plant until the bonds were paid off. Therefore, Mr. Winn believed it would be the status quo in terms of the title for the foreseeable future. Councilman Rinehart wondered if the tract might be discussed at a work session the second week in August as priorities would have been established by the Recreation Commission by then. Councilman Wise wondered if the Recreation Commission had given consideration to some alternative low cost utilization of the property. Councilman Ink suggested the Committee make its recommendation at a Council meeting rather than a work session.

At 8:25 p.m., on motion by Councilman Rinehart, seconded by Councilman Lacy, the meeting adjourned to Monday, August 3, 1981, 7:30 p.m.
Minutes of Budget Hearing of the Governing Body of the City of Leawood, Kansas.

A public hearing in connection with the proposed 1982 City Budget for 1982 was held at 7:30 p.m. on Monday, July 27, 1981, in the Council/Court Building, 9615 Lee Boulevard, with Mayor Kent E. Crippin presiding.

Councilmen Funk, Jacob, Rinehart, Hodes, Lacy, and Ink were present. Also in attendance were City Administrator Garofano, Police Chief Cox, Fire Chief Toman, Bob Sanders, Tom Bieszczat, Don Brain, Jr., June Lile, and six residents.

Mr. Garofano presented a summary of all funds contained in the 1981 and 1982 budgets, comparing expenditures allocated in 1981 to the proposed 1982 budget. The general fund in 1981 was $2,319,000, which included employee benefits; the 1982 budget proposed $2,519,000 plus $337,000 in employee benefits. He said employee benefits were being set up separately to avoid some problems in terms of the tax lid. The Revenue Sharing account in 1981 was $60,725; in 1982 it would be $55,918. A total of all City funds for 1981 was projected at $4,871,833 which would be down in 1982 to $4,758,747, the primary reason being that the City anticipated spending less in the sewer fund because of the completion rate of the renovation project.

Mr. Garofano showed a chart of the amount actually spent in 1980 from accounts in the general fund, amount estimated to be spent in 1981, and amount proposed in the 1982 budget. There was a considerable increase in the Police Department budget where estimated expenditures for 1981 were $650,000; $863,000 was proposed for 1982. Mr. Garofano stated an attempt was being made to increase police protection within the City by addition of one patrol officer, one crime prevention officer, full time dispatching, and one police clerk. He said about $102,000 additional was included in the employee benefits fund to fund a police and fire retirement program. The budget also included an eight percent rate adjustment for employees effective January 1, 1982. The general fund went from an estimated expenditure in 1981 of $2,225,000 to $2,856,000 in 1982.

A gentleman commented that from 1980 to 1982 the budget had been raised 41 or 42 percent. A lady said she felt it was time for Leawood, as well as other governments, to start tightening up. Mr. Garofano explained Leawood was in a difficult position with the rise in demand for services. The lady commented she thought Leawood was trying to grow too big too quickly. She thought $200,000 for three or four new people in the Police Department sounded like a lot of money. Mayor Crippin explained the way things had
been budgeted in the past with an attitude of keeping the budget low, the City had begun to deteriorate, and there was demand for better police protection and crime prevention. In response to inquiry, Chief Cox said the average tax per home with the 1981 police department budget amounted to $133; the increase in 1982 represented an increase of approximately $40 per home. It was pointed out that the thirty-four percent increase applied only to the Leawood portion of the total tax bill. Ben Jordan commented that a thirty-four percent increase in City taxes would amount to only a five percent increase in the total property tax.

As to how employee health insurance was to be handled, Mr. Garofano said the Budget and Finance Committee would take a look at the whole medical package before the budget goes into effect January 1, and would make recommendations to the Council.

Mr. Garofano said the mill levy rate in 1982 would be 24.16; he said the assessed valuation only increased about 3 percent for 1982. He pointed out that the intangibles tax had been phased out. Mayor Crippin added that the assessed valuation of automobiles was taken away from cities and Leawood lost $7,000,000 in tax base.

Margaret Jordan commented that houses in Leawood brought a premium because it was a well kept city. The lady and gentleman who commented earlier said they were representing Leawood Hills Homes Association, and suggested that budget information be included in the newsletter.

There being no further questions or comments, Mayor Crippin declared the budget hearing closed at 8:25 p.m.

#399
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 3, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Ink, Hess.

Others present were Fire Chief Toman, Police Chief Cox, City Attorney Winn, Bob Sanders, Tom Bieszczat, Jinny Oberlander, and June Lile. Fred Krebs arrived at 8:00 p.m.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hess, the agenda was approved with the following additions: Discussion of 94th and High Drive, discussion of the fence ordinance, condemnation of easement for James Branch sewer renovation, and discussion of the 2121 emergency number.

APPROVAL OF CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hess, the Consent Agenda was unanimously approved, including approval of Council minutes of July 20, 1981 (with correction of time of adjournment to 8:25 p.m.), approval of minutes of July 27th budget hearing, authorization to abate nuisance at three locations, first reading of ordinance relating to loudspeakers, application for renewal of retail liquor occupation license, and appointment of Ward Boundary Review Committee.

MAYOR'S REPORT

Presiding Officer of the Council: Mayor Crippin announced that Councilman Hess would be the presiding officer of the Council for the months of August, September and October according to the rotation agreed upon.

Redistricting of Ward Boundaries: To quell rumors, Mayor Crippin announced that there was no intent to eliminate any council seat; the redistricting was standard procedure according to statute to keep the number of registered voters in the wards within a certain ratio. He announced the Ward Boundary Review Committee would meet on Thursday, August 6, at 7:30 p.m., at his home. The Committee's recommendations will come before the Council for approval.

OLD BUSINESS

Ordinance No. 710 - Authorizing Codification of Ordinances (Second Reading): By roll call vote, Ordinance No. 710 was unanimously approved.

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#94 Update on Disposition of Vest Pocket Park (91st and Lee Boulevard): Mr. Bieszczat referred to his memorandum and stated he had met with property owners adjacent to the park at 91st and Lee Boulevard and an agreement had been reached on disposal of the property. He showed a sketch indicating the tracts to be taken by certain of the adjoining property owners, and requested authorization to enter into a contract with Shafer, Kline & Warren for a cost not to exceed $1,500 for surveying and platting of the park so it could be disposed of. He added this would include the establishing of the interior lot stakes. Councilman Ink moved to authorize Mr. Bieszczat to enter into a contract for surveying the property; seconded by Councilman Jacob. Motion carried unanimously. Councilman Rinehart stated Mr. Bieszczat had done a good job in resolving this difficult situation.

NEW BUSINESS:

#143 Discussion of 94th and High Drive: William Barton, 9301 High Drive, stated his neighbor, Dr. Gates, had asked him to come to support him in a presentation to the Council, but Dr. Gates was not present. Mr. Barton said High Drive north of 95th Street had one of the most unique shapes and drew a sketch of the street, in addition to dipping 50 feet it also had a curve, and a lot of traffic cut through from State Line Road on 92nd Street and down High Drive. Mr. Barton said many cars came through there at a high rate of speed and lost control on the curve and dip in the road. He speculated that the curve had been placed in the street to save some large elm trees which had subsequently died. He said it was an unnerving experience for residents to back out of their driveways along High Drive. There had been numerous accidents. Mr. Barton explained that as cars came down, turned to the right and then turned to the left, the rear end of the car kept going right and for a moment the driver's foot seemed to be pulled off the brake pedal. He recounted that the previous week there had been a tragic accident there in which a youth was killed. He commented on the magnificent response by the City rescue and police vehicles at the scene. Mr. Barton said there were several young children living in the street and they would not have a chance if they happened to be in the path of the speeding cars. He had no solution to suggest other than to straighten out the road. He said it was like a roller coaster. Mayor Crippin suggested that Chief Cox and Tom Bieszczat get together to work on a solution to the problem.

Later in the meeting, Dr. Gates arrived and stated it was a wonder more youngsters either in the yards or in vehicles on the street had not been killed. He said it was like a speedway, there were a lot of accidents, and it seemed the cause was the thrill received from the dip in the street at high speed and they lost control because of the curve. He said it took a good driver to make it at the speed limit.
He felt an effort should be made to remedy the situation that caused all of those accidents. Mayor Crippin suggested that it might be added to the items considered by the capital improvements committee.

Approval of 1982 Budget: Mayor Crippin stated a public hearing on the 1982 budget had been held on July 27th. In response to inquiry by Councilman Ink, Mayor Crippin said employee health insurance and the portion the City would pay would be discussed in a few weeks. Councilman Hess thanked the Budget and Finance Committee. She said the Committee would like specific direction from the Council before it met to consider the City's contribution toward employee health insurance. She suggested that in the future the budget procedure be changed so that all department presentations be made to the Council as a whole.

Mayor Crippin reviewed that the total budget was approximately $4.7 million, the general operating budget was $2.8 million, and explained some of the increases amounting to a 3½ percent increase in the mill levy for Leawood, but that the City portion was only about fifteen percent of the total tax bill. He named other cities where there was a substantial increase in the budget but no mill levy increase. Councilman Hess moved that the 1982 budget be approved as proposed; seconded by Councilman Ink. Motion carried unanimously.

Award of Construction Contract for West Soccer Field Renovation: Mr. Bieszczat referred to a memorandum presented. He said the low bidder had placed very little differential between Plan A and Plan B, and recommended that the Council authorize the construction of the soccer field not to exceed $4,111.00, and that the Recreation Commission choose between Plan A and Plan B. Fred Deay said the Commission wanted to review both plans; $3,600.00 was budgeted. Councilman Rinehart moved that the Council award the construction contract to Midwest Excavating with the decision on which plan to be used to be made by the Recreation Commission; seconded by Councilman Hess. Motion carried unanimously.

Contractor's Estimate No. 3 - Sanitary Sewer Renovation - Dykes Branch: On motion by Councilman Ink, seconded by Councilman Jacob, payment of Contractor's Estimate No. 3 in the amount of $96,844.41 for Dykes Branch sanitary sewer renovation was approved.

Engineer's Estimate No. 1 - Sanitary Sewer Renovation - Dykes Branch: Mr. Bieszczat stated this was the first request for payment by the engineer and covered the period December 14, 1980 through July 25, 1981, in the amount of $46,719.15. On motion by Councilman Jacob, seconded by Councilman Rinehart, Engineer's Estimate No. 1, sanitary sewer renovation, Dykes Branch, was approved.
Award of Contract for 1981 Street Improvement - Slurry Seal: Mr. Bieszczat reported three bids had been received. He requested authorization to enter into a contract with Musselman & Hall, the low bidder, for the 1981 slurry sealing project, based on their unit price of $.7245 per sq. yd., for an amount not to exceed $62,000, including the $15,000 Federal Highway Administration grant, or a cost of $47,000 to the City. On motion by Councilman Hess, seconded by Councilman Rinehart, the Council unanimously authorized a contract with Musselman & Hall not to exceed $62,000 for the slurry seal program based on their unit price of $.7245 per sq. yd. Mayor Crippin reminded Mr. Bieszczat that residents on the streets to be sealed would have to be appropriately notified.

Proposed Ordinance Relating to False Alarms: Chief Cox said he had felt a false alarm ordinance was needed for a long time to free available officers for more important tasks. Information on false alarms and summary of an ordinance proposed by Overland Park was presented. Following discussion, the matter was referred to the Public Safety Committee for study and report by the first meeting in September.

Resolution No. 567 - Supporting Construction of an Interchange at the Intersection of I-435 and Quivira Road: Mayor Crippin said he felt it would be well to have an exit at Quivira Road for emergency traffic at Suburban Medical Center. Overland Park had requested a resolution of support from Leawood to be presented at the public hearing to be held by the Kansas Department of Transportation. On motion by Councilman Hess, seconded by Councilman Ink, Resolution No. 567, supporting construction of an interchange at I-435 and Quivira Road, was adopted unanimously. A copy is attached hereto as part of the record.

Discussion of Fence Ordinance: Councilman Ink stated he had received a letter from Mr. Boesche, 8905 Pawnee Lane, which was the fourth inquiry concerning six foot fences he had received since coming on the Council. He said he understood the City Architect was working on a revised fence ordinance which would subsequently come to the Council for approval. Mayor Crippin said such ordinance would probably come before the Council the first of September and should probably be discussed at a work session. Councilman Ink suggested that in the meantime persons inquiring about making application to the Board of Zoning Appeals be told that there was the possibility of some action being taken to change the ordinance.

Condemnation for James Branch Sanitary Sewer Renovation: Mr. Bieszczat said the condemnation involved an easement for a sanitary sewer line through a property in Overland Park on the Leawood Sewer System. He said Leawood's project engineer had met with Raymond M. Feitl on numerous
occasions and made offers based on a formula of professional land appraisers, but Mr. Feitl had asked for condemnation. City Attorney Winn stated the petition would contain the names of both the City of Leawood and the City of Overland Park condemning the easement for sanitary sewer purposes, but Leawood would pay the cost associated with the condemnation. Mr. Bieszczat commented that of some 300 easements, this was the only condemnation.

Resolution No. 568 - Authorizing City Staff to Prepare Survey and Description of Land for Easement - James Branch Sewer Renovation Project: Councilman Ink moved that the resolution authorizing the City staff to prepare survey and description of land for an easement needed in the James Branch sewer renovation project be approved; seconded by Councilman Funk. Resolution No. 568 was adopted unanimously. A copy is attached hereto as part of the record.

Ordinance No. 711 - Authorizing Condemnation of Temporary Sanitary Sewer Easement - Property of Raymond M. Feitl, Lot 21, 98th Place Subdivision (First and Second Readings): On motion by Councilman Rinehart, seconded by Councilman Hess, the ordinance authorizing condemnation of temporary sanitary sewer easement on property of Raymond M. Feitl was unanimously adopted on an emergency basis by roll call vote.

2121 Emergency Number: Mayor Crippin said fire stations had a squawk box so that when the 2121 number was called the station heard the dispatcher which enabled them to reduce the response time by 15 seconds to 1½ minutes. The Johnson County Commissioners had recently voted against allowing any connection to the county 2121 number, so the squawk boxes were being removed from the fire stations. The Council authorized Mayor Crippin to write a letter to the Johnson County Commissioners requesting a meeting with them to discuss the boxes.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 424, in the amount of $113,927.15, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Funk.

Work Session: Councilman Rinehart stated the Recreation Commission would present its priorities at the next work session, but was not requesting a special session. A work session was planned tentatively toward the end of the month.

Meetings on Intersection Improvements - 95th and Mission Road: Mr. Bieszczat announced a meeting with Vic Regnier and his representatives on intersection improvements at 95th and Mission Road on August 6, 1981, at 2:00 p.m.
and a meeting on August 13 at 2:00 p.m. for public review of final recommendations by the cities of Overland Park, Leawood and Prairie Village.

At 9:05 p.m., on motion by Councilman Rinehart, seconded by Councilman Funk, the meeting adjourned to Monday, August 17, 1981, 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, August 17, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding.

PRESENTATION OF MAYOR'S SOFTBALL TOURNAMENT TROPHY TO POLICE DEPARTMENT

Mayor Crippin presented to the Police Department the Mayor's softball tournament trophy for the second successive year. Chief Cox accepted the trophy and introduced Sergeant Anderson, Judy Smith, and Dick Scott of the Department.

Roll call was answered by Councilmen Funk, Jacob, Hodes, Wise, Hess. Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, Attorney Don Jarrett, Bob Sanders, Tom Bieszczat, Howard Kipfer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

Mayor Crippin requested addition of an update on the sanitary sewer renovation project as the first item of Old Business. On motion duly made, seconded by Councilman Hess, the agenda was approved as amended.

CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Jacob, the Consent Agenda, including approval of minutes of August 3, 1981, and approval of departmental reports, was approved.

MAYOR'S REPORT

Correspondence (State of Kansas) - Tomahawk Creek Greenway: Mayor Crippin stated a letter distributed indicated that the State of Kansas still regarded as top priority the $411,000 grant to develop the Tomahawk Creek Greenway. In checking with Congressman Winn, Mayor Crippin reported it appeared the Federal Government had approved the $411,000 grant.

Work Session: Mayor Crippin reviewed several items that needed to be discussed, and a work session was set for Monday, August 31.

OLD BUSINESS

Update on Sanitary Sewer Renovation Project: Mr. Bieszczat had distributed a tabulation of right-of-way acquisition
to date. Mr. Kipfer reported that all of the people had been contacted, all of the agreements and proper easements had been secured except for four people in the Dykes Branch area; on the James Branch, there was one person who had asked for condemnation. Therefore, Mr. Kipfer was essentially through with the easements and consent agreements. The amount budgeted for this purpose was $125,000; the total amount contracted for was $52,900, which was forty-two percent of the budget. Mr. Kipfer reported on the construction work which was somewhat behind schedule due to the wet weather. Mayor Crippin said Mr. Kipfer was to be complimented for the work he had done.

Ordinance No. 712 - Relating to Use of Streets - Loudspeakers (Second Reading): Ordinance No. 712 was unanimously adopted by roll call vote.

Update Report on 95th and Mission Intersection Improvements: Mr. Bieszczat reported numerous meetings had been held to keep the public informed and to meet the requirements of the Federal Highway Administration grant, including an official public hearing on July 22. On approximately July 29 there was a meeting of the staffs of Leawood and Overland Park and the traffic consultants to discuss the comments received. On August 6, a special meeting was held with Mr. Vic Regnier and his representatives, and on August 11 there was a joint public works committee meeting of the cities of Leawood, Overland Park and Prairie Village, the outcome of which was the subject of a memorandum distributed. The information had been submitted to the Kansas Highway Department and the Federal Highway Administration. On August 13, there was another informal informational meeting with landowners and tenants adjacent to the project. The outcome of all these meetings was that the committees of the cities and consultants had unanimously agreed as to the best safety and engineering feasibility for the design of the project.

A letter of objection and comment dated August 3, 1981, from Victor L. Regnier had been distributed. Woody Edgington, representing Vic Regnier and Ranch Mart, Inc., read a letter dated August 14 presenting proposed design modifications to minimize new traffic patterns in the shopping center parking lots. The letter stated their only concern with the project as now designed was the continuous raised median east of Mission Road eliminating the existing west crossover on 95th Street between the North (Leawood) and South (Overland Park) business establishments, which would transfer the accident potential from the street to the parking lot. They asked that the raised median be opened at the point of the existing west crossover as proposed in the preliminary project design of January, 1979. Mr. Edgington cited other instances of median cuts and synchronized traffic signals similar to what they were proposing. Councilman Hodes recalled an
earlier meeting in which the attitude of Overland Park had been that it was not going to compromise design standards to provide entrances into businesses west of Mission Road on 95th Street. Mr. Edgington said at that meeting the controversy was the differential between the median policies of Prairie Village and Overland Park, with Prairie Village objecting to raised medians, and the design had subsequently been changed so that now there was no raised median on Mission Road in Prairie Village; there had been no question raised about the median east of Mission Road; there had been two designs, one with a cut in the median at the crossover and one without. In January of 1979, the traffic consultants had said it was feasible to cut the median at the point of the crossover in question.

Vic Regnier introduced his staff and tenants appearing with him. He said signalization was important and the proposed crossover to the east was dangerous at the crest of the hill; they hoped the raised median could be opened at the point of the present west crossover, as proposed it would divide the shopping center into two strip centers and would weaken it tremendously. They objected to the entrance being so far to the east because of the traffic pattern problems it would present in the parking lot. Mr. Regnier said he had spent $150,000 last year bringing up a storm sewer line that would never carry any water until the street project was put in. He said he would pay for signalization of the entrance at its present location. He questioned the left turn lane on Mission Road going south; he did not think there would be that much traffic going south.

Mayor Crippin mentioned that there was an alternate which showed the entrance to the shopping center 110 feet east of its present location; he did not think that distance would hurt the center. There was discussion that the alternate was a compromise sketch. Mr. Bieszczat stated the plan approved by the three cities had a full median with the exception of the crossover intersection at the extreme easterly end of the shopping center. He said the compromise labeled 2A had been reached that they could live with, relocating the entrance up to a point halfway between the existing location and where it was shown on the approved plan. Traffic patterns through the shopping center were discussed. Mr. Bieszczat said Overland Park was taking a pedestrian traffic count and if it was warranted, a pedestrian crossing light would be proposed from north to south Ranch Mart. Mr. Bieszczat stated he would loan the drawing of Alternate 2A to Mr. Regnier.

Mayor Crippin said a recent engineering feasibility study substantiated the necessity for a left turn lane going south on Mission Road. He clarified that no action would be taken at this meeting. Mayor Crippin stated he would appreciate Mr. Regnier considering Alternate 2A. Councilman Hess commented that getting into the shopping center was extremely dangerous now. Mr. Bieszczat emphasized that signalization of the entrance was not in the project.
the underground conduits would be provided for future signalization. He said the sight distance was within the design criteria for the hill, it was not necessarily a blind hill. Mr. Bieszczat stated the Council had approved the project subject to the designers', the cities' and his concept of the best design, but because of the controversy he wanted to make the Council aware of what design had been agreed upon; the present agreement had been presented, with Alternate 2A as something they could live with.

**#1040 Final Payment to Shafer, Kline & Warren on Step II, Sanitary Sewer Renovation Project:** Mr. Bieszczat said the final payment for the design portion of the sanitary sewer renovation project was in the amount of $3,243.07. He said the City entered into a contract with Shafer, Kline & Warren totaling $227,000.00; with the final payment proposed a total of $226,184.10 would be paid; the City had been reimbursed $164,600.00 by EPA. On motion by Councilman Jacob, seconded by Councilman Funk, the final payment to Shafer, Kline & Warren on Step II of the sanitary sewer renovation project was approved.

**NEW BUSINESS**

**#1051 Proposed Service Reductions - Police Department:** Chief Cox had presented a letter suggesting reduction of police services to allow the officers to spend more time on essential services. It will be considered at a work session of the Council.

**#1058 Enforcement of Property Maintenance Code:** Councilman Hodes expressed concern about enforcement of ordinances, such as trash bags being left at the curb for days; he said it appeared the City had been going downhill. Mayor Crippin mentioned that there were five cases ready to go before the Property Maintenance Code Appeals Board which he was appointing. Several instances of violation and the difficulty of enforcement were discussed. Councilman Hess said the Property Maintenance Code Committee hoped to come up with an effective recreational vehicle ordinance. Mayor Crippin suggested an ordinance disallowing parking on Lee Boulevard.

**#1108 Tape No. 79**

Councilman Hodes said it would not be his philosophy that the staff react to complaints only rather than to seek violations. He suggested that the staff actively look for violations and actively enforce them. Jeannine Fox suggested that excerpts from ordinances be published in the newsletter so people would know what is and is not a violation. Mayor Crippin said copy for the newsletter should be submitted within two or three weeks. He said he hoped a way could be figured out to take care of some of the things discussed at this meeting. Councilman Wise commented that more staff would be needed to do so. Mayor
Crippin stated it seemed the meaning of some ordinances was not clearly understood. Councilman Jacob thought there was a limitation on what could be done by ordinance; to achieve the appearance wanted, the City would have to look to individual homeowners to exert pressure on offenders.

**Appointment of Property Maintenance Code Appeals Board:**
The following persons were appointed to the Property Maintenance Code Appeals Board: Jess James, C. W. "Todd" Haren, Marlene Nagel, Dr. James O. Brown, and Dr. Richard Weber.

**APPROVAL OF APPROPRIATION ORDINANCE**

Appropriation Ordinance No. 425, in the amount of $266,017.97, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Hodes, seconded by Councilman Funk. Councilman Hodes suggested that administrative fee be raised or a sliding scale of administrative charges be established for successive cuttings of weeds and grass on a property during a season.

At 9:40 p.m., the meeting was adjourned to Tuesday, September 8, 1981, 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 8, 1981, in the council/court building, 9615 lee boulevard, leawood, kansas, with mayor kent e. crippin presiding. roll call was answered by councilmen funk, jacob, rinehart, lacy, ink, hess.

others present were city administrator garofano, fire chief toman, police chief cox, city attorney winn, bob sanders, tom bieszczat, julie baer, jinny oberlander, and june lile.

approval of agenda

on motion by councilman rinehart, seconded by councilman jacob, the agenda was approved as submitted.

consent agenda

#240 councilman lacy asked that the request for permission to keep bees be placed on the regular agenda. on motion by councilman rinehart, seconded by councilman lacy, the consent agenda was approved, including minutes of august 17, 1981, request for permission to keep three dogs, and assignments to the budget and finance committee.

commission report

plan commission:

#259 rezoning - 123rd and state line: mr. sanders referred to the fact sheet distributed and added that no protest petition had been submitted between the date of the public hearing and this meeting. he stated any action in the affirmative taken at this meeting would have to be in the form of an ordinance. the plan commission resolution returning the application and record of public hearing to the council without comment had been distributed. mayor crippin explained the plan commission resolution placed the council in a position of doing what it desired relative to the rezoning. councilman ink stated he was opposed to commercial development at 123rd and state line; however, he took exception to the proposed resolution or ordinance before the council. he recommended that any vote on this issue be tabled and that a committee be appointed to attempt to work out a compromise with the developer. mayor crippin said no one on the council wanted commercial on that corner. however, a compromise proposal had been drawn up with some commercial to show good faith to the court, but the council elected at that time to stand pat, continue with the appeal process, and not approach mr. williams with any kind of a compromise. the council initiated action to immediately
rezone the property to medium density residential. Mayor Crippin cautioned the Council that rezoning the property residential, with the state of confusion that already existed, would jeopardize the City's position in the case in the Court of Appeals; further, if there were not enough votes to pass the residential zoning, that would say to the Court that the Council was in favor of commercial zoning. He recommended that further action on the zoning be tabled. In view of the fact that the case was now in the Court of Appeals, it seemed to Councilman Jacob that the Council going ahead and passing an ordinance rezoning to RP-4 would only complicate the issue. Councilman Wise said she understood the rationale for taking some action on rezoning had been to show the court that the City had in fact zoned the property, she wondered why that reasoning was not valid now. Councilman Jacob recalled that in the language of the judge's opinion there seemed to be a caveat as to taking cognizance of the commercial history of the land use. City Attorney Winn said the Court did say even at this late date the City could zone the property even though it had not done so in the twenty years since annexation; as to what the Court was implying by that was merely speculation. Councilman Hess thought since no one on the Council wanted commercial, rezoning it medium density would clarify the Council's position once and for all. Mayor Crippin said he was looking at it from the standpoint of trying to protect the total city if a damage suit came about. By the appeal, he felt the Council had said strongly enough that it wanted residential. Mayor Crippin said he had re-evaluated the decision to go ahead and zone the property. Councilman Lacy moved that the Council continue discussion of the rezoning of 123rd and State Line until after the decision of the Court of Appeals; seconded by Councilmen Ink. Councilman Wise was not in favor of waiting that long. City Attorney Winn commented that a motion to continue for that long a time might be an abuse of that motion. Councilman Lacy amended his motion by striking the words "until after the decision of the Court of Appeals"; amendment was seconded by Councilman Ink. The amended motion carried, Councilmen Hess and Rinehart opposed.

CITY ADMINISTRATOR'S REPORT

#615
Street Sealing Program: Mr. Garofano reported the street sealing program would begin the week of September 21.

Newsletter: Copy for the next issue of the newsletter should be submitted by September 14.

NEW BUSINESS

#620
Resolution No. 569 - Relating to Intent to Issue Industrial Revenue Bonds to Finance a Project for R. H. Sailors & Company: A form of resolution and Memorandum of Agreement had been submitted. City Attorney Winn explained the resolution
provided that the project was subject to zoning approval by the City. He stated the bonds would have a maturity of only three years and the entire project would be acquired by a prospective purchaser. Steve Burger and Rick Stuessi appeared on behalf of R. H. Sailors & Company. City Attorney Winn stated there would be no abatement of taxes. Councilman Ink moved to adopt the resolution and to authorize the Mayor to sign the Memorandum of Agreement; seconded by Councilman Hess. Motion carried unanimously. A copy of Resolution No. 569 is attached hereto as part of the record.

Authorization of Project Agreement - Greenway Grant: Mr. Garofano referred to a memorandum concerning development of the greenway. He said the Kansas State Park and Resources Authority had received approval from the National Park Service for development of the greenway and the $413,140 grant for Leawood. Mr. Garofano sought authorization from the Council of the project acceptance documents. The state agency had given a time outline to have the project completed by January 15, 1983. A construction cost breakdown and an outline of estimated costs for maintenance and capital outlay were presented. Councilman Ink expressed serious reservations about taking the money because the costs were based on 1981 prices, not 1983 prices, there was no estimated cost of security, plus there would be added miscellaneous projects. He was personally opposed to acceptance. Councilman Hess wondered if the City could take the grant money and just do a small segment. Mr. Garofano said the value of the land constituted the City's share of the grant; therefore, any reduction in the amount of land would mean a reduction in the amount of the grant. Mr. Garofano noted that much of the land would be left in its natural state; construction would include five ball fields in the area of 119th and Mission and an asphalt bike path. The map of the greenway was displayed. Councilman Rinehart reported the Recreation Commission felt the necessity for ball fields in the southern area of the city and the necessity for some kind of connection between the south area and the existing park, and felt the greenway provided those necessities. Fred Deay stated the Commission felt the greenway connection between the present park and southern Leawood was fundamental to development of the southern area. There was discussion that the plan was originally adopted in January, 1978. Councilman Hess moved for approval of the project agreement documents; seconded by Councilman Rinehart. Motion carried, Councilman Ink opposed.

Councilman Hess left the meeting.

Resolution No. 570 - Soccer Field Dedication: On behalf of the Recreation Commission, Fred Deay proposed that Steve Merz be recognized and honored for his years of effort in establishing soccer in the Leawood and Kansas City area by naming a soccer field for him. Councilman Rinehart added
that Mr. Merz still refereed games. Councilman Rinehart moved that the Council approve a resolution naming the soccer field near the shelter house "Merz Field"; seconded by Councilman Jacob. Resolution No. 570 was adopted unanimously. A copy is attached hereto as part of the record.

Contractor's Estimate No. 4 - Sanitary Sewer Renovation - Dykes Branch: On motion by Councilman Jacob, seconded by Councilman Rinehart, Contractor's Estimate No. 4 in the amount of $103,014.93 on the Dykes Branch sanitary sewer renovation project was unanimously approved.

Request for Permission to Keep Bees: Councilman Lacy proposed that the request be approved contingent upon applicant, Robert G. Miller, 8932 Wenonga Road, securing approval of neighbors similar to that required for the keeping of more than two dogs. Councilman Lacy moved that the Council approve the request for permission to keep bees contingent on the approval of residents within 200 feet of the property; seconded by Councilman Ink. Motion carried unanimously.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 426, in the amount of $373,647.90, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Rinehart.

Work Session: The decision was made that there would be no work session on September 14.

At 9:10 p.m., on motion by Councilman Rinehart, seconded by Councilman Funk, the meeting was adjourned to Monday, September 21, 1981, 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, September 21, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Lacy, Ink. Councilman Hodes arrived at 7:35 p.m.

Others present were Fire Chief Toman, Police Chief Cox, City Attorney Winn, Bob Sanders, Tom Bieszczat, Daryl King, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

Mayor Crippin requested that discussion of communications equipment for the Police Department be added under New Business. On motion by Councilman Rinehart, seconded by Councilman Lacy, the agenda was approved as amended.

CONSENT AGENDA

Councilman Rinehart asked that the request for permission to keep four dogs be placed on the regular agenda under New Business. On motion by Councilman Ink, seconded by Councilman Rinehart, the consent agenda was approved, including approval of minutes of September 8, 1981, approval of departmental reports, and authorization to abate nuisance.

NEW BUSINESS

Discussion Relating to High Drive - 92nd to 95th Streets:
Mr. and Mrs. Ronald Kaminski appeared before the Council. They stated their son was killed on August 28th on High Drive and they understood a number of others had been hurt on that street. Mr. Kaminski asked that something be done to alleviate the problem. Mayor Crippin stated the Public Works and Public Safety committees had looked at that location; the only improvement that could really prevent such an accident would be complete realignment of the street which appeared to be out of the question as far as any immediate action; the matter would be considered by the Capital Improvements Committee; as to what would be done immediately, Mr. Bieszczat and Chief Cox would consider some kind of signing.

Approval of Appraisal Services for Greenway: Mr. Garofano had submitted a memorandum recommending that the Council appropriate funds in the amount of $11,700 for the services of Jack Forbes in appraising twelve tracts of land involved in the greenway, and that the funds be initially appropriated from the Reserve Fund with the possibility that the expenditure may be charged to the Contingency Account at year end.
Mr. Bieszczat explained that the Kansas State Park and Resources Authority had waived its normal requirement for the submission of three names of appraisers and had already approved the use of Mr. Forbes. Councilman Rinehart moved that the Council authorize Mr. Garofano to enter into a contract with Mr. Forbes for appraisal of greenway property with the stipulation that if funds are in the Contingency Fund at the end of the year, the payment for such appraisal come from that fund instead of the Reserve Fund; seconded by Councilman Jacob. Motion carried, Councilman Ink opposed.

Report on Property Maintenance Code Activities: Mr. Sanders reported activities of his department in the area of property maintenance since the code was adopted four months ago. He said there had been more than 200 complaint calls necessitating over 500 inspections; in July and August there were more than 210 inspections on weeds and grass, and there had been about 40 cases involving property maintenance; approximately $7,300 had been expended in taking care of weeds and grass and property maintenance items. Three cases went before the Property Maintenance Appeals Board at its first meeting in September. Mr. Sanders introduced Daryl King, the building inspector. In response to suggestion by the Council, a system of graduated administrative charges would be added to contract costs incurred after August 1. Mr. Sanders emphasized that the City would not recover the costs certified to the county for some time. During discussion, Mr. Sanders said he was having budget problems in connection with property maintenance, more gasoline was required than had been anticipated, and there were no funds to buy a camera. There was discussion that the name of a caller should not be required to register a complaint. Mr. Sanders stated that after almost a year since first notification of the violation, a sprinkler system was finally being installed in a warehouse in the Industrial District. Mayor Crippin requested that the Council be kept informed concerning property maintenance cases that go to court.

Contractor's Estimate No. 1 - Sanitary Sewer Renovation Project - James Branch: Mr. Bieszczat recommended payment of the contractor's estimate. On motion by Councilman Hodes, seconded by Councilman Rinehart, Contractor's Estimate No. 1 on the James Branch sanitary sewer renovation project, in the amount of $155,414.82, was unanimously approved.

Communications Equipment - Police Department: Information had been distributed to councilmen. Chief Cox said he was requesting authority to place an order for communications equipment when the models needed had been determined, not to exceed $18,900 from the 1982 budget. It was noted that $17,000 was budgeted; Chief Cox said he had neglected to include two pieces of radio equipment in the budget. Councilman Ink suggested that bids be solicited for the equipment. Councilman Lacy moved that the Council approve
the order of the communications equipment contingent upon a second and third bid being obtained, Police Chief Cox to make his best judgment based on written or oral bids; seconded by Councilman Funk. Motion carried unanimously.

Request for Permission to Keep Four Dogs - 9713 High Drive: Mrs. Sarah Kesler reviewed her letter to the Council requesting that the Council reconsider its decision on March 2, 1981, granting a non-renewable permit for a period of six months for four dogs. Mrs. Kesler said she had been unable to find homes for the dogs. She said she had obtained the signatures of ten neighbors within 200 feet of the property; the eleventh neighbor was out of the Country. She said the dogs were in by 10:00 p.m. and were not let out until 9:00 a.m.; they were chained in a fenced yard except for one which stayed in the house. Following discussion, Councilman Lacy moved that the Council grant permission to Mrs. Kesler to keep four dogs on the premises for one year; seconded by Councilman Ink. Motion carried, Councilman Funk opposed. Mayor Crippin urged that Mrs. Kesler get rid of two of the dogs as quickly as possible.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 427, in the amount of $209,485.34, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Lacy.

There was discussion concerning instances of shrubbery blocking the view at intersections. Mr. Bieszczat stated Leawood was using asphalt on rural roads from cold planing of streets in Prairie Village.

At 8:40 p.m., on motion by Councilman Rinehart, seconded by Councilman Funk, the meeting adjourned to Monday, October 5, 1981, 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, October 5, 1981, in the Council/Court Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Jacob, Rinehart, Wise, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Biesczat, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

There was discussion that a letter concerning the block mother program had been referred to the City Administrator and Police Chief. At the suggestion of Mayor Crippin, Councilman Rinehart moved that first reading of the ordinance relating to ward boundary changes be placed immediately following the Consent Agenda; seconded by Councilman Ink. Motion carried. At the suggestion of Mr. Garofano, Councilman Hess moved that scheduling of a work session regarding personnel rules and regulations be added following approval of the appropriation ordinance; seconded by Councilmen Rinehart. Motion carried. On motion by Councilman Rinehart, duly seconded, the agenda was approved as amended.

CONSENT AGENDA

On motion by Councilman Rinehart, duly seconded, the consent agenda was approved, including minutes of September 21, 1981, first reading of ordinance changing name of street, and first reading of ordinance accepting permanent sanitary sewer easements.

Ordinance Relating to Ward Boundary Changes (First Reading):
David Hunter reported that the committee considering ward boundary changes consisted of Mayor Crippin, Councilman Rinehart, Margaret Dostal, Lee Alt and himself, the reason for considering the matter being that the numerical count within the wards exceeded the balance guidelines of the statutes. The committee's objectives were to achieve as much balance between the wards as possible and to maintain continuity in representation to the extent possible, to avoid any dramatic change, and to provide for growth. The committee considered several alternatives and settled on boundaries which would generally be east-west boundaries following major thoroughfares as much as possible, and renumbered the wards from north to south. Ward 4 had a lesser number of registered voters, however, it was the ward which would have the most dramatic growth. Mr. Hunter...
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added that the wards as drawn provided for an adequate representation of the various issues the committee thought would be arising in the City of Leawood. Copies of the map of wards as redrawn had been distributed. Mr. Hunter projected that in the future a fifth ward might be added with the southern portion of the city divided by a north-south boundary. Mayor Crippin reported the committee discussed dividing each ward into three precincts. Councilman Hess moved that the ordinance be placed on first reading; seconded by Councilman Rinehart. Motion carried. City Attorney Winn commented that Leawood was now the 23rd largest city in the state.

COMMITEE AND COMMISSION REPORTS

Public Safety:

Ordinance Relating to False Alarms: Councilman Jacob requested that first reading of the false alarm ordinance be deferred to the next meeting.

CITY ADMINISTRATOR'S REPORT

Slurry Seal Program Completed: Mr. Garofano reported that the slurry seal program had been completed and it appeared to be successful.

MAYOR'S REPORT

Lobbyist in Topeka: A letter from Mark Anson had been received inquiring as to whether the Council would be interested in having him represent the City in Topeka regarding legislation. The consensus was that the City was adequately represented by its legislators and the League of Kansas Municipalities.

Resignation of City Treasurer: Mayor Crippin announced that City Treasurer Joe Herring had resigned for business reasons. He asked for suggestions for filling the vacancy.

League of Municipalities Meeting: Mayor Crippin announced the League of Municipalities meeting would be the following week.

Meeting Regarding Intersection of 95th Street and Mission Road: Mayor Crippin stated a meeting with representatives of Overland Park and Prairie Village would be held on October 20 at 7:30 p.m. at Overland Park City Hall concerning intersection improvements at 95th and Mission Road. Councilmen were invited to attend. Mayor Crippin stated due to some of the controversy that had arisen and other needs, Overland Park thought perhaps the project should be given a lower priority. Mayor Crippin commented it had been contemplated that Leawood's share of the cost of the improvement should be borne by the city at large. He added that if the project were turned down, it would be very
difficult and a number of years before any improvement could be made to that intersection. City Attorney Winn urged that Leawood go to the meeting with a unified position. Mr. Bieszczat emphasized that Leawood's share of the project was very minimal; Leawood share of the engineering costs at this point was $8,000 to $10,000 which had already been incurred. At the suggestion of City Attorney Winn, Councilman Rinehart moved that a resolution be prepared indicating Leawood's continuing approval of the 95th and Mission Road project; seconded by Councilman Hess. Motion carried unanimously.

NEW BUSINESS

Contractor's Estimate No. 5 - Dykes Branch Sewer Renovation Project: Mr. Bieszczat recommended payment of the contractor's estimate. On motion by Councilman Rinehart, seconded by Councilman Ink, Contractor's Estimate No. 5, in the amount of $200,445.12, on the Dykes Branch sewer renovation project was unanimously approved. There was discussion that there undoubtedly would be some damage from the blasting.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 428, in the amount of $258,546.78, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Wise.

Scheduling of Work Session: Mr. Garofano stated he would like to schedule a work session soon to discuss personnel rules and regulations. The session was scheduled for Monday, October 26, 7:00 p.m.

Miscellaneous: Mayor Crippin stated a matrix had been prepared relating to ordinance and deed restrictions in the various subdivisions. It will be printed. Mr. Bieszczat reported there was now only one mile of unpaved street in southern Leawood. Mayor Crippin said the City of Minneapolis and a city in Colorado had been contacted regarding the possibility of some representatives of Leawood viewing their greenways for types of materials used as a key to reducing maintenance. Councilmen were invited to make the trip.

At 8:35 p.m., the meeting was adjourned to Monday, October 19, 1981, 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, October 19, 1981, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, Attorney Donald Jarrett, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

Councilman Rinehart moved that discussion of the Block Mother program be added to the agenda; seconded by Councilman Lacy. Motion carried unanimously.

CONSENT AGENDA

Mayor Crippin requested that appointment to the Board of Zoning Appeals be deleted from the Consent Agenda. On motion by Councilman Wise, seconded by Councilman Rinehart, the Consent Agenda was approved as amended, including approval of minutes of October 5, 1981, approval of departmental reports, and approval of appointments of City Treasurer, Plan Commission member, and co-chairmen of 4th of July Committee. Mayor Crippin introduced David R. Bagby, just appointed as City Treasurer.

Request for Bike Lane on 103rd Street: Linda Frazier and members of her third grade class at Brookwood School appeared with letters requesting improvement to 103rd Street which would include a bike lane. Mayor Crippin read his letter written to Stephen Mische in response to Stephen's letter concerning his bike wreck. Petitions for bike paths on 103rd Street between Mission Road and State Line were presented to the Mayor.

COMMITTEE AND COMMISSION REPORTS

Plan Commission:

Resolution No. 572 - Approval of Preliminary Site Development Plan for Leawood Fountain Plaza: Mr. Sanders stated Mr. Sailors had presented application for preliminary and final plan approval; the Plan Commission had recommended approval of the preliminary site development plan and had approved the final site development plan contingent on the Council's approval of the preliminary plan. The site was a 7.85 acre tract at the southeast corner of Nell Avenue and College Boulevard. The appli-
cation was going through the complete zoning process because of variances from the plan approved in 1978. Existing zoning was CP-1, Restricted Business District, which allowed office and business use. When the plan was presented in 1978, there was a total of 80,000 sq. ft. approved for four buildings; the revised preliminary plan had three buildings with 104,000 sq. ft. gross area, 80,000 sq. ft. leasable area, with 24,000 sq. ft. being in atriums. There had been no opposition to the revised site plan at the public hearing. All documents necessary to this date had been submitted, reviewed and found to be satisfactory. Conditions of Plan Commission approval were reviewed, including (1) covenant that atrium areas remain as non-leasable area; (2) project to be platted; (3) sidewalk, utility easements and street right-of-way to be provided; (4) parking lot lighting to be required; (5) escrow would be required for Nall Avenue improvements (Mr. Sanders recommended that the Council accept the Plan Commission resolution with the qualified condition that approval be contingent upon delivery by the developer of a guarantee agreeable to the staff for the installation of his part of Nall Avenue street improvements between 112th and College Boulevard; he stated it had been staff's position that cash escrow be provided for such improvements but on October 16, Mr. Sailors had requested that he be allowed to do other than that if at all possible; (6) that 112th Street not be opened until the project's completion to delay traffic routing through Leawood Country Manor; (7) covenant to be furnished providing that a 20 percent limit be placed on retail use to maintain a balance with the parking spaces.

During discussion, Mr. Sanders said the possibilities in lieu of a cash escrow for the street were a benefit district (in which the developer would be the only property owner involved), direct contract arrangement between the City and the developer, and bonds. Councilman Hess recalled that the Council had said the cash escrow was definitely going to be required of developers if streets were not actually built. Mr. Sailors said the retail portion would be of the type to service the offices, such as office supply, card shop, etc. He added that fast food businesses would not fit the development. Mr. Bieszczat explained the reason for not opening 112th Street until the project was completed was that hopefully intersection improvements at College Boulevard and Roe would then be completed. Mr. Sailors said he was hoping to work with the City to come up with an alternative to the cash escrow for Nall Avenue that would work equally well for the City and the developer. He added he was willing to furnish the cash escrow if that was the only alternative because timing was very critical. There was discussion that an extensive amount of landscaping was shown.

Councilman Hodes moved that the Council adopt the resolution as written adding the words "and Council" after the word "staff" which would indicate that the City Council approved
the preliminary site development plan for Leawood Fountain Plaza contingent upon delivery by the developer of a guarantee for the installation of part of Nall Avenue street improvements at 112th and College Boulevard which shall be agreeable to the staff and Council; seconded by Councilman Rinehart. Councilman Hodes commented with the current price of money, if there was an alternate plan which was viable for the City that did not require the developer to furnish the cash, he would be willing to work with the developer in order to get this quality development. Motion carried, Councilman Hess opposed.

CITY ADMINISTRATOR'S REPORT

Mr. Garofano reminded the Council of the work session in the Lower Conference Room at 7:00 p.m. on Monday, October 26, to discuss personnel rules and regulations.

MAYOR'S REPORT

Update on Greenway: Mayor Crippin reported staff was preparing for acquisition of greenway property; St. Joseph Hospital had furnished its helicopter to help in viewing and photographing the property. Chuck Jones had been retained on an hourly basis for the acquisition of property.

OLD BUSINESS

High Drive from 92nd to 95th Street - Mr. and Mrs. Kaminski: Kevin Regan, assistant district attorney in Johnson County, spoke on behalf of Mr. and Mrs. Kaminski and as a former resident of Leawood. He related that the sixteen-year-old son of the Kaminskis had been killed on High Drive in late July. Mr. Regan said High Drive was used as a way to avoid the traffic light at 95th and State Line and because of the feeling the curve and dip on High Drive gave of coming down a roller coaster. He said kids used to do it when he was in high school and called it "thrill hill." He said in the past three years there had been three accidents involving young people as a result of going too fast down that street. All of the residents on the street who had been interviewed wanted something done. Neighbors had told him there had been a double fatality there five years ago. Mr. Regan said it was an obvious problem not only to kids who traveled it too fast, it was a risk to property owners, to children playing in yards, to passengers in vehicles, and to people in their homes. He said the signs posted since the Kaminski tragedy did not address the problem that occurred that evening since the signs directed vehicles approaching from the south. He said signs would alert conscientious drivers who did not know of the dangers at the bottom of the hill, but they would not stop the kids from going up and down that hill. He wondered if civil liability would attach to Leawood if the City did not do something to the street. He thought liability would still
lie if speed bumps were put in place. He stated the City of Leawood had a moral obligation to do something more than it had done. On behalf of the Kaminskis and himself, he asked the Council to do something more effective than what was there now.

Neither Councilman Hodes nor Chief Cox could recall any fatalities on the street prior to the death of the Kaminski son. During discussion, Mr. Bieszczat stated two additional signs were back ordered and would be installed as soon as they came in. Mayor Crippin suggested installation of a "ribbon" such as that experienced on approaching a toll gate on the turnpike. He suggested that staff investigate such a solution to the fullest before appointment of a special committee. Mr. Regan suggested that Bill Klassen of the National Transportation Safety Board would be happy to provide information concerning the best way to remedy the problem.

A resident on High Drive stated there had been no police protection on the street during the high traffic hour when Rockhurst High School dismissed in the afternoon. He emphasized that near misses were numerous.

Richard Wantuk, a resident, suggested that trees be trimmed which were blocking the view of motorists coming south.

At the suggestion of Councilman Hodes, the staff was directed to come back to the Council at its next meeting with specific recommendations. Mr. Garofano said the staff had issued one report but would investigate other alternatives. Mayor Crippin added that the item was on the agenda of the capital improvements committee for review. He said Leawood did not have $80,000 to re-align the street in the next few months.

Mrs. Kaminski said a choice was made on July 28 to go down High Drive at a high rate of speed; that choice took the life of her son. She said it was time the City of Leawood took that choice away from teenagers so that others would not have to endure what they had to endure. She said they had made the choice to come back to the Council and would keep coming back until something was done to "thrill hill," the signs put up were totally inadequate.

Ordinance Relating to Ward Boundary Changes (Second Reading): Councilman Hodes said it seemed confusing for Ward 1 to stretch from Somerset all the way to 95th Street at one point; he suggested that Ward 1 include everything north of 89th Street; Ward 2 be from 89th to approximately 98th Street, Ward 3 and Ward 4 remain as proposed. Mr. Garofano said part of the problem would be that one councilman would be in another ward. There was discussion that the number of registered voters needed to be equalized between the wards.
The Council's decision was to delay voting on the second reading of the ordinance until the next meeting to investigate the possibility of extending the ward boundary line from Lee Boulevard to State Line across 89th Street to make the ward map more logical.

Ordinance No. 713 - Accepting Permanent Sanitary Sewer Easements - Sewer Renovation Project (Second Reading): Ordinance No. 713 was adopted unanimously by roll call vote.

Ordinance No. 714 - Changing Name of Street in City (Second Reading): Mr. Garofano stated the Council had already adopted the change, it was before the Council because an ordinance was required by the Recorder of Deeds. Ordinance No. 714 was adopted unanimously by roll call vote.

Resolution No. 571 - Indicating the City's Continuing Approval of Improvement of Intersection - 95th and Mission Road: On motion by Councilman Rinehart, seconded by Councilman Ink, Resolution No. 571 was adopted unanimously. A copy is attached hereto as part of the record.

Resolution No. 573 - Relating to Replat of Vest Pocket Park Between 91st and 92nd Streets West of Lee Boulevard: On motion by Councilman Rinehart, seconded by Councilman Hess, Resolution No. 573 was adopted unanimously. A copy is attached hereto as part of the record.

NEW BUSINESS

Authorization to Solicit Bids for 1982 Police Cars: The Chairman of the Public Safety Committee had requested that the matter be assigned to that committee before Council authorization to proceed. On motion by Councilman Hess, seconded by Councilman Ink, solicitation of bids for police cars was referred to the Public Safety Committee. Councilman Ink suggested that bids be solicited with trade and without trade, and that bid prices be solicited on the trade-in vehicles.

Contractor's Estimate No. 2 - James Branch Sanitary Sewer Renovation Project: On motion by Councilman Wise, seconded by Councilman Ink, Contractor's Estimate No. 2 in the amount of $20,894.56 on the James Branch sanitary sewer renovation project was approved.

Engineer's Estimate - Dykes Branch Sanitary Sewer Renovation Project: On motion by Councilman Wise, seconded by Councilman Rinehart, the engineer's estimate for the period July 26 through October 3, 1981, in the amount of $23,565.95 was approved unanimously.

Engineer's Estimate - James Branch Sanitary Sewer Renovation Project: On motion by Councilman Wise, seconded by Councilman Lacy, the engineer's estimate for the period April 6
through October 3, 1981, in the amount of $20,894.56 was approved unanimously.

Discussion of Block Mother Program: Councilman Rinehart stated it was a concern of the PTA as to whether or not the cities were going to take over the Block Mother program. Mayor Crippin said he had received a letter from the PTA and immediately forwarded it to the City Administrator for contact with the Police Chief and forwarding of a recommendation. Mayor Crippin said he assumed the City of Leawood would support the program. Councilman Hess said she hesitated to see the City get involved in one more legal liability. Councilman Rinehart suggested that the Public Safety Committee look at the program and present alternatives. Claudene Pitner of the PTA said there was a great concern throughout the county that each individual city adopt a policy, hopefully the same policy, to do background checks on block mothers. Councilman Rinehart moved that City involvement in the Block Mother program be referred to the Public Safety Committee for review, discussion and report to the Council at the second meeting in November; seconded by Councilman Wise. Councilman Ink urged that the Police Department's involvement in the program be limited to background checks. Motion carried unanimously.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 429, in the amount of $307,551.23, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote. There was discussion concerning the amount for general consultant services. Councilmen Hodes and Hess asked to see an itemization of general consultant services.

Executive Session: At 9:40 p.m., Councilman Lacy moved that the Council go into executive session to discuss litigation regarding the City for a period not to exceed thirty minutes; seconded by Councilman Hess. Motion carried.

The Council reconvened to regular session at approximately 10:10 p.m., and adjourned to Monday, November 2, 1981, 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 2, 1981, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Hodes, Wise, Lacy, Hess. Councilman Rinehart arrived shortly after the roll call.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

Mr. Garofano requested that discussion of litigation regarding the woodchipper be added to the agenda. On motion by Councilman Hess, seconded by Councilman Lacy, the agenda was approved as amended.

CONSENT AGENDA

On motion by Councilman Hess, seconded by Councilman Funk, the Consent Agenda was approved, including minutes of October 19, 1981, and first reading of ordinance adopting personnel rules and regulations.

COMMITTEE REPORT

Public Safety:

1982 Patrol Cars: Councilman Jacob reported the Public Safety Committee had recommended approval of a new method of soliciting bids for 1982 patrol cars as proposed by Chief Cox. Chief Cox explained that instead of submitting specifications to dealers on a number of different cars, they had surveyed available cars, selected the one which would best suit the department's needs, and proposed to solicit bids from only dealers handling that car. Councilman Jacob moved that the Chief of Police be authorized to solicit bids for five 1982 police cars; seconded by Councilman Hodes. Motion carried unanimously.

CITY ADMINISTRATOR'S REPORT

City Treasurer: Mr. Garofano reported it appeared the appointment of the new City Treasurer would be effective on November 6 when the signature stamp was expected to be received.

Report on High Drive: Mr. Garofano read his report on the staff's review of the area at 92nd and High Drive. The review was undertaken with the assistance of Bill Klassen.
of the National Transportation Safety Board and Herb Johnson. The report stated it was found that the street was safe at the posted speed limit of 25 miles per hour and could be negotiated safely at 35 miles per hour. Deterrents suggested for those who traveled the street at illegal speeds were: (1) additional warning signs; (2) stop signs at the lowest point of the street; (3) rumble bumps (accomplished by removing approximately 2½ inches of existing asphalt pavement and replacing it with new asphalt with slots to form strips; Mr. Klassen's opinion was that the bumps would only add to the thrill as they would provide a new noise sensation, and they would only serve as a warning); (4) speed bumps. The installation of speed bumps raised questions of City liability and represented safety hazards for emergency vehicles and the public, and Mr. Klassen thought they would also add to the thrill sensation. Other items dismissed as impractical were conversion to a one-way street, severing the street at the low point and installing barricades, and converting the street to a private street. As to trees obstructing vision, it was determined that they were not a problem when the street was negotiated at a proper speed. An earlier report provided information regarding straightening of the roadway. Mr. Klassen indicated this type of construction would not totally relieve the thrill effect as the roadway could be raised only three or four inches, and it would allow a higher rate of speed. In seeking reconstruction alternatives, it was determined that the most effective deterrent to speeders would be to sever the roadway through the construction of two cul de sacs, but provisions would have to be made to allow emergency vehicles to cross between the cul de sacs. Construction estimate was in the area of $40,000 and would require owners of 9301 and 9309 High Drive to give up a portion of their front yards. There had been seven accidents on the street since 1976, five of which were injury accidents. The problem centered around young drivers who purposefully exceeded the speed limit. A resident had written a letter suggesting staggering barricades along one lane of the street. Chief Cox said compared to other two-block-long sections of residential street, this was a high accident location, but in comparison with the total number of accidents at other high accident locations, it was low.

Financing was discussed. It could be through the Capital Improvements Committee or residents along the streets involved could petition for a benefit district.

A gentlemen asked if the possibility of a small traffic circle had been considered. It had not. Mr. Garofano thought that might become a challenge in itself. Kevin Regan suggested that the Capital Improvements Committee study the matter and receive any suggestions from citizens. Councilman Rinehart thought that committee would not make recommendations for twelve to fifteen months. A property owner on High Drive said he would be opposed to any closing
of the street. Councilman Rinehart suggested referring the matter of the traffic circle to a combination of the Public Works and Public Safety Committees. A gentleman said he thought too much emphasis was being put on the strictly thrill-seeker aspect of this. Another man said the big problem was that it was a through street used by deliverymen and everyone to bypass 95th and State Line. He thought there had been a lot more than seven accidents on the street. He thought the street's attraction as a thrill constituted a traffic nuisance. In order to get a consensus of the people living there, Mayor Crippin suggested that the residents submit a petition to the Council on a method by which the problem could be solved.

A lady was concerned about anything that would increase use of the intersection of 92nd and State Line which she considered dangerous now. A young man suggested more lighting along High Drive to increase visibility and suggested the use of guard rails down through the curve to keep vehicles on the street and from going totally out of control. Councilman Lady suggested that the residents submit a petition to be studied by the Capital Improvements Committee. In response to concern of a resident about the amount of traffic using the street, Mr. Bieszczat said he would arrange to have traffic counts made on both 92nd and on High Drive. City Attorney Winn said he would like professionals on traffic safety to study whatever proposals were brought. Mayor Crippin suggested that three or four representatives of the neighborhood meet with representatives of the Public Works and Public Safety Committees and staff to go over the suggestions, as well as any new ideas. He asked residents to notify the City Administrator as to who would be their representatives. A gentleman suggested police surveillance during the peak traffic hours of 3:00 to 4:00 p.m.

Mr. Kaminski said he felt something was going to be done and he was happy about it. Mayor Crippin hoped there would be a report back to the Council on December 7th.

MAYOR'S REPORT

Status of Bus on State Line: Mayor Crippin asked Mr. Sanders the current status of the Greyhound bus on State Line. Mr. Sanders said nothing had been found in city ordinances that would force removal of the bus because it had been converted to a recreational vehicle. Mr. Sanders had written the owner asking him to voluntarily do something with the vehicle, but he had not replied. Mayor Crippin thought a new ordinance should be written. He referred to three other cars in the back yard. Mr. Sanders said they were in compliance because in essence the back yard was paved. Mayor Crippin directed the City Administrator and City Attorney to work on an ordinance. City Attorney Winn thought the whole subject of recreational vehicles as well as other vehicles might be dealt with.
in an overall encompassing ordinance. Councilman Hess apologized for delay in presenting a recreational vehicle ordinance and asked that another chairman be appointed if something was to be done right away.

Property Maintenance Cases: Mr. Sanders stated none of the cases referred to municipal court had been tried yet. As to the property at 92nd and Lee Boulevard, the owner had requested a building permit to add additional square footage and Mr. Sanders had requested a letter guaranteeing that the situation would be corrected and had requested a copy of the construction contract before a building permit would be issued. Councilman Hodes suggested that the cost of boarding up the burned house and enclosing the swimming pool be added to the building permit.

OLD BUSINESS

#779 Ordinance No. 715 - Relating to Ward Boundary Changes (Second Reading): Councilman Rinehart read a statement concluding that the map as proposed by committee was proper, and moved that the ordinance be placed on second reading; seconded by Councilman Lacy. Councilman Wise said she thought there was a more natural boundary, saying the boundary drawn was somewhat circuitous. She said 250 people had been placed north of the ward they would normally belong in, and another 201 had been put south of the ward they would normally belong in, all in an effort to prevent redistricting out a council seat. Councilman Hodes thought it looked odd the way it was drawn, it should be as close as possible to natural boundaries, and Ward 1 came all the way down to 95th Street while Ward 2 went all the way north to 87th Street. Ordinance No. 715 was adopted by roll call vote, Councilmen Wise and Hodes opposed.

NEW BUSINESS

#829 Discussion of Variance Granted - The Cloisters: Mayor Crippin stated a resident of The Cloisters applied for a building permit to construct an addition to his home which projected into the rear yard. Applicant came in to the Building Department, the City Architect looked at the plans, red lined them and turned them back to the builder indicating what the requirements were and what would have to be followed. Indicated on the plans was that the projection of the improvement would have to be 30 feet from the rear property line, the normal setback for most homes in the City of Leawood and specifically in The Cloisters. The builder began construction, put in footings for the improvement, and the City Inspector made an inspection; however, he did not take a tape measure and measure from the rear property line to the improvement to see if the 30 foot setback was followed. Then it was reported to the City building office that the setback was only 20 feet. An inspection was made to verify that and it was found that there was a violation of ten feet. Mayor Crippin said lots
in The Cloisters were minimum type lots, consequently ten feet was something that was very definitely going to be noticed. The Building Inspector stopped construction and the builder came to the building department and asked how the situation could be corrected. Normal procedure is to advise builders or homeowners making these improvements that they should file an application with the Board of Zoning Appeals. The applicant appeared before the Board of Zoning Appeals represented by an attorney and presented his case which took in the vicinity of 2½ hours. After the proponents presented their case, opponents who were represented by an attorney desired to present their case in opposition to granting the variance of ten feet. Mayor Crippin said it was his understanding that the opponents were not given an opportunity verbally at the meeting to state their opposition to the Board and, consequently, the Board approved the variance. Councilman Lacy, Councilman Ink and the Mayor had received several calls asking what the City Council could do. The property owners thought it was the City's responsibility to take the Board of Zoning Appeals to District Court rather than themselves because it was originally an error by the City in which the City building inspector did not make the appropriate measurement.

Councilman Hodes asked if the question about the 30 feet might not have shown up at the time the property owner brought in the plot plan; if the property owner had that notation, was it not his responsibility to see that they got the thirty feet. Mr. Sanders stated the building code clearly sets out that construction is the burden of the contractor and/or homeowner; in his four years in Leawood there had never been a question regarding setbacks; normally when the building inspector goes out for the first inspection (it is prefootings) there is no way for him to check setbacks, that responsibility is the building contractor's. Secondly, Mr. Sanders said in the review process on remodeling, additions and small construction projects that are normally brought into the office by homeowners, he tried to help them out because generally they are not professionally prepared. In this case, the homeowner did hire an architect. They, however, did not have a site plan attached at the time he reviewed the plans. He said this was normal with him, he took the plans and marked on them what the setbacks were. In the meantime, a site plan was brought in, an old site plan, the contractor was asked to locate the addition on the site plan, which he did very simply without any dimensions. Mr. Sanders did not see that site plan until after the incident turned up.

Councilman Hodes suggested that the residents could get an injunction and stop the property owner from proceeding with construction and have them redesign the plans.

Mr. Sanders explained the attorney for the applicant made a 2 to 2½ hour presentation, at the end of which everyone
November 2, 1981

was exasperated, and the Chairman of the Board of Zoning Appeals announced that any further testimony would have to be short, to the point and there would be no duplication of any of the story or evidence. That put everyone in the room immediately on the defensive. People did get up and say very quickly what their issue was and sit back down, including the attorney for the opponents. Councilman Hess asked if the Board of Zoning Appeals gave a reason. Mr. Sanders said the reason centered around the error of the building inspector. Councilman Hess asked Mr. Sanders if he had a chance to address that problem in the meeting. Mr. Sanders said he very quickly went through a finding of fact and presented a couple of exhibits indicating what the setbacks were and his position as far as the building inspector's error was concerned.

Councilman Hodes said he could not believe these people did not know they were in violation of the setback especially when it was written on the plans.

City Attorney Winn said he had tried to convince the Board that they should not even hear the appeal because an owner cannot build on and violate the setback line and then ask for help; that is not what the Board of Zoning Appeals is supposed to do. Mr. Winn said there was nothing to keep the Council from appealing the decision of the Board of Zoning Appeals; had the residents of The Cloisters brought an action earlier to enforce their deed restrictions, they would have had an action that was an automatic winner. The problem now was that the Leawood Board of Zoning Appeals had tampered in that process by granting a variance. As to getting an injunction, City Attorney Winn said the further along these projects get, the more difficult they become. He said other cities have a person to go through so if you have something that the board clearly could not find in your favor, they do not let you file an application. Mr. Sanders said in practice that process took place. The contractor came in and asked what he could do when he received the stop work order and Mr. Sanders told him he had to remove the construction or apply for a variance; in effect, he was appealing the decision to have the construction removed. Councilman Hodes said he would like to see the Council file suit and get an injunction.

A lady, not a resident of the Cloisters but a resident of the City of Leawood, said she was very upset at what happened because it could happen on her back doorstep also; she hoped the Council would make a motion to help out in this situation.

Councilman Wise asked on what basis the City could file suit. City Attorney Winn said the City would be saying it was aggrieved by the action of the Board of Zoning Appeals. Mr. Winn said he could try to get a temporary restraining order; if the judge felt there were grounds
to get the temporary restraining order, then that would turn itself into a temporary injunction which ultimately, if the City prevailed throughout, would be a permanent injunction which would include the remedy of removing the structure. Mr. Winn said the culprit was the contractor. Mayor Crippin thought the Council ought to take whatever action was necessary to remove that contractor's license. Mr. Sanders said he had already cited the contractor for three individual violations of the building code. Mr. Winn said if the judge agreed to go beyond the temporary restraining order and issue some type of temporary injunction, that might be indicative of his thinking about a ruling that would be positive from the City's standpoint.

Councilman Hess stated it seemed to her the chance in court might be better if it were brought by the citizens because the City was partly the culprit in this case.

City Attorney Winn said the homes association signed off on the plans but never authorized the construction to violate the setback.

Mr. Oxler, the owner, said he felt the Council was holding a hearing without having all the facts, and thought it would warrant considerably more investigation on the part of the City Council before it took action which he felt was directed at him.

Dr. Crow said the Council should realize an ordinance was violated and the Board had condoned the violation and what that would do to the property value adjacent to it.

Mr. Oxler said he felt it was presented to this body that the opposition had no chance to speak. He stated everyone who had anything to say was heard in entirety. He felt it was the City that put him in the position of having a great amount of money at stake over this thing because of the construction that had occurred. He did not feel it was his fault or his contractor's fault and this was brought out at the hearing. Mr. Oxler said when they were seeking approvals from the homes association and Leawood Building Company, Mae Ahern asked him to submit a survey to prove the addition was more than 20 feet from the rear property line; they submitted the survey, Mae Ahern and the homes association approved the drawing; the builder took them to the City, the City approved the drawings and issued the building permit, and they went to work. Mr. Oxler said there was a 30 foot notation on this drawing, but no one explained anything to his builder; the builder never opened the plans.

Councilman Wise observed that it was not possible to put the 19 ft. by 24 ft. addition on that lot and meet the setback.

A lady said she was across the street from Mr. Oxler on the same size lot. When they built their house in 1973
and later then they added a garden room they had to change their plans to abide by the setback.

During discussion, City Attorney Winn explained that the Council would be asking the judge to substitute his judgment for the judgment of the Board of Zoning Appeals who allegedly had all the facts and must have found that the condition was not created by the property owner; to make that finding would seem almost impossible by definition.

Mr. Sanders said it was brought out before the Board that his stamp did not say, "approved as noted", and it implicated that everything was all right; therefore, the contractor did not unroll the set of approved plans.

Councilman Hodes moved that the City initiate whatever is necessary to get a temporary restraining order in the district court to challenge the decision of the Board of Zoning Appeals; seconded by Councilman Funk. City Attorney Winn thought there was tremendously important precedent, if nothing else; the City could not allow this to happen everytime. Councilman Wise said it seemed the City was suing for something it had a part in creating by approving an addition that could not be placed on the lot and meet the setbacks. She wondered if the Council was being prudent in not getting some written or oral statement from the Board of Zoning Appeals.

City Attorney Winn outlined increased possible damages that might be incurred with delay, such as interest rates, inflated construction costs a year from now, denial of use of the improvement, etc. Mayor Crippin said he thought the City should file suit as to whether or not the Board of Zoning Appeals had overstepped its bounds and, secondly, he thought the builder ought to be eliminated from any work in the City of Leawood. Councilman Jacob explained that he did not think a suit against the Board as to whether it had overstepped its authority and a restraining order necessarily went hand in hand. City Attorney Winn interpreted the motion to mean that the Council wanted to see that this particular structure was removed or modified to come within the proper setback.

There was discussion that an attorney general's opinion might be requested as to what the scope of authority of the Board of Zoning Appeals was. Councilman Jacob wondered whether or not the Council had a full grasp of all the facts; the wisdom of filing suit or not depended on knowing the facts. City Attorney Winn emphasized that time was of the essence.

Mrs. Crow said they were counting on the City standing up for them, why should they pay for a mistake the City made?

Motion carried, Councilman Wise opposed.

Mayor Crippin said there were two other questions before the Council; that is, that the City Attorney be instructed
to determine whether or not the Board of Zoning Appeals had overstepped its bounds and, secondly, that whatever means was necessary be employed to get this builder to whence he cannot take any additional building in the City of Leawood if he is just going to flagrantly and blatantly ignore his responsibility.

Mr. Oxler said he would take responsibility for stopping construction at this point if the City was going to file a suit, and would put plastic over the windows and doors to keep it from weathering. He asked that the City act in extreme haste in the matter.

Authorization of Agreement for Planning Services for Greenway:
Mr. Garofano explained the request for authorization of an agreement set forth by Richard Kellenberg for planning services in conjunction with the greenway. Mayor Crippin noted payment was to be on an hourly basis. Staff would call Mr. Kellenberg when concepts, etc. were required. The original estimate was $8,000. The agreement did not include engineering. On motion by Councilman Hess, seconded by Councilman Wise, the agreement was unanimously approved. The Recreation Commission will be consulted regarding the ball fields.

Contractor's Estimate No. 6 - Dykes Branch Sanitary Sewer Renovation Project: On motion by Councilman Rinehart, seconded by Councilman Wise, Contractor's Estimate No. 6 in the amount of $492,484.56 on the Dykes Branch sanitary sewer renovation project was unanimously approved.

Application for Retail Liquor Occupation License - Ranch Mart Liquor Store: Following discussion, the application of Ranch Mart Liquor Store for retail liquor occupation license was unanimously approved on motion by Councilman Hess, seconded by Councilman Wise.

Applications for Cereal Malt Beverage Licenses: On motion by Councilman Rinehart, seconded by Councilman Hess, the applications of Atchity's Finer Foods, Inc., Ranch Mart Barbeque, and Pumpernik's for cereal malt beverage licenses were unanimously approved.

Discussion of Litigation Regarding Woodchipper: Mr. Garofano stated there was discussion at an executive session regarding the outcome of litigation whereby the City, for the expenditure of a maximum of $2,000, would get a rebuilt woodchipper with a contribution on the part of the service plus labor to put the machine back together. City Attorney Winn stated the machine essentially would be a new one with warranty. Councilman Hess moved to authorize an amount not to exceed $2,000 to make the settlement proposal stated by Mr. Winn; seconded by Councilman Wise. Motion carried unanimously.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 430, in the amount of $365,647.93, providing for payment of certain claims against the City and
the Leswood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Wise.

Work Session: The Council decided that no work session would be held on November 9th.

Mr. Sanders asked if the consensus of the Council was that the occupation license of Wegener Construction Company should be withdrawn. Mayor Crippin suggested that there be a report to the Council at the next meeting concerning withdrawing the occupation license, etc. and the City's liability.

At 10:40 p.m., on motion by Councilman Rinehart, duly seconded, the meeting was adjourned to Monday, November 16, 1981, 7:30 p.m.

Marcia K. Rinehart, Presiding Officer, in the absence of the Mayor.

Council Reporter

Attest:

City Clerk

3027
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 16, 1981, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Councilman Marcia Rinehart presiding in the absence of the Mayor. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Hodes, Wise, Lacy, Ink.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Daryl King, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

At the request of Councilman Hodes, discussion of enforcement of ordinance relating to trash bags was added to the agenda. Councilman Wise requested an executive session at the end of the agenda to discuss The Cloisters litigation. On motion by Councilman Wise, duly seconded, the agenda was approved as amended.

CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Jacob, the Consent Agenda, including minutes of November 2, 1981, and departmental reports, was approved.

COMMITTEE REPORT

Public Safety:

Block Mother Program: Chief Cox reported the Public Safety Committee recommended approval of participation in the Block Mother program by funding the signs for a maximum expenditure of $97 and furnishing a local file search provided for in the Privacy and Security Act. The file search would be made upon the block mother applicant coming to the Police Department and positively identifying herself; the information would be released to the applicant only. Under those circumstances, there would be no liability to the City. Councilman Jacob explained the Committee concluded that it was a good program and that it would recommend the support requested provided no liability was incurred. Councilman Wise questioned whether or not it was a proper city function to furnish the signs for the PTA. Councilman Ink said he was opposed to getting involved in a private program, no matter how well intentioned. Councilman Hodes moved that the Council approve the expenditure of not to exceed $100 for signs for the Block Mother program; seconded by Councilman Funk. Motion carried, Councilmen Wise and Ink opposed.
CITY ADMINISTRATOR'S REPORT

Capital Improvements Committee: Mr. Garofano reported the Capital Improvements Committee had met and decided to take a bus tour on November 21 of areas where capital improvements had been proposed. The Committee will meet again on December 6 for a presentation on the Comprehensive Plan.

OLD BUSINESS

#398 Ordinance No. 716 - Adopting Personnel Rules and Regulations (Second Reading): On motion by Councilman Wise, seconded by Councilman Funk, Ordinance No. 716 was unanimously adopted by roll call vote.

NEW BUSINESS

#401 Contractor's Estimate No. 3 - James Branch Sanitary Sewer Renovation Project: On motion by Councilman Wise, seconded by Councilman Funk, Contractor's Estimate No. 3 on the James Branch sanitary sewer renovation project was approved in the amount of $40,532.66. Mr. Bieszczat reported the Dykes Branch portion of the project was 51 percent complete and the James Branch portion was presently 45 percent complete, both well within their time frames.

#407 Resolution No. 574 - Setting Public Hearing on Leawood Drive-In: Mr. Sanders said he was requesting adoption of a resolution by the Council to set a public hearing on January 4, 1982, at 7:00 p.m., to discuss the condition of the drive-in theater and possible demolition and removal of all buildings and structures on the site. On motion by Councilman Lacy, seconded by Councilman Ink, Resolution No. 574 was unanimously adopted. A copy is attached hereto as part of the record.

#420 Enforcement of Ordinance Relating to Trash Bags: Councilman Hodes said it seemed to him more and more people were putting out trash bags at will, creating an eyesore in the community. He thought those people should receive either a warning ticket or a summons. Councilman Ink suggested that the problem be referred to the homes associations. Mr. Sanders said the property maintenance code provided that bundles of tree, bush and lawn trimmings were to be carried to the curb no more than twenty-four hours in advance of pick up, and described the procedure for enforcement. Councilman Wise wondered whether or not the problem had a priority high enough to add a staff person to handle it. Mr. Bieszczat said there had been numerous complaints about people raking leaves into the street. He thought it was one of those things the City would have to live with during certain periods of the year. Councilman Hodes thought the mechanism for notifying violators was inadequate.

#480 Executive Session: Mr. Garofano stated there needed to be two executive sessions, one on personnel matters and the other on The Cloisters litigation. Councilman Ink moved
that the Council go into executive session not to exceed thirty minutes following consideration of the appropriation ordinance. The motion was seconded and carried unanimously.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 431, in the amount of $417,927.72, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Wise, seconded by Councilman Jacob.

To distinguish the time limits for the two executive sessions, Councilman Lacy moved that the Council adjourn to executive session to discuss The Cloisters litigation for no longer than fifteen minutes; seconded by Councilman Funk. Motion carried, Councilman Hodes opposed. Councilman Lacy then moved that the first executive session be followed by an executive session to discuss personnel matters for a period not to exceed fifteen minutes; seconded by Councilman Funk. Motion carried, Councilman Hodes opposed.

The Council went into executive session at 8:02 p.m.

At 8:28 p.m., the Council returned to regular session and the meeting was adjourned to Monday, December 7, 1981, 7:30 p.m.

Presiding Officer

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, December 7, 1981, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Tomsn, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Beer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

Mr. Garofano requested that authorization of agreement for engineering services on the greenway be deleted pending more discussion with the State regarding the bids. On motion by Councilman Funk, seconded by Councilman Wise, the agenda was approved with the deletion requested.

CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Hess, the Consent Agenda was approved, including minutes of November 16, 1981, first reading of ordinance accepting permanent sanitary sewer easement for renovation project, and schedule of work session for December 14.

AD HOC COMMITTEE REPORT

Report Regarding High Drive, 92nd - 95th Streets: Councilman Lacy reported the committee had met to investigate the feasibility of guard rails and a "Meyer Circle" type of construction at the bottom of the hill. Three households along the street were represented; others present were Councilman Hodes, Mr. Garofano, Julie Baer, Chief Cox, Tom Bieszczat, Herb Johnson, Bill Klossen, and Councilman Lacy. Mr. Klossen thought the guard rails would be more an obstruction than a safeguard measure because of the many breaks that would occur to allow driveway access. As to the "Meyer Circle" type of construction, Councilman Lacy reported engineers were reluctant to design an obstruction in a street because of traffic flow and legal and other complications. The committee concluded that the most effective means to deal with the problem was to continue police surveillance. The committee had been informed that a group of Shawnee Mission East High School students were going to canvas the neighborhood to determine residents' reactions to the problem, and the committee formulated a question to be put to the residents about a temporary blockage of the street by installing sand barrels. There had been no word as to when the canvassing would take place.
James Newman, 9219 High Drive, stated he believed this was a driver's problem, not a physical problem. He was opposed to any physical obstruction in the street and any expense to try to change the elevation of the street. Mrs. Firth referred to a letter she had written and said she agreed with Mr. Newman that the problem was the driver, not the street. Mr. Bieszczat explained sand barrels were plastic barrels filled with sand. Mr. Robinson said he left the committee meeting with the feeling that the consensus was that the best approach would be to block off the entrance to 92nd Street at State Line. Councilman Lacy said three locations for the blockage were considered--at the bottom of the hill, at the north end of High Drive, and at 92nd and State Line. Bill Barton, a resident of High Drive, thought the penalty for violation of the speed limit on the street was insignificant; residents were not involved in the violations, it was people coming through the area. He suggested that the penalty be increased. A lady wondered what the maximum penalty had been for any of the incidents on High Drive. She said she had seen a police stake-out there only once since August. Lucille Kennedy, 9229 High Drive, said to her knowledge, none of the young people who lived in the area had ever been involved in any of the accidents on the hill. She stated an exit was needed on both 92nd and 95th Streets. Mayor Crippin summarized that all agreed that it was a problem of the driver; increased surveillance should decrease the problem and was possibly the only thing that could be done at this time. He added that the Capital Improvements Committee was surveying improvements in the City and this area was included in items being considered by that committee. Mr. Robinson commented he had thought the City Council agreed that there was a problem and something should be done about that problem to prevent further deaths, now it seemed to be discarded. He wondered if staff members who had studied the problem were in agreement that nothing should be done about it other than police surveillance. Mr. Garofano said the only true solution was some type of reconstruction but there was disagreement as to what such reconstruction should be; that would be addressed by the Capital Improvements Committee; for the time being, police surveillance needed to be pursued. Councilman Rinehart was disappointed that the results of the citizen survey were not available. Mayor Crippin assured residents on the street that the Governing Body sympathized with them.

BUDGET AND FINANCE COMMITTEE:

Report Regarding Retirement Plans: Mr. Garofano reviewed that the Budget and Finance Committee had been charged to look into the provision of a retirement program for police and fire personnel. After much discussion and by a narrow margin, the Committee voted to recommend that the City remain with the Social Security and KPERS plans and join the Kansas Police and Fire Retirement plan for the police and fire personnel, which would take them out of the KPERS
plan. The Committee recommended that the City implement a long term disability plan for general employees (other than police and fire). Councilman Hess added that the majority of the Committee felt that the City could not take on the responsibility for providing its own private plan to replace Social Security. She explained the members who voted against the recommendation were willing to spend a longer period of time investigating the alternatives of withdrawing from Social Security. She strongly recommended implementing a disability plan for general employees. Mr. Garofano said the KP&F coverage could be accomplished January 1st; funds were available in the 1982 budget. Councilman Wise related that John Snyder had said there was no doubt if the City took the money that was contributed to Social Security and put it into a private plan along with an amount that would ordinarily go into a pension plan, the City could come up with something over the long haul that would be vastly superior to Social Security. It was noted to have the option of getting out of Social Security required two years' notice; other complications of getting out were discussed. Councilman Hess expressed appreciation for the fine contribution by John Snyder and others on the committee.

David Bagby commented there was a difference between real benefits and perceived benefits. Councilman Ink emphasized that councilmen on the committee realized that the same councilmen might not be here two years from now to talk with employees about withdrawing from Social Security. In answer to inquiry by Councilman Hodes, Mr. Garofano said it would cost $160,000 in 1982 to enter into the KP&F system. Mayor Crippin explained to move into the KP&F system would cost about $100,000 per year for thirty years.

Resolution No. 575 - Approving Transfer of Membership of all Police Officers and Firefighters to the Kansas Police and Firemen's Retirement System: Mr. Garofano explained the resolution before the Council to enter into the Kansas Police and Firemen's Retirement System. At the suggestion of Councilman Hodes, the language of the resolution was changed to read "all police officers and firefighters". Councilman Hess moved for adoption of the resolution approving the transfer of all police officers and firefighters to the Kansas Police and Firemen's Retirement System effective January 1, 1982; seconded by Councilman Ink. Resolution No. 575 was adopted unanimously. A copy is attached hereto as part of the record. Chief Cox and Chief Toman expressed appreciation on behalf of themselves and their employees for the action taken. Upon inquiry by Mr. Bieszczat, Mayor Crippin stated the City Administrator had been instructed to look into a disability program for general employees.

Recommendation Regarding Health Insurance Plan: Mr. Garofano reported the Budget and Finance Committee had considered whether or not the City should change its
present contribution structure of paying the total coverage for individual and family memberships in the health insurance plan. The Committee recommended that the City continue the present policy of paying the total cost of premiums, but that the total of salary and benefits provided to employees be viewed as a whole package. Instead of fluctuating the fringe benefit plan every year, the salary variable should be considered in that whole package and the percent of salary increases be varied each year. Councilman Hodes thought employees should be responsible for paying a portion of the cost of health insurance coverage. Policing to try to protect from duplication of insurance was discussed. Mr. Garofano pointed out that not everything was paid by the insurance company, there were a lot of employee out-of-pocket expenses involved. Mr. Bagby emphasized the need for communication to the employee the total cost of his employment. Councilman Hodes suggested offering full individual coverage and charging the employee at least a small amount for family coverage. Councilman Hess moved that the Council accept the recommendation of the Budget and Finance Committee to pay the full cost of the premium for health insurance benefits; seconded by Councilman Wise. Motion carried, Councilman Hodes opposed.

CITY ADMINISTRATOR'S REPORT

Year End Budget Projections: Mr. Garofano referred to his memorandum summarizing year end budget projections. He said it appeared that revenues would be on target with less than one percent deviation, and general fund expenditures would be close to projections. He said the cushion between income and expenditures was diminishing somewhat in that the City was spending more than it was taking in. There was a problem of 1981 recreation fund revenues not meeting the estimated figures primarily because of decline in concessions and pool and tennis memberships. Therefore, the general fund would have to underwrite some $18,200 of recreation expenditures. Other funds were within the parameters established. Sewer funds would be expended at a faster rate on sanitary sewer renovation projects than had been anticipated.

MAYOR'S REPORT

Mayor Crippin requested that Messrs. Sanders, Winn, Jancich and Garofano report to the Council at its first meeting in January as to the process and procedure for ridding the City of the fire damaged house on Lee Boulevard.

NEW BUSINESS

Ordinance Establishing Leawood Arts Council (First Reading): Mayor Crippin reported that the Leawood Arts Council was requesting that the Council make them official by adoption of an ordinance establishing the Arts Council. There was discussion that the ordinance presented was restrictive. George Lund, chairman of the Arts Council, said he did not
know that an ordinance was not required; he knew of no other city arts council that did not have an ordinance. The relationship between the Arts Council and the Recreation Commission was discussed. Mr. Lund said he would like the Arts Council and the Recreation Commission to each have a member on the other. He said the Arts Council was really mostly concerned with fine arts. Councilman Wise said most of the language in the ordinance was to give the committee the latitude to do some of the things to put people on notice that the committee was there to be consulted. Following discussion, Councilman Hess moved to place the ordinance on first reading; seconded by Councilman Lacy. Councilman Rinehart expressed the hope that a representative of the Arts Council would attend Recreation Commission meetings. Motion carried unanimously.

Allocation of 1982 Alcohol Tax Funds: Mr. Garofano referred to the packet forwarded by the Alcohol Planning Council which had been designated by the City to recommend disbursement of the 1982 alcohol tax funds. The recommendation was for $400 to Association for Battered Persons, $1,600 to Blue Valley School District, $5,025 to Mental Health Center, $125 to Family and Children Services, $1,525 to Shawnee Mission School District, and $225 to Alcohol Planning Council, for a total of $8,900 anticipated to be received in 1982. Diane Powell of Alcohol Planning Council was present. Councilman Hess moved that the Council accept the recommendation of the Alcohol Planning Council for the distribution of the Leawood portion of the funds; seconded by Councilman Ink.

The recommendation to eliminate a half-time position from the Shawnee Mission Schools request and to add $150 to train volunteers was discussed. Motion carried unanimously.

Acceptance of Bid - 1982 Patrol Cars: Chief Cox recommended acceptance of the low bid of Weinberg Dodge. On motion by Councilman Hodes, seconded by Councilman Hess, the bid of Weinberg Dodge was accepted.

Contractor's Estimate No. 7 - Dykes Branch Sanitary Sewer Renovation Project: Councilman Rinehart moved for approval of Contractor's Estimate No. 7 in the amount of $328,710.88 on the Dykes Branch sanitary sewer renovation project; seconded by Councilman Hodes. Motion carried unanimously.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 432, in the amount of $321,222.48, providing for payment of certain claims against the City and the Leswood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Ink, seconded by Councilman Wise. There was discussion that the County had notified the City that the funding for the plans for improvement of the intersection of College Boulevard and Roe had been approved.
December 7, 1981

Mayor Crippin reminded the Council of the work session on Monday, December 14, at 7:30 p.m.

At 9:55 p.m., the meeting was adjourned to Monday, December 21, 1981, 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 21, 1981, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

Councilman Hodes requested addition of discussion concerning charges of driving while intoxicated. On motion by Councilman Ink, seconded by Councilman Hess, the agenda was approved as amended.

CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Funk, the Consent Agenda was approved, including minutes of December 7, 1981, request for permit to keep horse on premises (2026 West 96th Street), first reading of ordinance accepting deed of dedication for street purposes (College Boulevard and Roe), and approval of departmental reports.

MAYOR'S REPORT

Discussion of Charges of Driving While Intoxicated:

Councilman Hodes wondered if there was anything the City could do to prevent further deaths caused by intoxicated drivers. He said in examining the number of arrests and the number of convictions it was obvious that plea bargaining or something was happening that reduced the charges; hence, when a person was arrested the second time there was no prior conviction for d.w.i. Chief Cox explained that generally there was plea bargaining and the school was part of it; he explained the procedure on arrest. The matter was discussed. City Attorney Winn said the crux of the question was whether or not the Council felt the school was doing what it should. Chief Cox emphasized that the mere suspension or revocation of a driver's license did not necessarily prevent that person from driving. Chief Cox suggested that he ask Mr. Dalen who runs the alcohol abuse school to come to a Council work session to explain the program. Information regarding the Overland Park diversion program had been requested. City Attorney Winn suggested that perhaps the school should not be considered for a second-time offender. Councilman Hess wondered if only d.w.i. arrests, not all traffic arrests, might be entered in the Kansas City area computer. During discussion, Mayor
Crippin said a conference was to be held with the prosecutor and the judge concerning administering the housing maintenance code, perhaps a philosophy on d.w.i. charges could be discussed also. The Council agreed that Mr. Dalen should come to the work session on the second Monday in January. Mayor Crippin stated if the Council issued orders to the police department, it should recognize what the consequences were; he thought Leawood police officers presently were doing everything they could. Councilman Rinehart suggested that the City Attorney and Police Chief formulate some specifics on what could be done.

OLD BUSINESS

#367 Ordinance No. 717 - Accepting Permanent Sanitary Sewer Basement for Sewer Renovation Project (Second Reading): Ordinance No. 717 was adopted unanimously on roll call vote.

#370 Ordinance Establishing Leawood Arts Council (Second Reading): Councilman Rinehart moved that second reading of the ordinance be continued for the purpose of Mr. Lund going back to his committee to come up with some less restrictive language in Section 28-105 with the help of the staff. The motion was seconded. Mr. Lund said he did not know that the arts council would agree to an ordinance which was less restrictive. Councilman Rinehart commented that the proposed ordinance was specific on things the arts council could do but there were a lot of things that were not mentioned; she thought an ad hoc committee format would be preferable. The matter was discussed. Mayor Crippin said there was to have been a clause "as requested by the City Council, the City Plan Commission, the Recreation Commission"; however, the arts council could initiate whatever programs it desired. Councilmen Wise and Rinehart thought the ordinance would be more acceptable without Section 28-105. George Lund suggested retaining Section 28-105 and adding a sentence regarding direction by the governing body. Councilman Rinehart said she would like the arts council to consider deleting Section 28-105 and revising the sentence, "Nor shall any existing work of art be removed, relocated, or altered without being submitted to The Council." Motion carried, Councilman Ink opposed.

NEW BUSINESS

#510 Authorization of Agreement for Engineering Services for the Greenway: Mr. Garofano referred to memoranda concerning solicitation for bids for engineering services on the greenway which entailed surveying and final design work for locating and constructing improvements to be placed within the greenway. The bids had been discussed with the State which had approved awarding the contract to the low bidder, Shafer, Kline & Warren. Mr. Garofano said surveying costs of $1,600 associated with acquisition of property were not grant eligible expenses; therefore, the city at large would have to bear that expense. Mr. Kellenberg had not completed
the initial layout of the paths and ball fields; authorization was being requested to enter into a contract for engineering services not to exceed $30,000 (the figure contained in the grant application). Councilman Hodes moved that the Council authorize the agreement for engineering services for the greenway; seconded by Councilman Jacob. Motion carried, Councilman Ink opposed.

Mr. Garofano reported that almost every major property owner in connection with the greenway project had been contacted and they were supportive of it. Staff had met with the Corps of Engineers concerning the Tomahawk Creek Parkway; the Corps was enthusiastic about the project. Appraisers and design teams were working. From a staff standpoint, it was a tough project but it was coming together.

Replacement of Sewer Department Backhoe: Mr. Bieszczat explained a new backhoe was budgeted but priorities had changed and instead he was requesting that the existing backhoe be overhauled, a truck be purchased, and another truck be overhauled, all at a savings to the sewer department budget. On motion by Councilman Hodes, seconded by Councilman Jacob, the request was approved.

Acceptance of Bids - Fire Department Vehicle and Hose:
Chief Toman stated four bids had been received for a Ford Ltd. station wagon; he recommended acceptance of the best price and best trade-in which was from Shawnee Mission Ford in the amount of $8,765.31. Councilman Hodes moved that the bid of Shawnee Mission Ford be accepted; seconded by Councilman Jacob. Councilman Ink was concerned about exceeding the budgeted amount on the very first purchase for 1982. Mr. Garofano explained the funds were from the 1981 budget; the cost estimate was made in May, 1980. Motion carried unanimously.

Chief Toman reported bids had been received for replacement of fire hose, the low bidder being American Fire Equipment Company, Salina, Kansas; he recommended purchase of 1,500 feet of 2½" hose and 500 feet of 1½" hose, or a total of $2,870.00. On motion by Councilman Rinehart, seconded by Councilman Hodes, the bid of American Fire Equipment Company was unanimously accepted.

Acceptance of Leawood Office Park Public Works Facilities:
Councilman Hess moved that the Leawood Office Park public works facilities be accepted; duly seconded. Mr. Bieszczat explained the facilities included 89th Street and its widening, the traffic signals and the widening of the median on State Line Road. Councilman Hodes thought anticipation loops should be included. He also noted that markings indicating turning lanes, etc. had not been placed on the Missouri side. Mr. Bieszczat said the loops were not required by the approved plans so it was not the developer's
or the contractor's responsibility, nor did the plans indicate permanent markings; City crews had painted the Leawood side; he would contact the City of Kansas City, Missouri, concerning the other side. Councilman Ink was concerned about students crossing State Line in that area in the morning with all the vehicle turning movements. Mr. Bieszczat will investigate the anticipation loops with the traffic engineer. Motion carried unanimously.

Contractor's Estimate No. 4 - James Branch Sewer Renovation Project: On motion by Councilman Hodes, seconded by Councilman Rinehart, Contractor's Estimate No. 4 in the amount of $76,427.73 on the James Branch sewer renovation project was approved. Councilman Rinehart complimented the industrious crews. Councilman Hodes was concerned about the barricades not flashing.

Applications for Cereal Malt Beverage Licenses: On motion by Councilman Hodes, seconded by Councilman Rinehart, applications for cereal malt beverage licenses by Gates Barbeque and King Louie Ranch Mart were approved.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 433, in the amount of $512,705.63, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Rinehart. Councilman Hodes questioned a payment of $1,316 to Andrew Lyons for the City vs. Board of Zoning. City Attorney Winn explained it was for independent counsel for the Board of Zoning Appeals in the suit brought by the City. Councilman Hodes requested that the payment be reviewed by the Mayor and the City Attorney. Mayor Crippin commented that the $1,316 was only a third of the total amount for legal fees in the case. Councilman Hodes asked that he be notified concerning the period involved for paper delivered to Fire Station No. 2.

Mayor Crippin reminded the Council of the public hearing regarding razing of the Leawood Drive-In Theater on January 4, 1982, at 7:00 p.m.

Mayor Crippin reported that at the Council of Mayors meeting on January 6 at Merriam City Hall there would be a talk about State legislation likely to be proposed in the 1982 session.

At 9:03 p.m., the meeting was adjourned to Monday, January 4, 1982.
Minutes of a public hearing by the Governing Body of the City of Leawood, Kansas.

A public hearing by the Governing Body of the City of Leawood, Kansas, was held at 7:00 p.m. on Monday, January 4, 1982, in the Council Building, 9615 Lee Boulevard, in order that the owner, agent, and lienholders of record of the Leawood Drive-In Theater structures might appear and show cause why such structures should not be condemned and ordered to be demolished, in accordance with Kansas State Statutes, the Building Code, and the Property Maintenance Code. Mayor Kent E. Crippin presided. Councilmen Funk, Jacob and Hess were present, as well as members of the staff and other interested parties.

Mayor Crippin stated the property owner of the Leawood Drive-In Theater had appeared before the Property Maintenance Appeals Board with regard to unsafe structures; no action being taken by the property owner, the matter had now come before the City Council for public hearing, and at its regular meeting beginning at 7:30 p.m., the Council would consider a resolution authorizing city officials to begin the next procedures for razing the structures on the property.

City Architect Sanders stated notice had been sent to the owner of the property, Colonial Investment, Inc., Wilson Williams, his attorney, owners of property adjacent to the drive-in theater property, and all utility companies. He read the letter sent to Colonial Investment, Inc., stating that the buildings were considered to be dangerous, a public nuisance, and detrimental to the health, safety and welfare of residents of the City, and notifying of the public hearing. In addition, notice of the hearing had been published in the official city newspaper.

Mr. Sanders reviewed his memoranda of December 31, 1981, and November 10, 1981, concluding that the site was unhealthy and unsafe for human habitation and dangerous to anyone who might venture onto the site. There was a listing of dates and events showing that the City had been conscious of the lack of maintenance and repair since 1977. There was a building inspection report on November 12, with photographs, describing sixteen exhibits concerning different violations of the property maintenance code and/or the building code. Copy of warranty deed showing that Colonial Investment, Inc. was the owner of the property was submitted in evidence. All utility companies involved had been notified of the process with three replies received.

There was discussion that the owner could appeal the decision of the Council to the Property Maintenance Appeals Board. City Attorney Winn said the entire City file
constituted the record in the matter and asked that it be circulated for inspection by members of the Council.

Thad Batson of Grier, Swartzman & Weiner appeared on behalf of Colonial Investment, Inc., but made no statement.

Sue Kramer, a resident across the street from the drive-in said it was unsightly, she thought its proximity to the schools was bad, and said there appeared to be some activity on the site which could not be positive.

City Attorney Winn said the City would stipulate that it would provide the owner's representative with copy of the entire record. He described the exhibits in the matter, designated Case PM 4-81, including a summary of the procedures and reports, a general correspondence file (background), evidence file (letters, facts and findings, chronological listing, copy of the warranty deed, legal description), notices, certified letters, affidavit of publication, and response from the various utilities.

The public hearing was declared closed at 7:25 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, January 4, 1981, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Hodes, Wise, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Daryl King, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Funk, seconded by Councilman Hess, the agenda was approved as written.

PRESENTATION OF CHECK FROM KING LOUIE RANCH MART LANES

Dave Juric presented a check to Mayor Crippin in the amount of $296.36 representing proceeds of the Mayor's Christmas Tree Bowling Tournament.

CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Hess, the Consent Agenda was approved, including minutes of December 21, 1981, and first reading of ordinance vacating a vest pocket park (approximately 91st and Lee Boulevard).

MAYOR'S REPORT

Work Session to Discuss Charges of Driving While Intoxicated: Mayor Crippin stated there would be a work session open to the public on Monday, January 11, at 7:30 p.m., dealing with the problem of d.w.i.'s. He said he had met with the City Attorney, City Administrator, Municipal Judge and City Prosecutor, and stated as far as fines, convictions and actions, the City of Leawood was doing as good or better than other cities in Johnson County.

Council of Mayors Meeting: Mayor Crippin stated the Council of Mayors' meeting on January 6 on upcoming legislation would be held at Prairief Village City Hall rather than in Merriam as reported earlier.

OLD BUSINESS

Ordinance Relating to Acceptance of Deed for Street Purposes - College and Roe Intersection Improvement (Second Reading): Mayor Crippin stated the City was not ready to have the
ordinance placed on second reading. He said due to some question as to the cooperation of one of the property owners involved in providing right-of-way for the improvement of the intersection of College Boulevard and Roe, there may be some problems in obtaining the right-of-way. City Attorney Winn assured the Council that all property owners impacted by the intersection improvement were being treated exactly the same. Councilmen were handed copies of a letter from an attorney regarding the matter. On motion by Councilman Hess, seconded by Councilman Jacob, second reading of the ordinance relating to acceptance of deed for street purposes (College and Roe intersection improvement) was continued to the January 18th meeting.

NEW BUSINESS

#907 Resolution No. 576 - Concerning Demolition of Buildings on Leawood Drive-In Property: Mayor Crippin reviewed that a public hearing had been held at 7:00 p.m., preceding the Council meeting. Councilmen Hodes and Wise, not present at the hearing, had examined the material presented by the City. Mayor Crippin explained the resolution before the Council would instruct the owner of the property to remove the structures from it. Councilman Hess moved that the resolution authorizing the City to instruct the owner of the Leawood Drive-In Theater property to remove the structures and clean up the property be adopted as written; seconded by Councilman Funk. Following discussion, Councilman Hess moved that the motion to approve the resolution be amended to add that the small ticket building be included in the buildings to be demolished; seconded by Councilman Wise. Motion to amend carried unanimously. The attorney representing Colonial Investment, Inc. made no statement. Resolution No. 576 as amended was adopted unanimously. A copy is attached hereto as part of the record.

#938 Discussion Regarding Group Health Insurance Plan: Mr. Garofano reported that The Hartford, the City's present health insurance carrier, notified the City of its intent to raise the rates by sixty percent on February 1, 1982. John Snyder had sought other proposals on the health insurance and had received a proposal from Metropolitan for a guaranteed rate for twelve months. A memorandum comparing the plans had been distributed. Metropolitan proposed a rate of $46.64 per employee, with dependent coverage at $143.99. Hartford's proposed rate would be $62.72 per employee, with dependent coverage at $192.56. With Metropolitan, if the deductible were increased from $100 per individual and $300 per family to $200 per individual and $400 per family, there would be a four percent reduction in premium, or $141.70 per employee and $137.33 per family, which would mean a savings of approximately $5,000 per year over the initial proposal. Mr. Garofano suggested reducing two clerical positions to half time and eliminating a maintenance worker position, resulting in a savings of
January 4, 1982

$22,000 to fill the shortfall between the amount budgeted for insurance and what the new rates would cost. He recommended that the Council authorize him to notify The Hartford that the City would cease doing business with them, and that the City accept the proposal from Metropolitan Life with the increased deductibles, effective February 1, 1982. Councilman Wise observed that it would be cheaper for an employee to pay the premium difference rather than pay the higher deductible. Councilman Hess moved that the Council approve the staff's recommendation with regard to group health insurance; seconded by Councilman Wise. Mr. Garofano said with the Metropolitan plan, even though the deductible was increased, there were other benefits in the proposal, including the stop loss provision, which exceeded those offered by The Hartford. John Snyder explained that the Metropolitan plan provided for a $500 maximum out-of-pocket cost per employee per year, whereas the current plan was $600; in addition, the maximum out-of-pocket cost per family was $750 per year with Metropolitan. Mr. Garofano said self-insurance would be investigated prior to 1983 budget preparation. Councilman Hodes suggested an open letter to the Chairman of the Board of The Hartford concerning the increase and the short notice. Julie Baer thought the important thing to employees would be that $750 per year was the maximum they would ever have to pay. Motion carried unanimously.

#1023 Adoption of 1982 Salary Plan: Councilman Hess moved for adoption of the 1982 salary plan; seconded by Councilman Funk. Motion carried unanimously.

#1037 Report Regarding Fire Restoration at 9239 Lee Boulevard:
Mr. Sanders stated a building permit for repair of fire damage at 9239 Lee Boulevard had been issued in July, 1981, and would expire on January 27, 1982. In addition, the zoning regulations required that no fire-damaged structure shall stand for more than three months; he had made the owner and his attorneys aware of that violation. He said the homeowner's attorneys had delivered a letter this date giving a status report, saying that the reason nothing had been done since issuance of the building permit was due to a disagreement with the insurance company as to payment for damage to the structure. Last week the attorneys had indicated they had reached an agreement with the insurance company and that they were willing to proceed with construction, but now they indicated the contractor was out of town for ten days to two weeks and asked that they might wait until the contractor gets back to commence work. Mr. Sanders said the letter indicated the owner was willing to go ahead with construction and get the project completed within the next six months. The contractor had submitted building plans for addition of 4,000 sq. ft. to the house but no permit had been issued for that. That, coupled with fire restoration would take an extensive amount of time to complete.
Mr. Sanders commented there had been a hole and construction debris in the back yard for a considerable length of time. Councilman Hodes noted that the City had spent a considerable sum to have windows boarded and a fence put up because the property owner did not take any action. Mr. Sanders said approximately four months ago he had determined that because the house and pool were open and the property was not occupied, it was an unsafe and dangerous building and asked the owner to close the house and protect the pool, which he did not do. Councilman Hodes said the City should be reimbursed for its out-of-pocket costs before any construction proceeds. Mr. Sanders stated it appeared the only violation at this time was the zoning requirement that fire damage be repaired in three months for which he could sign a complaint and forward it to municipal court.

Mrs. Danner, owner of the property at 9239 Lee Boulevard, asked that the attorney's letter be read in its entirety. She said some very misleading statements had been made so far. Mr. Sanders read the letter from Ron Kraft dated January _, and an attached letter from Paul Niewseld representing St. Paul Insurance Company, stating they were willing to go ahead based on a replacement cost of $161,240.70 as given to them by Alan Fiering.

Mrs. Danner said the problem was that the bid was given to them in April, 1981. She said three contractors had told them the structure should be totalled; then the insurance company got an inter-city contractor who came up with a bid of $140,000.00. She said they decided on Mr. Fiering and he was going to restore the house according to the Leawood codes, but the insurance company decided to stand on the $140,000.00 bid, so they had to file suit. Mrs. Danner said they were often out of town for periods of ten days so they put the matter in the hands of an attorney so he could be contacted. She also said they had paid personnel to stay out there to watch the property until it became bitter cold. She said their Johnson County attorney was from the same law firm as the City Attorney so she did not know what the problem was about contacting them. She said they had to know if Mr. Fiering's bid was good and he was out of town for two weeks; she wanted the house put back just like it was.

Mrs. Danner said the swimming pool was complete and had the same fencing around it as the next door neighbor. She said they would be happy to pay for the boards the City had placed on the house but not for the fencing put up around the pool because they had the same security around their pool as did the next door neighbor.

Mayor Crippin said the City wanted the house fixed; it had been in that condition since last April, and it was conceivable the house could go unrepaired for another six months or a year if the Danners were not satisfied with
what the insurance company was going to give them. Mrs. Danner emphasized that the problem was not resolved because they had to confirm the contractor's bid. She wished the Council would defer this to the next council meeting which was the 18th, let them contact Mr. Fiering when he comes back in town, and if he would honor his original bid, they would give him the go-ahead to start on the house.

Councilman Hess moved that any action be delayed until January 18th; seconded by Councilman Funk. Councilman Hodes suggested that the City get Mrs. Danner's correct mailing address and phone number so she could receive the correspondence the City had been trying to send for the last eight months. Mrs. Danner explained that by the time they got back in town each time, the letters had been sent back to the City. She said they could be contacted through Mr. Kraft's office, 1111 Grand, Kansas City, Missouri, or through their lawyer in Johnson County at 95th and Nall, and she could be contacted personally at 1331 Erie Street, North Kansas City, Missouri 64116, telephone number 816 471-1009. She stated the City would not gain anything by filing suit because they would ask for an appeal. Mayor Crippin stated while everyone sympathized with Mrs. Danner, the Council would be faced with similar situations many times in the future; as to what would be gained by filing suit, it would indicate that the City means business in terms of enforcing its ordinances. Councilman Wise commented that obviously it was a very complicated thing to correct and wondered if the three months allowed by ordinance was reasonable. Mr. Sanders said there had been three other fire-damaged houses and all three were reconstructed and occupied within three months. Motion carried with Councilmen Funk, Hess and Wise voting aye, Councilman Hodes voting nay, and Councilman Jacob abstaining because of possible conflict of interest.

Contractor's Estimate No. 8 - Dykes Branch Sanitary Sewer Renovation Project: On motion by Councilman Wise, seconded by Councilman Hess, Contractor's Estimate No. 8 in the amount of $140,158.94 on the Dykes Branch sanitary sewer renovation project was approved.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 434, in the amount of $162,297.38, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Wise.

Mayor Crippin explained that the budget analysis showed a $600,000 deficit because money had been spent on sewer renovation but the revenue was not shown.

At 9:16 p.m., the meeting was adjourned to Monday, January 18, 1982, 7:30 p.m.

Council Reporter

City Clerk

[Signatures]
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 18, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Jacob, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Hess, seconded by Councilman Wise, the agenda was approved as written.

CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Hess, the Consent Agenda was approved, including minutes of public hearing of January 4, 1982, minutes of Council meeting of January 4, 1982, departmental reports, and first reading of ordinance relating to permanent drainage easement (College and Roe intersection improvement).

RECREATION COMMISSION:

Report Regarding 1982 Operations: Julie Baer referred to her memorandum to the Council regarding Recreation Commission proposals for summer programming, fees, additional revenue, etc. The proposal to place a gate across Lee Boulevard was discussed. Chief Cox explained the primary problem was four-wheeled motor vehicle traffic so a gate would be tried. Councilman Ink said he thought the report issued by the Recreation Commission pointed out that perhaps citizens were not as interested in supporting a large park program as had been designed. He urged as the Council considered the greenway system that it look at the long range effects of where the dollars to take care of it would come from. Councilman Wise said the problems dealt with in the report related to a different type of facility than the greenway; she pointed out that two seasons of very bad weather had played havoc with revenue projections. The Recreation Commission proposed that membership be opened to residents of the Shawnee Mission and Blue Valley School Districts. Fred Deay pointed out the Recreation Commission's intention to no longer be involved in the day-to-day administration of park facilities but to act as a policy-making body.

CITY ADMINISTRATOR'S REPORT

1982 Insurance Program: Mr. Garofano referred to his memorandum on property and liability insurance and stated
the City was exploring the possibility of self-funded workmen's compensation as a means of saving premium dollars. Councilman Ink moved that the City Administrator be authorized to enter into the 1982 insurance program as recommended; seconded by Councilman Rinehart. Motion carried unanimously.

OLD BUSINESS

#452 Ordinance No. 718 - Vacating Vest Pocket Park (Approximately 91st and Lee Boulevard) (Second Reading): Ordinance No. 718 was unanimously adopted by roll call vote.

#456 Ordinance No. 719 - Relating to Acceptance of Deed for Street Purposes - College and Roe (Second Reading): Ordinance No. 719 was adopted unanimously by roll call vote.

#458 Ordinance No. 720 - Establishing The Leawood Arts Council (Second Reading continued): The Council noted that proposed Section 28-105 had been deleted. Ordinance No. 720 was adopted unanimously by roll call vote.

#475 Fire Restoration - 9239 Lee Boulevard: Ronald Kraft, attorney representing Mr. and Mrs. Danner, owners of the property, stated they had studied the proposal by the insurance company and had made a response that they were agreeable to accepting the settlement offer provided either that the final dollar pay out be left open to take into consideration increased cost in material or labor, or that a small amount be added for projected increase in those costs. They were still waiting for a response back from the insurance company. He stated their goal and the City's goal were the same--to get the house rebuilt as quickly as possible. He said the quality of the work to be done had been the underlying problem in the delay. Mr. Kraft asked the Council to hold the matter for two more weeks to see what happens. The contractor was still on vacation but his office had indicated that insofar as he could tell from memory the prices were still good and if he could get the job going by the end of this month he felt he could hold to the original bid. Mr. Kraft said his clients were concerned that conditional provision be made for undiscovered damage.

Mr. Sanders reported that no work had commenced on the residence. He pointed out that the building permit would expire on January 27th. He said there was a provision in the zoning regulations which required that fire restoration be done within a three-month period, and the house at 9239 Lee was in violation of that provision. Action on that violation could be taken through municipal court. He said the $1,000 the City spent boarding up the structure and fencing the swimming pool had been certified to the County and would become an assessment on the property. Mr. Sanders would not act on a request for building permit for a 4,000 sq. ft. addition to the house until the restoration work
January 18, 1982

was taken care of. Mayor Crippin recommended in order to show that the City was serious about enforcement of its ordinance, that Mr. Sanders be authorized to file a complaint in municipal court which would not be heard for four or five weeks; that would give the Danners an opportunity to proceed. Councilmen Hess moved that the Council authorize Mr. Sanders to file a complaint in municipal court; seconded by Councilman Rinehart. Councilman Wise wondered if it might be more productive, rather than pursuing a violation of the zoning ordinance, to pursue the matter under the substandard structures ordinance. Mayor Crippin thought the complaint should be filed to move the matter along since the property had not been restored in nine months. Councilman Ink said the City needed to establish the precedent that it would enforce the ordinance. City Attorney Winn commented that the regulations were not mutually exclusive, there was nothing to prevent pursuing the matter in municipal court and at the same time pursuing the property maintenance code violation. Motion carried, Councilman Jacob abstaining.

Discussion of 95th and Mission Road Intersection Improvement: Mr. Bieszczat stated Overland Park had come up with an alternate interlocal agreement providing only for additional signalization of the intersection, left turns on Mission Road, and pedestrian crosswalks. He said from his viewpoint this would not be an acceptable solution even for the interim. There was discussion that Overland Park had not officially said they would not honor the original agreement. Mr. Bieszczat said 1982 FAU funds would not be available for this intersection improvement unless another project was not ready by October. Mr. Garofano pointed out that a portion of funds already expended on the original concept would be lost if the Overland Park alternate was implemented. The consensus of the Council was that the Mayor should respond to Overland Park that Leawood was not interested in the alternate agreement and would pursue the interlocal agreement already in effect. Mr. Bieszczat stated the engineering contract provided that after a period of time and the project had not been built, the engineer could bill for his design fee, and felt he would do so.

NEW BUSINESS

Payment to Engineer - Steps 3 and 4 of the Sanitary Sewer Renovation Project: Mr. Bieszczat recommended payment of the billings for construction inspection on both the Dykes and James Branch. On motion by Councilman Rinehart, seconded by Councilman Jacob, the Council approved payment to the engineer in the amounts of $28,692.21 and $12,932.62.

Contractor's Estimate No. 5 - Sanitary Sewer Renovation - James Branch: On motion by Councilman Hodes, seconded by Councilman Rinehart, Contractor's Estimate No. 5 was approved in the amount of $73,769.58.
Acceptance of Bids for Public Works Equipment: Mr. Garofano reviewed that the Council had authorized solicitation of bids to repair the backhoe, put a platform bed and hoist on an existing truck, and to buy a new half ton truck at an estimated cost of $17,000, in lieu of purchasing a new backhoe. On the backhoe repair, staff recommended acceptance of the low bid of Olathe Ford Tractor Co. in an amount not to exceed $6,000. For installation of hoist and platform bed on existing pickup truck, the recommendation was the low bid of F & S Truck Equipment Co. in the amount of $1,366.15. For the half ton pickup truck with flat bed, the recommendation was the bid of Midway Ford in the amount of $7,926.06. It was noted that the low bid of Feld Chevrolet was not accepted because of the City's experience with some Chevrolet and GMC products. On motion by Councilman Rinehart, seconded by Councilman Wise, the recommended equipment purchases were approved from the 1982 sewer department budget.

Mr. Garofano stated $26,500 was budgeted in the 1982 Revenue Sharing Fund for a 2½ ton dump truck with snow plow and spreader. Staff recommended acceptance of the low bid of Midway Ford in the amount of $18,311.15 for the dump truck, the low bid of Victor L. Phillips Co. in the amount of $3,477.50 for a snow plow, and the low bid of Victor L. Phillips Co. in the amount of $2,195.00 for a spreader. On motion by Councilman Ink, seconded by Councilman Wise, bids for the truck, snow plow and spreader were accepted in the amount of $23,983.65 as recommended. Motion carried unanimously.

Mr. Garofano stated the Revenue Sharing budget also included $8,000.00 for a diagnostic machine. Staff recommended acceptance of the low bid of Sun Electric Corporation in the amount of $8,332.00. Mr. Garofano explained there was a savings on the dump truck which would compensate for the amount of the machine over budget. On motion by Councilman Wise, seconded by Councilman Rinehart, the bid of Sun Electric Corporation in the amount of $8,332.00 for a diagnostic machine was accepted, Councilman Hodes opposed.

Request for Authorization to Purchase Police Staff Cars: Mr. Garofano referred to his memorandum to the Council. He outlined problems associated with recycling patrol cars for staff use and suggested purchase of used rental cars saying the resale value of the rental cars would offset their cost. Mr. Garofano recommended purchase of two used rental cars for the Police Department at a total cost not to exceed $15,000. Mayor Crippin stated the automobiles purchased should be of the same character as present City vehicles. Mr. Garofano said at least three years of staff use was expected. Councilman Ink urged that such purchase be in the form of bids to be acted upon by the staff. Councilman Rinehart moved for approval of the recommendation to purchase two used automobiles by obtaining bids to be acted upon by staff, at a cost not to exceed $15,000; seconded by Councilman Hess. Motion carried unanimously.
Request to Lease New Computer Terminal: Mr. Garofano stated Kansas City had completed an update of their computer system (Leawood has access to a terminal off the system). The update severely diminished the effectiveness of Leawood's printer. Staff recommended that the printer be replaced with lease of a CRT, along with a printer and modem. Use of alternative brands of equipment would be explored. Councilman Hess moved that the Council authorize Mr. Garofano to proceed with lease of computer equipment for the Police Department with attempt to get the best price and type of equipment; seconded by Councilman Wise. Motion carried unanimously.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 435, in the amount of $275,224.85, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Wise, seconded by Councilman Lacy. Mr. Bieszczat will check into two charges for traffic signal maintenance at 103rd and State Line noted by Councilman Hodes. Councilman Hodes also noted two checks to one vendor; he thought the program combined checks to the same vendor.

Schedule of Executive Session Regarding Acquisition of Real Property: At 9:25 p.m., on motion by Councilman Wise, seconded by Councilman Hess, the Council went into executive session for a period not to exceed forty-five minutes for the purpose of discussing acquisition of real property.

The Council returned to regular session at 9:55 p.m. Following discussion regarding acquisition of right-of-way for improvement of the College Boulevard and Roe intersection, the Council authorized staff to proceed with condemnation proceedings for acquisition of 40 feet of right-of-way on property owned by Mr. D. L. Mayor at the southeast corner of the intersection.

The meeting was adjourned to Monday, February 1, 1982, 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 1, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Dan Qualman, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hess, the agenda was approved as written.

CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Rinehart, the Consent Agenda was approved, including minutes of January 18, 1982, first reading of ordinance accepting deed for street purposes (Leawood South - Central Estates), ordinance accepting six deeds for street purposes (Leawood South - various owners), ordinance accepting four drainage easements for storm drainage purposes (Leawood South), and ordinance accepting three deeds for street purposes (Leawood South - Cambridge Townhouse Association).

MAYOR'S REPORT

Legislation: Mayor Crippin explained HB 2534 would authorize cities to levy an additional half cent sales tax by vote of the people. The consensus of the Council was to support the bill. HB 2708 would require prior approval by the Board of County Commissioners and landowners affected before a city could annex. Councilmen wanted to see the bill before making a decision. SB 503 which would allow for creation of county service tax districts to deliver services to unincorporated areas was discussed.

Discussions Regarding Consolidation of Police Departments: Mayor Crippin suggested initiation of discussions with Prairie Village regarding possible joint use of police facilities or potential consolidation. He thought the Governing Body owed it to its constituency to see what the future may hold in terms of decreasing the cost of government. He said he would like to appoint a committee with Councilmen Jacob of the Public Safety Committee as chairman, Councilman Ink representing the Budget and Finance Committee, and another person from the community. The matter was discussed; the Council did not object.
OLD BUSINESS

#295 Ordinance No. 721 - Relating to Acceptance of Easement for Storm Drainage Purposes (College and Roe - Travelers Insurance) (Second Reading): Ordinance No. 721 was adopted unanimously by roll call vote.

Authorization to Lease Police Computer Terminal: On motion by Councilman Wise, seconded by Councilman Rinehart, the Council unanimously authorized lease of a police computer terminal.

NEW BUSINESS

#301 Discussion Regarding Occupation Licensing: Dr. Galen Bird said he was concerned about the mobile veterinarian occupation licensing classification—he objected to the distinction for mobile veterinarians. He said there were a large number of mobile units coming into Leawood every day but he was the only one with a license. He said other cities charged $20, $25 or $50 while Leawood charged $100. The matter was discussed.

#383 Addendum to Interlocal Agreement for Improvement of College and Roe Intersection: Mr. Garofano explained the addendum was to add a paragraph concerning the final percentages shared by each city which was inadvertently omitted from the agreement. On motion by Councilman Wise, seconded by Councilman Ink, the addendum to the interlocal agreement for improvement of the College Boulevard and Roe Avenue intersection was unanimously approved.

#394 Resolution No. 577 - Relating to Condemnation of D. L. Mayor Property at College and Roe: On motion by Councilman Hess, seconded by Councilman Rinehart, Resolution No. 577, regarding condemnation of D. L. Mayor property, was unanimously adopted. A copy is attached hereto as part of the record.

Ordinance No. 722 - Relating to Condemnation of D. L. Mayor Property at College and Roe (Second Reading): Councilman Rinehart moved that the ordinance relating to condemnation of the D. L. Mayor property at College and Roe be adopted on an emergency basis; seconded by Councilman Hess. Ordinance No. 722 was unanimously adopted by roll call vote.

#400 Resolution No. 578 - Supporting Legislation Regarding Driving Under the Influence: On motion by Councilman Rinehart, seconded by Councilman Wise, Resolution No. 578 supporting d.u.i. legislation was unanimously adopted.

CODE, 1981 Edition, and Ordinance Regarding Moving Buildings (First Reading): There was discussion that the
provision requiring smoke detectors would apply to new
construction only. The Council asked Mr. Sanders to
investigate requiring smoke detectors for all homes and
report. Mr. Sanders explained separate permits were
proposed for mechanical, plumbing, electrical subcontractors
in addition to the builder or contractor permit. The fees
would be increased. Councilman Wise moved that the ordinances
adopting ONE AND TWO FAMILY DWELLING CODE, 1979 Edition,
regarding moving buildings, be placed on first reading;
seconded by Councilman Hess. Motion carried unanimously.

#530 Ordinance Adopting BOCA BASIC FIRE PREVENTION CODE, 1981
Edition (First Reading): On motion by Councilman Wise,
seconded by Councilman Hess, the ordinance adopting BOCA
BASIC FIRE PREVENTION CODE, 1981 Edition, was placed on
first reading.

#535 Ordinance Adopting Appendix C of the BOCA BASIC FIRE
PREVENTION CODE, 1981 Edition (First Reading): On motion
by Councilman Hess, seconded by Councilman Wise, the
ordinance adopting Appendix C of the BOCA BASIC FIRE
PREVENTION CODE, 1981 Edition, was placed on first reading.

#537 Contractor's Estimate No. 9 - Dykes Branch Sanitary Sewer
Renovation Project: Councilman Ink commented that change
orders amounted to ten percent of the work so far; Mr.
Bieszczat said change orders were a necessity. On motion
duly made and seconded, Contractor's Estimate No. 9 in the
amount of $58,485.77 was unanimously approved.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 436, in the amount of $235,671.08,
providing for payment of certain claims against the City and
the Leawood Sewer System, was submitted, discussed and unani-
mously approved by roll call vote, on motion by Councilman
Rinehart, seconded by Councilman Hess.

#553 Report on Property at 9239 Lee Boulevard and Drive-In
Theater Property: Mr. Sanders reported the contractor
had obtained another building permit and was working
vigorously at the site. He said the drive-in theater
matter would come before the Property Maintenance Board
of Appeals on February 10.

Next Council Meeting: Since February 15th was a holiday,
the date of the next meeting was set for Tuesday, February 16.

#567 Work Session: It was agreed that a work session would be
held on Monday, February 8, in the Conference Room, to
February 1, 1982

discuss code enforcement and progress on the greenway.

At 8:52 p.m., the meeting was adjourned to Tuesday, February 16, 1982, 7:30 p.m.

[Signature]
Mayor

[Signature]
Council Reporter

[Signature]
City Clerk

3056
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 16, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Jacob, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Wise, seconded by Councilman Hess, the agenda was approved as written.

CONSENT AGENDA

On motion by Councilman Hess, seconded by Councilman Wise, the Consent Agenda was approved, including Council minutes of February 1, 1982, and departmental reports. Mayor Crippin requested a report on the circumstances surrounding a citation for failure to dim lights.

CITY ADMINISTRATOR’S REPORT

Mr. Garofano reported the Leawood Drive-In was being demolished in accordance with the finding of the Property Maintenance Board of Appeals.

MAYOR’S REPORT

Appointment to Recreation Commission: On motion by Councilman Rinehart, seconded by Councilman Wise, the appointment of Bill Duncan to the Recreation Commission was unanimously approved.

OLD BUSINESS

Ordinance No. 723 - Accepting Deed for Street Purposes (Leawood South, Central Estates, Inc.) (Second Reading): On motion by Councilman Hodes, seconded by Councilman Wise, Ordinance No. 723 was unanimously adopted by roll call vote.

Ordinance No. 724 - Accepting Six Deeds for Street Purposes (Leawood South, various owners) (Second Reading): Ordinance No. 724 was unanimously adopted by roll call vote.

Ordinance No. 725 - Accepting Four Easements for Storm Drainage Purposes (Leawood South, various homes associations) (Second Reading): Ordinance No. 725 was adopted unanimously by roll call vote.
Ordinance No. 726 - Accepting Three Deeds for Street Purposes (Leswood South, Cambridge Townhouse Association) (Second Reading): Ordinance No. 726 was adopted unanimously by roll call vote.

NEW BUSINESS

Authorization of Preliminary Engineering for Capital Improvement Projects: Mr. Garofano referred to cost figures handed to councilmen concerning preliminary engineering for various projects identified by the Capital Improvements Committee. He explained the projects listed were those determined by the committee to have the most immediate need. They were not necessarily ranked in order. Councilman Rinehart added that there were additional projects on the immediate program on which the City already had cost figures. The total for the projects was estimated to be $4,500,000. Councilman Ink observed that the estimated cost of the engineering studies was $38,150; there was discussion that $30,000 was in the street budget, the balance would come from the sewer fund. Councilman Hodes wondered whether the City needed to spend the $38,000 and commented that $5,000 for the engineering study on 95th and State Line seemed exorbitant. He said it seemed the City could come up with some idea on cost without preliminary engineering plans. Councilman Wise thought the Council should have a report from the committee before being asked to authorize the preliminary engineering. The matter was discussed. Mr. Bieszczat stated he had reviewed all of the fees for the engineering proposed, found them to be reasonable, and recommended approval of the list. Mr. Garofano said the committee would also recommend funding mechanisms for the projects. Councilman Ink moved that the Council authorize the engineering studies as recommended by the Capital Improvements Committee; seconded by Councilman Rinehart. Councilman Hodes said he would like more background information as to why some items were listed before being asked to approve $38,000 in engineering studies. Mr. Garofano said it would be difficult to summarize in a memo or a chart the long, involved process the committee went through in arriving at its priorities. Motion carried.

Authorization for Archaeological Survey of Greenway: Mr. Garofano stated a State agency had required that an archaeological survey of the land to be acquired for the greenway. The Federal agency overseeing the grant had informed the City the costs of the survey were not grant eligible. Two proposals had been received; Mr. Garofano recommended the proposal of the State Archaeological Department. On motion by Councilman Hess, seconded by Councilman Rinehart, the Council authorized an agreement with the State Archaeological Department to perform an archaeological survey for a cost not to exceed $3,462.22; Councilman Ink opposed.

Contractor's Estimate No. 6 - James Branch Sanitary Sewer Improvement Project: On motion by Councilman Rinehart,
seconded by Councilman Hess, Contractor's Estimate No. 6 was approved in the amount of $56,049.55.

Schedule of Work Session: On motion by Councilman Rinehart, seconded by Councilman Hess, a work session was scheduled to be held in the Conference Room immediately following the Council meeting to discuss greenway progress and property maintenance activities.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 437, in the amount of $488,754.50, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Wise, seconded by Councilman Rinehart.

At 8:29 p.m., the meeting adjourned to Monday, March 1, 1982, 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, March 1, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Councilman Phillip Hodes presiding in the absence of the Mayor. Roll call was answered by Councilmen Funk, Jacob, Hodes, Wise, Lacy, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, Tom Bieszczat, Bob Sanders, Julie Baer, Dan Qualman, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

Councilman Hodes requested addition to the agenda of resolution regarding temporary notes for the sewer renovation project. The agenda was approved as amended.

CONSENT AGENDA

On motion by Councilman Lacy, seconded by Councilman Hess, the Consent Agenda was approved, including minutes of meeting of February 16, 1982, first reading of ordinance accepting two permanent sanitary sewer easements required for sewer renovation project, and request for permission to keep five dogs on premises.

OLD BUSINESS

Ordinance No. 727 - Adopting ONE AND TWO FAMILY DWELLING CODE, 1979 Edition, by Reference (Second Reading): On motion by Councilman Wise, seconded by Councilman Lacy, Ordinance No. 727 was unanimously adopted by roll call vote.

Ordinance No. 728 - Adopting BOCA BASIC BUILDING CODE, 1981 Edition, by Reference (Second Reading): On motion by Councilman Lacy, seconded by Councilman Jacob, Ordinance No. 728 was unanimously adopted by roll call vote.


Ordinance No. 732 - Governing Moving of Buildings (Second Reading): On motion by Councilman Wise, seconded by Councilman Lacy, Ordinance No. 732 was unanimously adopted by roll call vote.

Ordinance No. 733 - Adopting BOCA BASIC FIRE PREVENTION CODE, 1981 Edition, by Reference (Second Reading): Councilman Lacy moved that the ordinance be placed on second reading; seconded by Councilman Hess. Dan Qualman said the ordinance was quite a significant change from what the City had, but it was consistent with what was being enforced. Ordinance No. 733 was unanimously adopted by roll call vote.


NEW BUSINESS

Contractor's Estimate No. 10 - Dykes Branch Sanitary Sewer Renovation Project: On motion by Councilman Wise, seconded by Councilman Jacob, Contractor's Estimate No. 10 on the Dykes Branch sanitary sewer renovation project, in the amount of $53,901.39, was approved unanimously. Mr. Garofano commented that both sewer renovation projects were moving along quite rapidly.

Authorization to Purchase Brush Hog: Mr. Bieszczat recommended acceptance of the low bid of W. & A. Mower Co., Inc. in the amount of $2,317.60. Amount budgeted was $2,750.00. On motion by Councilman Wise, seconded by Councilman Jacob, the Council authorized purchase of a brush hog from W. & A. Mower Co., Inc. in the amount of $2,317.60.

Resolution No. 579 - Renewing Temporary Notes for Dykes Branch Sanitary Sewer Renovation Project: Councilman Hodes stated temporary notes matured on December 10, 1981, and United Missouri Bank was willing to extend them through April 10 at the rate of 9.85 percent. Staff recommended approval. On motion by Councilman Wise, seconded by Councilman Jacob, Resolution No. 579 was unanimously adopted. A copy is attached hereto as part of the record.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 438, in the amount of $205,320.03, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Wise, seconded by Councilman Funk.

Joint Work Session: Mr. Garofano stated there was the possibility of a joint work session of the Council and the
March 1, 1982

Capital Improvements Committee on March 29.

At 8:00 p.m., on motion by Councilman Funk, duly seconded, the meeting adjourned to Monday, March 15, 1982, 7:30 p.m.

Richard

Presiding Officer in the Absence of the Mayor

June Lile
Council Reporter

Attest:

City Clerk

3062
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, March 15, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Councilman Richard F. Ink presiding in the absence of the Mayor. Roll call was answered by Councilmen Rinehart, Hodes, Wise, Lacy, Ink.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, Tom Bieszczat, Bob Sanders, Julie Baer, Herbert Johnson, Martha Heizer, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Wise, seconded by Councilman Lacy, the agenda was approved as written.

CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Lacy, the Consent Agenda was approved, including minutes of March 1, 1982, and departmental reports.

PLAN COMMISSION

Resolution No. 580 - Verona Gardens Replat (Bradford Place):
Mr. Sanders referred to the Staff Review Fact Sheet, Plan Commission resolution recommending approval of the replat, and a suggested Council resolution. Fred Gibson of J. C. Nichols Company displayed the plat. Mr. Sanders stated it was the replat of about 44 acres at the northeast corner of 123rd Street and Mission Road formerly called Verona Gardens 5th Plat. Mr. Gibson said they would be losing 10 or 11 lots. Mr. Bieszczat said the developer was taking great pains to save the tree growth in the area, including use of single service sanitary sewers. On motion by Councilman Rinehart, seconded by Councilman Lacy, Resolution No. 580 was unanimously adopted. A copy is attached hereto as part of the record.

OLD BUSINESS

Ordinance No. 735 - Accepting Two Permanent Sanitary Sewer Easements Required for the Renovation of the Leawood Sewer System (Second Reading): Councilman Wise moved that the ordinance be placed on second reading; seconded by Councilman Rinehart. Ordinance No. 735 was adopted unanimously by roll call vote.

NEW BUSINESS

Contractor's Estimate No. 7 - James Branch Sewer Renovation
March 15, 1982

Project: On motion by Councilman Rinehart, seconded by Councilman Wise, Contractor's Estimate No. 7 in the amount of $59,220.81 on the James Branch sanitary sewer renovation project was approved.

Engineer's Estimate - Dykes Branch Sewer Renovation: On motion by Councilman Wise, seconded by Councilman Rinehart, the engineer's estimate in the amount of $10,133.91 was unanimously approved.

Engineer's Estimate - James Branch Sewer Renovation: On motion by Councilman Wise, seconded by Councilman Rinehart, the engineer's estimate in the amount of $6,586.23 was unanimously approved.

Ordinance No. 736 - Relating to Park Regulations (First Reading): Councilman Rinehart moved that the ordinance be considered on an emergency basis for the reason that the soccer season would be starting soon; seconded by Councilman Wise. Motion carried unanimously. Councilman Rinehart moved that Section 11-201 be amended by adding "or its designee" at the end of the last sentence, and by adding the word "for" before the word "damage" in the second line of Section 11-216; seconded by Councilman Wise. There was discussion that the closing hours would apply to any city park. Motion to amend carried unanimously. On motion by Councilman Wise, seconded by Councilman Rinehart, Ordinance No. 736 was unanimously approved as amended by roll call vote.

Bid Award - College and Roe Intersection Improvements: Mr. Bieszczat recommended approval of the bid of O'Donnell & Sons in the amount of $404,914.62 for street and storm drainage improvements at the intersection of College Boulevard and Roe Avenue with the provision that the number of working days be lowered from 155 to 110 days. John and Larry O'Donnell were present. Councilman Wise moved that the bid of O'Donnell & Sons be accepted as recommended; seconded by Councilman Rinehart. Larry O'Donnell stated in his haste in preparing the bid he had understood the reference was to calendar days rather than working days; they saw no problem in reducing the number of days. Mr. Garofano stated temporary notes would be issued and then bonds would be sold for the Leawood share of the improvements. There was discussion that there was no money in escrow from the developer at the southwest corner of the intersection. Mr. Johnson explained that the zoning was approved before adoption of the present regulations requiring payment for one-half of a 41-foot street. Motion carried unanimously.

Mr. Bieszczat also recommended approval of the bid of Delanna Construction Company, Inc. in the amount of $111,000.00 and 150 working days for street lights and traffic signals at the College and Roe intersection. Councilman Rinehart moved for approval of the bid as recommended; seconded by
March 15, 1982

Councilman Lacy. Mr. Johnson explained an increased number of days was allowed because the lighting contractor had to work behind the dirt contractor so more time was needed. Motion carried unanimously.

Scheduling of Joint Work Session with Capital Improvements Committee: The Council agreed to meet with the Capital Improvements Committee on Monday, March 29, at 7:30 p.m., in the Council Chamber.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 439, in the amount of $178,039.57, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Rinehart, duly seconded. Councilman Hodes commented that he felt the City should abide by the policy of paying cash for anything less than $10 or $20, with reimbursement from petty cash.

At 8:00 p.m., on motion by Councilman Rinehart, duly seconded, the meeting was adjourned to Monday, April 5, 1982, 7:30 p.m.

[Signatures]

[Stamp: 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 5, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

Councilman Lacy moved that discussion of creek bank erosion be added to the agenda; seconded by Councilman Wise. Motion carried. Councilman Rinehart moved that acceptance of report of Capital Improvements Committee be placed on the agenda; seconded by Councilman Hess. Motion carried. Councilman Rinehart moved that resolution renewing temporary notes for sewer renovation project be placed on the agenda; seconded by Councilman Wise. Motion carried. On motion by Councilman Wise, seconded by Councilman Lacy, the agenda was approved as amended.

Mayor Crippin recognized Boy Scouts in the audience.

CONSENT AGENDA

Councilman Hodes requested that the request for permission to keep three dogs be placed on the agenda under New Business. On motion by Councilman Rinehart, seconded by Councilman Wise, the minutes of the meeting of March 15, 1982, were approved as submitted.

MAYOR'S REPORT

Report on Greenway: Mayor Crippin reported 145 acres with appraised value of over $700,000 in Tomahawk Sewer District No. 5 had been deeded to the City for the greenway. He expressed appreciation for the donations.

NEW BUSINESS

Discussion Concerning Creek Bank Erosion: Councilman Lacy stated one of the items on the original capital improvements committee list was to construct concrete retaining walls in the creek system; the cost as proposed was $8,000,000; because the project was so large, the Committee had not included it in its recommendations. Councilman Lacy said he had been contacted by Mrs. Tankard who had lost ten feet of her property to erosion. He wondered if there might be some
other way to approach the problem. The creeks were on private property. Mrs. James Tankard, 8409 Cherokee Lane, related that in her yard the back yard sloped down to the creek, a stone wall had collapsed, and the creek was claiming her back yard; she said they could not sell the property in its eroded condition. She said she felt the City of Leawood should assume responsibility for the erosion; she noted that walls were being built along the creek where sewer renovation was taking place. Councilman Lacy suggested a study to explore city-homeowner participation in stabilizing the creek bed. Mr. Bieszczat said the estimate for stabilizing the creek on Mrs. Tankard's property was $10,100. A schematic plan (the master storm drainage plan) was on file. There was discussion that at the rate the creek was eroding it could get close to some homes. Councilman Wise cautioned against raising false hopes as there was a limited amount of funds. Councilman Lacy moved that the matter be referred to the Public Works Committee for study and report back to the Council the first meeting in May; seconded by Councilman Ink. Motion carried unanimously.

Ordinance No. 737 - Designation of 119th Street as a Main Trafficway: Mr. Garofano stated bids for improvements to the intersection of College and Roe were about $100,000 less than estimated, and it was becoming obvious that 119th Street from Mission to Roe needed to have something done to hold it until development begins to occur. He proposed that improvement of 119th Street be combined with the intersection improvements on a bond issue which would require designation of 119th Street as a main trafficway and authorization of improvements to both 119th Street, Mission to Roe, and also to the intersection. Intersection improvements were currently estimated at $217,000; $50,000 was estimated for 119th Street for drainage ditch improvements and a three-inch asphalt overlay. Councilman Hodes commented that the proposal would tax the city as a whole for improvement of the street. Mr. Garofano said improvements to the intersection were to be borne by the city as a whole, the street would be improved out of savings since the bids for the intersection were under the estimate. Councilman Hess moved that 119th Street be designated as a main trafficway on an emergency basis; seconded by Councilman Ink. Ordinance No. 737 was adopted by roll call vote, Councilman Hodes voting no.

Resolution No. 581 - Authorizing Improvements to Intersection of College and Roe: Councilman Rinehart moved that the City be authorized to proceed with improvements to the intersection of College and Roe; seconded by Councilman Hess. Mr. Garofano pointed out that Leawood's share of the improvements would be $217,000. Resolution No. 581 was unanimously adopted by roll call vote. A copy is attached hereto as part of the record.

Resolution No. 582 - Authorizing Improvements to 119th Street from Mission Road to Roe Avenue: Councilman Rinehart moved that the resolution be approved; seconded by Councilman Wise. Resolution No. 582 was adopted by roll call vote, Councilman
Hodes voting no. A copy is attached hereto as part of the record.

Authorization of Engineering Contract for College and Roe:
Mr. Bieszczat explained that Johnson, Brickell, Mulcahy and Associates had inadvertently left out the staking and inspection of traffic signals and street lights phase of their contract. He recommended approval of a contract for those services in an amount not to exceed $5,000. Councilman Wise moved that the engineering contract be approved; seconded by Councilman Hess. Mr. Bieszczat said the $217,000 for the project included the $5,000. Councilman Hodes objected to paying the engineers an additional $5,000, saying if they left it out of the contract, it was their problem. Mr. Bieszczat said the $5,000 was a compromise, it was some $1,600 lower than the original intent. Motion carried, Councilman Hodes voting no.

Authorization of Interlocal Agreement for Repairs to Mission Road Bridge: Mr. Bieszczat reported an analysis of the old bridge had been undertaken and it was found to be quite dangerous. Several repairs needed to be made to bring it up to a reasonable load-carrying capacity. Larkin & Associates had prepared an analysis estimating a total cost of $18,400 which Leawood and Overland Park would share equally. Overland Park had prepared an interlocal agreement for engineering and repair of the bridge, cost to Leawood not to exceed $10,000. Mr. Bieszczat stated the bridge was needed in its present location. Councilman Lacy moved for approval of the interlocal agreement for repair of the Mission Road bridge; seconded by Councilman Ink. There was discussion that the funds for the project would come from the contingency account of the General Fund. Motion carried unanimously.

Approval of Bid for Painting of Swimming Pool: Mr. Garofano reported bids had been received from two contractors for painting of three pools at Leawood City Park. He recommended approval of the low bid of Ammon Bros. Painting Co., Inc. in the amount of $7,200.00. On motion by Councilman Rinehart, seconded by Councilman Hess, the bid of Ammon Bros. Painting Co., Inc. was unanimously accepted.

Contractor's Estimate No. 11 - Dykes Branch Sewer Renovation Project: Councilmen Hodes moved for approval of Contractor's Estimate No. 11 in the amount of $118,391.61 on the Dykes Branch sewer renovation project; seconded by Councilman Wise. Following discussion, motion carried unanimously.

Acceptance of Capital Improvements Report: Mayor Crippin recommended that the Council accept the report of the Capital Improvements Committee as discussed at a work session. He explained that acceptance would mean that the Council approved the report to the extent that it be accepted as submitted and would utilize it as a guideline. Councilman Ink moved that the Council accept the report of the Capital Improvements Committee.
Committee and that it be referred to the Budget and Finance Committee for consideration and recommendation; seconded by Councilman Hess. Councilman Ink asked that the Council give direction to the Budget and Finance Committee as to what determinations the Council desired from the Committee. Mayor Crippin suggested that the Budget and Finance Committee relate the recommendations in the report to the financial capabilities of the City, and come forth with a recommendation as to how the projects should be financed. He emphasized that the Budget and Finance Committee should explain its justification for making any recommendations over those of the Capital Improvements Committee. Councilman Hess suggested that if any councilman had any reservations about the priority list as submitted by the Capital Improvements Committee, those reservations should be expressed in writing to the Budget and Finance Committee. Mayor Crippin asked that the Budget and Finance Committee meeting be announced. The matter was discussed. Mayor Crippin suggested the Committee determine how much money was needed, then the philosophy for obtaining the money. Councilman Rinehart said she expected the Budget and Finance Committee to come up with the means to finance the total immediate program. City Attorney Winn suggested that the Budget and Finance Committee be provided with the funding mechanisms that were available for various types of improvements, adding that there was a different statute for almost every project. Motion carried unanimously.

Resolution No. 583 - Renewing Temporary Notes for Dykes Branch Sewer Renovation Project: Mr. Garofano explained the City was using temporary notes in the amount of $500,000 to provide the cash necessary to make payments to contractors on the sanitary sewer renovation project. The City then sought reimbursement from the Federal Government for seventy-five percent of the cost. The present notes would expire on April 10; it had been determined that they should be extended to July 10, 1982. Councilman Hodes moved for approval of the resolution; seconded by Councilman Rinehart. Resolution No. 583 was adopted unanimously. A copy is attached hereto as part of the record.

Request for Permission to Keep Three Dogs - 8523 Cherokee Place: Councilman Ink moved for approval of the request to keep three dogs at 8523 Cherokee Place; seconded by Councilman Wise. Councilman Hodes objected to granting the permission without abiding by the ordinance requiring that all property owners within a specified number of feet be contacted. Councilmen Wise moved to amend the motion to make it contingent on staff verification that ordinance requirements had been met; seconded by Councilman Hess. Amendment carried, Councilman Ink opposed. Motion as amended carried unanimously.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 440, in the amount of $319,816.83, providing for payment of certain claims against the City and
April 5, 1982

the Leawood Sewer System, was submitted, discussed and unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Ink. Councilman Hodes asked that the Council be advised as to whether or not the City prevailed in any of the court cases which were appealed.

Report on Condemnation for Intersection Improvements: City Attorney Winn reported the appraisers had filed their award on the property at College Boulevard and Roe.

At 9:25 p.m., the meeting was adjourned to Monday, April 19, 1982, 7:30 p.m.

#915

Attest:

City Clerk

3070
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, April 19, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Hodes, Lacy, Ink, Hess. Councilman Wise arrived at 7:42 p.m.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

At the request of Mr. Garofano, Councilman Ink moved that bids for swimming pool chemicals and authorization for removal of streetlights in conjunction with improvement of the intersection of College and Roe be added to the agenda; seconded by Councilman Lacy. Motion carried unanimously. On motion by Councilman Rinehart, seconded by Councilman Hodes, the agenda was approved as amended.

CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Funk, the Consent Agenda was approved, including minutes of April 5, 1982, and departmental reports.

MAYOR'S REPORT

House Bill 3077: Mayor Crippin reviewed bills which were before the Governor for signature. HB 3077 would allow reduction in the number of evenings City Hall would be open for voter registration. By general consent, the Council authorized the Mayor to write a letter to the Governor encouraging him to sign the bill.

House Bill 2694: Mayor Crippin reported the League of Kansas Municipalities had requested the Governor to veto HB 2694 requiring additional publication. The City Clerk had estimated that the bill would cost Leawood $8,000 to $10,000 more per year for publication costs. The Mayor will request a veto.

House Bill 3003: Mayor Crippin explained that HB 3003 would permit a city to put a lien against the insurance payment for its costs in boarding up a fire damaged structure. The Mayor was authorized to prepare a letter asking the Governor to sign the bill.

Senate Bill 2906: City Attorney Winn explained the bill would require the City to pay the landowner's costs, win
or lose, in an appeal from an adverse appraiser's award, and would add requirements similar to those of the Federal Relocation Act in condemnations. The consensus was that the Mayor should urge the Governor to veto the bill.

Consolidation of Police - Leawood-Prairie Village: Mayor Crippin reported there was interest only in joint purchasing between the two police departments; he stated he would not complete the appointment of the suggested committee.

OLD BUSINESS

Discussion of Creek Erosion Problems: Councilman Lacy reported the Public Works Committee had toured the problem areas and would have a recommendation for presentation at the first meeting in May. There was discussion that councilmen should view the problem areas and that the matter should be discussed jointly by the Public Works Committee and the Council prior to any recommendation by the Committee. Then Councilman Lacy said he would recommend that the Public Works Committee recommendation be presented at the second meeting in May to allow for a work session prior thereto. Upon inquiry by Councilman Wise, Councilman Rinehart emphasized that the Council would be merely looking at the situation, not necessarily financing anything. Mr. Bieszczat offered to accompany councilmen to the locations; he will furnish the addresses.

NEW BUSINESS

Ordinance No. 738 - Authorizing Issuance of Industrial Revenue Bonds for Leawood Fountain Plaza (College and Nall): City Attorney Winn introduced Lee Peakes of George K. Baum & Co., Inc., Herb Kohn and Bill Hess, bond counsel, and Steve Berger with the developer. Mr. Winn said the exact amount of the bonds to be issued was $7,280,000, to be sold privately, the lender being a large bank in Oklahoma City. He said the ordinance was highly complicated, the documents consisted of a lease, a tri-party agreement, and a guaranty agreement which were the underlying basis for issuance of the bonds and provided protection to the City to assure that the project would be constructed and guaranteed beyond any reasonable doubt that the principal and interest of the bonds would be paid. Mr. Winn had reviewed the documents prepared by the City's bond counsel, and the borrower's attorney had reviewed and approved the documents. After publication of the ordinance, the bonds would be sold to the lender, the proceeds would be placed in a construction account, architects for the lender and others would supervise construction and provide the City assurance that the project was completed for the amount of money indicated. Mr. Winn said extensive site work had already been done on the project.

Councilman Hodes commented that the council was handed some twenty pages and there was no way members could read it or
understand it. City Attorney Winn said the time problem had been caused by the large number of revisions. He thought it was a situation where the City had to rely on counsel, and particularly bond counsel. He pointed out that the bonds were very short term, providing construction financing, due February 29, 1984, at that point the project would be complete. Mr. Winn said all of the assurances that a city would ordinarily expect to receive in this type financing were provided in the documents. The interest rate of the bonds would be 70 percent of prime. He said there should be no out-of-pocket cost to the City. Mayor Crippin stated Travelers Insurance Company would take over the building upon completion. Councilman Ink moved that the Council approve the ordinance authorizing the City to issue industrial revenue bonds for Leawood Fountain Plaza on an emergency basis; seconded by Councilman Hess. Ordinance No. 738 was adopted by a roll call vote of six affirmative votes, Councilmen Hodes and Wise abstaining. Councilman Wise indicated she abstained because the council was asked to vote on the matter without having time to review it. City Attorney Winn apologized but said time was of the essence; he hoped councilmen would go ahead and read the documents. Mr. Peakes explained that the markets had been extremely volatile and it had been very difficult to obtain commitments that were in place more than a month. Councilman Hodes explained that he abstained because none of the exhibits referred to in the ordinance were attached.

Contractor's Estimate No. 8 - James Branch Sanitary Sewer Renovation Project: Mr. Bieszczat said the contractor was 89 percent complete and recommended approval of the estimate. On motion by Councilman Rinehart, seconded by Councilman Jacob, Contractor's Estimate No. 8 in the amount of $74,903.86 on the James Branch sanitary sewer renovation project was approved.

Resolution No. 584 - Accepting Donations of Property for the Greenway: Mayor Crippin stated the resolution placed the City on record as accepting the property and expressing appreciation to the landowners for donating property to the City's greenway. Mrs. Marshall Gordon was present representing the Milton Gordon Estate, donor of 76.3 of the total 208 acres. Councilman Rinehart moved that the resolution be adopted; seconded by Councilman Hess. There was discussion that letters of appreciation will be sent to the donors. Councilman Rinehart added that the Recreation Commission was extremely grateful to all the donors. Resolution No. 584 was adopted. Councilman Ink voting, now explaining his vote was against the greenway, not the generosity and commitment of the landowners to the City. Mayor Crippin stated the Leawood staff, especially Mr. Bieszczat, had been complimented very highly on the manner in which they handled themselves throughout the negotiations. A copy of the resolution is attached hereto as part of the record.

* explained he had previously voted against the greenway; however, he could not vote against the
Bids for Swimming Pool Chemicals: Mr. Garofano referred to a bid tabulation form presented for chemicals for the swimming pool for the 1982 season, recommending the bid of McKesson Chemical, the only complete bid received, in the amount of $3,991.80; $7,000.00 had been budgeted. Councilman Rinehart moved that the bid of McKesson Chemical be accepted; seconded by Councilman Hodes. Motion carried unanimously.

Authorization for Removal of Kansas City Power and Light Company Street Lights - College and Roe: Mr. Garofano stated six street lights currently belonging to Kansas City Power and Light Company would have to be removed in connection with improvement of the intersection of College and Roe. In accordance with terms of the contract, the City would have to pay the cost of removal of the lights, totaling at this time $8,549.20; a ten percent contingency fee would be discussed with the company. The request was for authorization to have the street lights removed and to make a payment to Kansas City Power and Light in the amount requested. Councilman Ink moved that the Council authorize payment to Kansas City Power and Light Company for removal of the street lights as recommended by the City Administrator; seconded by Councilman Hess. Motion carried unanimously.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 441, in the amount of $258,781.18, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Lacy.

At 8:35 p.m., the meeting was adjourned to Monday, May 3, 1982, 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 3, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Jacob, Rinehart, Wise, Ink, Hess. Councilmen Hodes and Lacy arrived shortly after the roll call.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Joseph Vader, Gerald Rushfelt, Ray Borth, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hess, the agenda was approved as written.

CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Ink, the minutes of the meeting of April 19, 1982, were amended beginning at the twelfth line of the last paragraph on page 3073 to read, "Resolution No. 584 was adopted. Councilman Ink explained he had previously voted against the greenway; however, he could not vote against the generosity and commitment of the landowners to the City."

Following discussion that the first reading of the ordinance accepting right-of-way for street purposes involved property on the north side of College Boulevard, on motion by Councilman Hess, seconded by Councilman Wise, the ordinance was put on first reading.

CITY ADMINISTRATOR'S REPORT

Appeal on Condemnation: Mr. Garofano explained that after a check was written for $38,463 to Douglas L. Mayor for right-of-way for intersection improvements at College and Roe, Mr. Mayor had filed an appeal on the condemnation; however, that would not affect construction of the project.

Work Session: Mr. Garofano reminded councilmen of a joint work session of the Council and the Public Works Committee to be held on Monday, May 10, 1982, at 7:30 p.m., to discuss creek erosion problems.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 442, in the amount of $281,366.99, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and
unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Wise.

OATHS OF OFFICE ADMINISTERED TO NEWLY ELECTED CITY OFFICIALS

Mayor Crippin stated Councilman Funk had taken the Oath of Office as Councilman, Ward 2, that afternoon. City Clerk Jinny Oberlander administered the Oath of Office to Councilman Richard F. Ink, Ward 1; to Councilman Marcia K. Rinehart, Ward 3; and to Councilman Karen Hess, Ward 4.

ROLL CALL OF NEW COUNCIL

Roll call of the new Council was answered by Councilmen Jacob, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

NEW BUSINESS

Resolution No. 585 - Designating Official City Newspapers: On motion by Councilman Wise, seconded by Councilman Lacy, Resolution No. 585, designating The Johnson County Sun and/or The Daily News as the official city newspapers for all documents requiring legal publication, was adopted, Councilman Ink opposed. A copy is attached hereto as part of the record. City Attorney Winn suggested that the City do some comparison shopping on rates for legal publications.

Designation of Depositories for City Funds: On motion by Councilman Rinehart, duly seconded, Southgate 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: Following review of the appointments, on motion by Councilman Ink, seconded by Councilman Hess, city officials were appointed for one year, and appointments to committees were approved, as follows:

Fire Chief Jourdan A. Toman, Sr.
Chief of Police J. Stephen Cox
City Treasurer David R. Bagby
City Attorney Larry Winn III
Assistant City Attorney David Jancich
Director of Public Works Tom E. Bieszczat
City Architect Robert E. Sanders, Jr.
City Clerk Jinny Oberlander
Municipal Judge Joseph N. Vader
Municipal Judge Pro Tem Ray L. Borth
Assistant City Architect Gerald Rushfelt

BOARD OF ZONING APPEALS

D. A. N. Chase 1985
Robert Rohlfing 1985
BUDGET AND FINANCE COMMITTEE (Jean Wise, Chairman)

Doug Moore 1985
David Bagby 1985
Chuck Sipple 1983
John Snyder 1983
Tom Ventura 1985

PLAN COMMISSION

Ed Oliphant 1985
Nancy Davis 1985
Robert Rohlfing 1985

PUBLIC SAFETY COMMITTEE (Richard Ink, Chairman)

Susan Symon 1983
Richard Ink 1983

PUBLIC WORKS COMMITTEE (Marcia Rinehart, Chairman)

Robert Lacy 1983
Phillip Hodes 1983
Marcia Rinehart 1983

RECREATION COMMISSION

Bill Duncan 1985
Dick Fuller 1986

LEAWOOD ARTS COUNCIL

J. C. Spradley 1983
Merit Thornhill 1985
Jim Firth 1985
Jen Funk 1983
Gayle Sheedy 1985

BUILDING CODE COMMITTEE (Charles Duval, Chairman)

Charles Duval 1983
Donald Dressler 1983
George Ranallo 1983
Robert Sanders 1983

PUBLIC OFFICER FOR PROPERTY MAINTENANCE CODE

Robert Sanders 1983

DIRECTOR OF SOLID WASTE MANAGEMENT (Leawood's Representative to Johnson County Solid Waste Management Committee)

John Ruf 1983
May 3, 1982

CIVIL DEFENSE DIRECTOR

Bettie M. Bridges 1983

CIVIL DEFENSE ASSISTANT DIRECTOR

Teresa A. Weaver 1983

ALCOHOL PLANNING COUNCIL REPRESENTATIVE

J. Stephen Cox 1983

PROPERTY MAINTENANCE CODE APPEALS BOARD

C. B. James, Chairman 1983

#679 Oaths of Office Administered to City Officials: Mayor Crippin administered the Oath of Office to Jinny Oberlander, City Clerk, who, in turn, administered the Oath of Office to other city officials.

#712 Authorization of Signatures for Warrant Checks for City Obligations, All Funds: On motion by Councilman Hess, seconded by Councilman Jacob, the Mayor, Treasurer, City Administrator, and City Clerk were authorized to sign warrant checks for city obligations.

#715 Contractor's Estimate No. 12 - Dykes Branch Sewer Renovation: On motion by Councilman Wise, seconded by Councilman Rinehart, Contractor's Estimate No. 12 in the amount of $306,587.39 on the Dykes Branch sanitary sewer renovation project was approved.

#721 Ordinance No. 739 - Accepting Deeds for Park Purposes (First and Second Readings): Mr. Bieszczat stated the ordinance should be corrected by striking the last listing of "Hallmark Farm Associates". Councilman Rinehart moved that the ordinance be adopted on an emergency basis; seconded by Councilman Hess. Ordinance No. 739 was adopted unanimously by roll call vote.

#728 Award of Contract for Improvement of 119th Street, Mission Road to Roe: Mr. Garofano said the low bid was from Reno Construction Company in the amount of $24,285 per ton; staff was asking authorization not to exceed $35,000.00 for the project. A one-year maintenance bond on the materials had been requested. Councilman Hess moved that the Council accept the bid of Reno Construction Company, total project cost not to exceed $35,000.00; seconded by Councilman Ink. Motion carried, Councilman Hodes opposed.

#758 Ordinance No. 740 - Providing for Improvement of 119th Street, Mission Road to Roe (First and Second Readings): Mr. Garofano explained changes in the draft of the ordinance which had been distributed. Councilman Rinehart moved that the ordinance be adopted on an emergency basis; seconded by Councilman Wise. Ordinance No. 740 was adopted by roll call vote, Councilman Hodes opposed.
Ordinance No. 741 - Providing for Improvement of Intersection at College Boulevard and Roe Avenue (First and Second Readings): For clarification, Mr. Garofano said the amounts for street and storm drainage improvements and for street lights and traffic signals had been stated separately since there were two separate contracts. On motion by Councilman Ink, seconded by Councilman Hess, Ordinance No. 741 was unanimously adopted on an emergency basis by roll call vote.

Ordinance No. 742 - Authorizing and Providing for Issuance of $300,000 Temporary Note for Improvement of Intersection at College Boulevard and Roe Avenue, and 119th Street, Mission Road to Roe Avenue (First and Second Readings): On motion by Councilman Hess, seconded by Councilman Rinehart, Ordinance No. 742 was adopted on an emergency basis by roll call vote, Councilman Hodes opposed.

Authorization of Contract for Fireworks Display: On motion by Councilman Wise, seconded by Councilman Rinehart, a contract was authorized for the Fourth of July fireworks display in the amount of $3,983.12.

Councilman Hodes stated he thought the Public Safety Committee and the Council should be informed of promotions in the police department and that awarding of the bars should be done at a Council meeting.

Councilman Ink asked that at the next work session, Mr. Garofano explain the procedure and the discretion of department heads for expenditure of money in relation to the budget.

At 8:26 p.m., the meeting was adjourned to Monday, May 17, 1982, 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 17, 1982, in the Council Building,
9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E.
Crippin presiding. Roll call was answered by Councilmen
Funk, Jacob, Wise, Ink, Hess. Councilmen Lacy and
Rinehart arrived a few minutes after the roll call.

Others present were City Administrator Garofano, Fire
Chief Toman, Police Chief Cox, City Attorney Winn, Tom
Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander,
and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Hess, seconded by Councilman Ink,
the agenda was approved as written.

CONSENT AGENDA

Councilman Wise moved that the Consent Agenda be approved;
seconded by Councilman Hess. Mayor Crippin requested that
the Krieger request for permission to keep three dogs on
the premises at 9318 State Line be removed from the Consent
Agenda and placed under the Mayor's Report. The Consent
Agenda was approved as amended.

PRESENTATION OF RESOLUTION HONORING COUNCILMAN RINEHART

Fred Deay, chairman of the Recreation Commission, presented
a resolution to Councilman Rinehart in recognition of her
service to the Recreation Commission.

LEAWOOD ARTS COUNCIL:

Discussion of "Summer Art Fun '82": Julie Baer reported
that the Leawood Arts Council had been awarded a matching
funds grant by the Kansas Arts Commission for a touring arts
program to be held in the City during a twelve-month period
beginning in July, bringing in eight different types of
programs free to the public. She explained "Summer Art Fun
'82" was a project for fifth and sixth grade students to
explore art, and requested approval of $1,500 to $2,000
to be taken from the $5,000 budgeted for the Arts Council
to sponsor the program. Councilman Funk moved that the
Council authorize the Leawood Arts Council to expend money
not to exceed $2,000 for "Summer Art Fun '82"; seconded by
Councilman Rinehart. Motion carried. Mayor Crippin intro-
duced Don Distler and George Lund of the Arts Council. Mr.
Lund stated Jim Hamil would demonstrate watercolor during
"Summer Art Fun '82" and would donate one of his pictures;
the children's art work would be displayed during the
summer.
Special Use Permit - Felkner - 8002 Lee Boulevard: Mr. Sanders said information had been distributed concerning the request for renewal of the special use permit which had been in existence since 1974, staff had recommended renewal and the Plan Commission had recommended approval. Seven conditions had been attached to the approval, as follows: (1) approval of exterior signage, (2) maintenance of residential character, (3) conformance with city ordinances, (4) property not to become a public nuisance or detract from the appearance of the neighborhood, (5) no parking in front of the building, (6) permit to be applicable only to the building situated on the land described, (7) permit rights and privileges are subject to renewal only if the applicant conforms to restrictions and renewal is not detrimental to citizens of Leawood. The property was used for office purposes. Councilman Rinehart moved for approval of the special use permit for Ronald B. Felkner at 8002 Lee Boulevard; seconded by Councilman Wise. Motion carried unanimously.

Ordinance Relating to Zoning Districts (First Reading): Mr. Sanders stated the three new zoning districts came out of the comprehensive plan; the residential districts addressed density, providing for one-acre lots and five-acre lots with regulations concerning rear yard, front yard, parking, etc.; the special development district was located in two areas—on the Hallmark property and on 135th Street east of Mission Road. Mr. Sanders said the one-acre districts were established based on sewer districts that had already been created prior to 1980, the five-acre districts were the rural areas which did not have sewer districts. On motion by Councilman Rinehart, seconded by Councilman Wise, the ordinance was placed on first reading.

Resolution Relating to RP-1 Zoning of Property at the Southwest Corner of 123rd Street and State Line Road: Mr. Sanders stated there had been an application for the same 28 acres about a year ago which had been withdrawn. The new plan had a new style of detached single family homes, different density, with the same layout of streets, storm drainage and swimming pool at the corner of 123rd and State Line Road. The developer would control architectural style. Several persons from Hunter's Ridge had appeared at the public hearing to ask questions but did not oppose the project. During discussion, Mr. Sanders said none of the conditions for approval concerned 124th Street coming out onto State Line Road except that a temporary construction easement was required. At the request of Saul Ellis, the developer, further consideration of the matter was postponed on the agenda since Gary Corser, who was to make the presentation, had not arrived.

Resolution No. 586 - Approving Verona Gardens Sixth Plat: Mr. Sanders stated this was a replat of part of existing Verona Gardens Fourth Plat to provide a transition from the new Bradford Place subdivision to existing Verona Gardens
for street, storm sewer and sanitary sewer realignment. On motion by Councilman Ink, duly seconded, Resolution No. 586, approving Verona Gardens Sixth Plat, was adopted unanimously. A copy is attached hereto as part of the record.

Resolution No. 587 - Approving Stonebridge Estates Plat:
Mr. Sanders stated John Scherzinger, Jr. was the applicant requesting plat approval to allow construction of two houses on a ten-acre tract. He had gone through the platting process to be in conformance with existing regulations and also to be able to conform to the new zoning regulations. It would fall within the AR-I estate zoning district. Mr. Scherzinger asked to see the proposed AR-I zoning regulations. He had signed an agreement not to oppose a benefit district for the improvement of 143rd Street. On motion by Councilman Wise, seconded by Councilman Rinehart, Resolution No. 587, approving Stonebridge Estates plat, was adopted unanimously. A copy is attached hereto as part of the record.

Resolution No. 588 - Approving Revised Preliminary Site Development Plan, Limited Office District, 80th and State Line: Chuck Stratford, the developer, introduced Jerry Button to make the presentation. The intent of the developer was to create an office campus; there were four two-story buildings of 14,000 sq. ft. each, residential in character. Access was a double-lane entry drive off State Line with parking around the perimeter of the office buildings. There would be a campus arrangement around a retention basin for storm water of 4.15 acre feet. Water would be controlled through a concrete culvert which drained into a silt basin and the lake designed to retain 24 inches of water. It included waterfalls, rock outcroppings and retention of many of the trees already on the site. Residents had been concerned that trees be retained on the west and south edge of the property. In order to protect the landowners to the west and south, earthen berms were to be constructed and heavily landscaped to screen the parking areas adjacent to the buildings.

Mr. Sanders explained the reason for the retention basin was that there was a discrepancy between the 5' x 8' storm drainage culvert on the north side of the property and a 60-inch pipe flowing from the property on the south. Mr. Button said they intended to create a gentle slope down to the pond, their original design had steep sides. Mr. Stratford said if a dry lake bed occurred he would fill it; however, he felt that was a remote possibility since drainage from 100 acres came through there. He said the front half of the site drained to State Line.

Phil Kline said construction of the retention basin would help with regard to the impact downstream of storm water during heavy rains. He explained during a storm the depth of the water in the retention pond would build up to a total of nine feet; at the same time water would be metered out of the basin underground into the 60-inch pipe at a rate...
slower than it reached that property now.

Concerning phasing of the project, Mr. Stratford said his contention from the beginning was to postpone the tremendous expense of developing the retention pond; he wanted to build Buildings A and B before they started the retention pond; as Building C was started they would start construction of the retention pond. However, his engineer had said because of the balancing of the dirt and topography and trying to control the water going through, the pond would have to be started with the commencement of the second building. As the first building was sold or leased, they would start the second building and the shaping of construction of the pond. He hoped to start construction this summer. He said they had agreed with homeowners to start the berms and plantings simultaneously with construction of the first building. Homeowners had agreed to water and maintain the plantings during construction.

Mr. Sanders said no fencing was required under existing regulations or the proposed regulations. Concerning the proposed capital improvements project of an additional drainage pipe in the area, Mr. Bieszczat said when natural retention basins upstream were eventually done away with that would increase the flow and make the 60-inch pipe and the retention basin not work as designed, the additional pipe was a safeguard for the future and would have to be there whether this development was there or not.

Councilman Ink moved for adoption of the resolution approving the revised preliminary site development plan; seconded by Councilman Rinehart. Resolution No. 588 was adopted, Councilman Funk opposed. A copy is attached hereto as part of the record.

Resolution No. 589 - Relating to RP-1 Zoning of Property at the Southwest Corner of 123rd and State Line Road (continued): Gary Corser explained the primary difference in the new proposal over the one submitted a year ago was that the energy situation had become an important design consideration. The new plan had been reduced to 79 lots from the original 93 and every lot had a north or south front so a passive solar concept could be related to the project. In the original plan 15 units were directly adjacent to the existing Hunter's Ridge subdivision; in the new plan there were only 8 houses adjacent to it. A heavy berm and planting buffer were being provided. Mr. Corser said they were providing a quality oriented development with the addition of the passive solar feature to the houses. The present application was for RP-1 because there were 3.3 units per acre. From the last plan, they had reduced density, buffered the adjacent property better, had come in for a lesser zoning classification, and were meeting the market better. Councilman Hess asked if a commitment for streets was required. Mr. Bieszczat said State Line Road was basically in Kansas City, Missouri, and Leawood had not
required developers to do anything toward the improvement of State Line except in one instance where the improvement was due to the development. It would be the developer's responsibility if he added turning lanes or signals because of his development. The developer would not be required to participate in the widening of State Line Road. Mr. Corser said they were giving the right-of-way required for future development of State Line Road.

During discussion, Mr. Ellis stated the units ranged from 1,500 to 2,200 sq. ft. and the price would be $55 to $60 per square foot plus land.

Councilman Hess was concerned about the intersection of 124th and State Line Road. Councilman Ink moved for approval of Resolution No. 589, approving rezoning to RP-1 District, preliminary plan and preliminary plat for Foxborough Subdivision; seconded by Councilman Wise. Motion carried, Councilman Hess opposed based on the street out to State Line. A copy of the resolution is attached hereto as part of the record.

Ordinance Relating to RP-1 Zoning of Property at the Southwest Corner of 123rd Street and State Line Road (First Reading):

The ordinance relating to zoning for Foxborough Subdivision was placed on first reading.

MAYOR'S REPORT

Request for Permission to Keep Three Dogs on Premises - Krieger, 9318 State Line: Mayor Crippin stated the owner had appeared in municipal court in January and was given six months to make the property more presentable. It appeared cooperation was slow. Mayor Crippin suggested that the Council hold off on approval of the request to keep three dogs. Following considerable discussion, Councilman Jacob stated he could not recall an instance where the Council allowed three dogs except in those instances where all the neighbors concurred. In this instance, two neighbors had not; therefore, the Council should not approve the request. Councilman Ink moved that the Council reject the request of the Kriegers to keep three dogs on the premises; seconded by Councilman Wise. Motion carried, Councilman Lacy opposed.

OLD BUSINESS

Ordinance No. 743 - Accepting Deed for Street Purposes (North Side of 111th Street Adjacent to Longwood Forest) (Second Reading): On motion by Councilman Ink, seconded by Councilman Hess, Ordinance No. 743 was unanimously adopted.

NEW BUSINESS

Authorization of Interlocal Agreement for Traffic Signals - 95th and Mission Road: Mr. Bieszczat reviewed that
improvement of the intersection of 95th and Mission Road under an existing interlocal agreement had been set back somewhat due to funding; this agreement covered an interim improvement to upgrade the signalization to provide left turns and pedestrian crossings on all four quadrants; Leawood's share would not exceed $8,000. He recommended approval. The signals would for the most part fit the ultimate construction. Some right-of-way would be required at the northeast corner of the intersection which the owner seemed agreeable to donating. Councilman Rinehart moved that the Council authorize the interlocal agreement; seconded by Councilman Hess. Motion carried unanimously.

#274 Authorization of Interlocal Agreement for Improvement of Somerset: Mr. Bieszczat stated the agreement covered a two-inch overlay over what was presently there. Prairie Village had estimated Leawood's cost to be $16,080. Mr. Bieszczat recommended approval and that funds be taken from the street maintenance budget. On motion by Councilman Rinehart, seconded by Councilman Wise, the Council unanimously authorized an interlocal agreement for improvement of Somerset not to exceed $17,000.

#293 Resolution No. 590 - Authorizing Exchange of Land with Johnson County Wastewater District: Mr. Bieszczat said the drawing distributed indicated the need for the exchange of property to give continuity to the greenway, the present city park and the trails in Overland Park. Councilman Hess moved for approval of the exchange of land with Johnson County Wastewater District; seconded by Councilman Rinehart. Motion carried unanimously.

#307 Contractor's Estimate No. 9 - James Branch Sanitary Sewer Renovation: Councilman Rinehart moved for approval of Contractor's Estimate No. 9 in the amount of $98,560.58 on the James Branch sanitary sewer renovation project; seconded by Councilman Wise. Mr. Bieszczat said the project was ninety-nine percent complete. Motion carried unanimously.

#314 Application for Cereal Malt Beverage License - Leawood South Golf and Country Club: On motion by Councilman Lacy, seconded by Councilman Hess, the application of Leawood South Golf and Country Club for a cereal malt beverage license was approved.

#328 Scheduling of Public Hearing on Proposed Recreational Vehicle Ordinance: A public hearing on the proposed recreational vehicle ordinance was scheduled for Monday, June 7, 1982, at 7:00 p.m., with the understanding that the Council meeting would follow the public hearing. City Attorney Winn said the proposed ordinance prescribed where recreational vehicles may be located on the property; it was not a ban of such vehicles.
APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 443, in the amount of $451,218.36, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Rinehart, duly seconded.

Discussion of Procedure on Creek Bank Erosion Problem: Councilman Rinehart asked for direction from the Council as to how to proceed on creek bank erosion. Councilman Ink said he had suggested that Public Works review the creek and try to break it up into sections to determine if there was a collective worst spot, isolate on one or two sections, and estimate what an engineering study would cost to determine if the City was a substantial contributor to the problem. Mayor Crippin said he thought the conclusion had been reached that no action would be taken, but to follow the policy that if property owners come to the City, a study would be conducted to determine what needed to be done. The matter was discussed. Mayor Crippin said he was concerned about the liability of the City in situations where structures actually leave the homeowner's yard and block up a culvert. Mr. Bieszczat was concerned about the precarious condition of sanitary sewer crossings. City Attorney Winn said there may be some areas where the City was the obvious major contributor to the problem, and there may be situations where regardless of who is the contributor, if something is not done public facilities may be damaged. Those two situations would justify an affirmative action by the City. Otherwise, the City should let the public come in and request the repairs, then study the situation. Councilman Jacob said he thought a study would send a false signal to residents about the City's intent. Mr. Garofano said the Council should adopt a policy. Mayor Crippin suggested appropriate action by the Council would be to refer to the Public Works Committee the last page of the staff's memorandum for presentation to the Council as a policy. It was the consensus of the Council that the Public Works Committee and the staff study the section and bring it back to the Council the second meeting in June.

At 10:06 p.m., the meeting was adjourned to Monday, June 7, 1982, immediately following the public hearing.
Minutes of a Public Hearing on a Proposed Recreational Vehicles Ordinance, City of Leawood, Kansas.

A public hearing was held by the City of Leawood, Kansas, at 7:00 p.m. on Monday, June 7, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, on a proposed recreational vehicles ordinance, with Mayor Kent E. Crippin presiding. Councilmen Funk, Jacob, Rinehart, Hodes, Wise, Lacy, Ink, and Hess were present.

Also present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Jinny Oberlander, and June Lile.

Mayor Crippin said the proposed ordinance would regulate the location of recreational vehicles and equipment on property within the City.

City Architect Sanders summarized the proposed ordinance prepared by city staff. The proposed ordinance contained a number of definitions of various types of recreational vehicles and equipment. It would allow recreational vehicles and equipment to be parked in the side and rear yard permanently within residential districts; it would allow parking in the front yard on a drive by permit only if it could be demonstrated that the rear and side yard could not be used. Vehicles of visitors could be parked on a driveway by applying for a visitor's permit. It would not allow recreational vehicle parking in retail, office, industrial or special development zoning. It did not allow converted buses unless they could qualify as a specially constructed vehicle as defined by state statute and national standards. It would limit the number of vehicles parked to two, with only one parked in front of the residence. Recreational vehicles could not be parked on public streets.

Mayor Crippin explained that since the court case, the City had not had an ordinance governing various types of vehicles, and referred to the parking of Greyhound buses, school buses, etc. on residential property which was occurring. He said while the proposed ordinance allowed parking in the rear yard or side yard permanently, it did impose some setbacks, but there was a method of appeal.

Dr. Jack Cox said he felt very strongly that wherever possible such vehicles should be parked in the back of the home or on the side, but not in front.

A gentleman said he thought the City was back to the esthetics again; he wondered how this ordinance was going to differentiate between a Greyhound bus and a 31-foot motor home. He thought it would be more effective and simpler to write an ordinance which would require that a converted vehicle pass state safety inspection. A lady wondered if insurance rates...
would be affected by parking a recreational vehicle so close to the house and the neighbor's house. Mayor Crippin said the City included in the requirements provision for the detachment of propene tanks, etc., so there was a minimum fire hazard. A lady wondered about the fee and length of the permit. Mr. Sanders said there was a permit for annual parking in the front yard and a visitor's permit with a $5.00 fee, three visitor's permits per year would be allowed per house. A gentleman wondered how soon the visitor's permit would have to be obtained. A lady confirmed that the vehicles could be parked in the garage. A gentleman wondered how long a permanent permit would be good. City Attorney Winn said he thought the intent was that a vehicle meeting that definition, in that location, would be covered indefinitely. There was a question as to the definition of "adjacent neighbor". Mr. Winn said the intent would be those immediately contiguous to the property.

Dr. Dave Dixon said he was appalled that the City would try to draft another ordinance without asking the help of recreational vehicle owners; he said the new ordinance was not changed much from the previous one. He said many of the items mentioned had been shot down by the judge in the previous lawsuit. Dr. Dixon said the new ordinance allowed 72 hours temporary parking in each 14-day period, the old ordinance allowed 192 hours. He said the permanent parking setback requirements would prohibit parking on any but the largest lot, so it was for all intent outlawed. He said the visitor permit was far more restrictive than in the old ordinance; the penalties were much greater. He cited the provision that the building officer's judgment would be the criterion as to whether an owner could get it in the back yard, side yard or front yard. He said the provision that permitted parking if no complaints were received from adjacent neighbors was illegal as it could only reflect a concern for esthetics. He objected to the provision that a recreational vehicle must be parked perpendicular to the residence in the front yard. Dr. Dixon cited several court decisions regarding the health, safety and welfare of the public. He said the ordinance could not be construed as being more liberal than the previous one except for parking in the front yard; he could not believe it would stand up in a court of law.

Another man said if he had to look at recreational vehicles in the front yard he might as well move somewhere else and pay less taxes and less homes association dues.

Mayor Crippin said the ordinance would allow ninety-nine percent of the people in Leawood to park a recreational vehicle on their property, although perhaps not in the side yard. Dr. Dixon said the dimensions mentioned made it impossible for anyone but the largest landowner in the city to have it by the side of his house, and there was nothing in the ordinance regarding the right of appeal.
Dr. Cox thought there should be provision for parking if it were screened from the neighbors; he thought converted vehicles might be restricted by requiring that they pass safety inspection. Councilman Ink said he would like to see any suggestions concerning the ordinance in writing. Dr. Cox asked why parking of recreational vehicles was prohibited in a commercial area. Mayor Crippin said it was because people had utilized parking lots for sales from the vehicle; he suggested that a business owner might appeal and show that he was not going to utilize it as a space for sales.

In response to inquiry by Councilman Rinehart, Mr. Sanders said eleven homes associations prohibited or restricted recreational vehicles. Drs. Dixon and Cox offered to help the City draft an ordinance. Councilman Wise suggested that the City take them up on their offers of help. A lady said she would like to see the ability to park in the front yard removed from the ordinance. Copies of the ordinance were distributed. A man asked if it would be possible to have a committee including recreational vehicle owners to work on an ordinance. Mayor Crippin suggested that the owners be invited to the next meeting of the committee already appointed.

The public hearing was declared closed at 8:05 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 called to order by Mayor Kent E. Crippin at 8:10 p.m. on Monday, June 7, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas. Roll call was answered by Councilmen Funk, Jacob, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Jinny Oberlander, and June Lile.

CONSENT AGENDA

Mr. Bieszczat requested that engineer's partial payment estimates on the Dykes Branch and James Branch of the sanitary sewer renovation project be added to the Consent Agenda. On motion by Councilman Hodes, duly seconded, the partial payments were placed on the Consent Agenda. On motion by Councilman Hess, seconded by Councilman Hodes, the Consent Agenda was approved as amended.

MAYOR'S REPORT

Mayor Crippin read a commendation from the Johnson County District Attorney for Officer Judy Schmidt's work on the evidence collection team for sexual assault victims.

OLD BUSINESS

Ordinance No. 744 - Relating to Zoning Districts (Second Reading): Ordinance No. 744 was unanimously adopted by roll call vote.

Ordinance No. 745 - Relating to RP-1 Zoning of Property at the Southwest Corner of 123rd Street and State Line Road - Foxborough (Second Reading): Councilman Hess read from Traffic Consultant Johnson's letter regarding the street planned to exit on State Line Road south of 123rd Street, saying it did not indicate hearty approval of the street. Kathy Simmons said the location was at the bottom of a dip and southbound traffic could not see it. Mr. Bieszczat said it was somewhere up on the hill and it was probably in the best location it could be placed; the possibility existed for a de-acceleration lane for left turn traffic. Councilman Lacy moved that the zoning be approved but that the Plan Commission be made aware of the concern for the intersection of 124th Street and State Line; duly seconded. During discussion, Mr. Sanders said the staff thought the intersection as shown was at the best location within that development. Gary Corser, land planner for the development, said the intersection was in the same location approved last
year; when they first started their plans, they did not have a street exiting on State Line Road, but the City insisted on it for safety reasons. He said it was located in the safest possible place on the property they owned. He added they would not be opposed to prohibiting left turns, providing de-acceleration lanes, etc. There was discussion that details of the intersection would be reviewed by staff and the Plan Commission at the time of approval of the final plan; the final plat would come to the Council for approval. Saul Ellis, the developer, said he was willing to put the street in or take it out, but he needed to know before the time of the final plat. Mr. Garofano suggested that the staff discuss with Mr. Johnson whether or not interior circulation within the subdivision would be adversely affected without the exit on State Line. Fire Chief Toman stated he had requested the exit because of the density, the dead end streets, and inability of fire equipment to reach the area with one main entrance on Pembroke. Ordinance No. 745 was adopted by roll call vote, Councilman Hess opposed.

NEW BUSINESS

#1063 Ordinance Relating to Recreational Vehicles and Equipment, Parking and Storage (First Reading): The first reading was deferred.

#1064 Acceptance of 1981 Financial Statements and Auditors' Report: Councilmen had copies of the financial statements and auditors' report and a management letter, along with Mr. Garofano's memorandum. Representatives of the firm of Alexander Grant and Company were present. Councilman Hodes noted the amount of fines and forfeitures was substantially less in 1981. Staff will provide a breakdown on the number of citations issued in 1980 and 1981 and the number of officers on the streets. Councilman Hess asked about the procedure to reinstate the intangibles tax; Mr. Garofano said the time had elapsed for it to be effective for 1983. It was noted that 31 percent of the total revenue collected was from sales tax.

#1116 Request for Private School: Mr. Sanders stated Barbara Maurer was requesting permission to establish a private school in a single family zoning district which was permissible by the zoning regulations without a public hearing. The Plan Commission had requested the applicant to contact adjacent neighbors, that any playground be established on the north side of the creek, that the building meet current building code requirements for public safety, and that the approval be granted for this particular director (the applicant) for this particular school.

#1133 Tape No. 84 Applicant was asking permission to use an existing church annex building for the purpose of conducting a private school. A brochure on the curriculum had been presented. Mrs. Maurer had contacted the neighbors and found they were in favor of
the school. It would be a Carden school with a limit of 24 children in kindergarten through second grade. It would not be state accredited but would be Carden accredited. Councilman Ink moved that Mrs. Maurer be granted permission to operate a Carden school at Leawood Presbyterian Church; duly seconded. Councilman Hodes was concerned that the permit would be granted for one specific person. Mrs. Maurer said she considered that a protection for the school. It was not a religious school. Motion carried unanimously.

Resolution No. 591 - Concerning School Boundaries: On motion by Councilman Hodes, seconded by Councilman Rinehart, Resolution No. 591 was unanimously adopted. A copy is attached hereto as part of the record.

Charter Ordinance No. 14 - Establishing Construction and Maintenance Fund (First and Second Readings): Councilman Rinehart moved that the ordinance be considered on an emergency basis; seconded by Councilman Wise. Councilman Hess was concerned about approving the ordinance on an emergency basis, and thought it was a way of getting around the tax lid. She wondered if it might not be prudent to wait and see if such a step would be necessary. Mr. Garofano mentioned the need for capital improvements, greenway maintenance and increased maintenance for streets, curbs and gutters. Councilman Hodes said he would vote against passing the ordinance on an emergency basis. Councilman Ink thought the ordinance was necessary to provide the Council with a degree of flexibility; with the timetable outlined it had to be done at this meeting in order to be effective for the next fiscal year. During discussion, Mr. Garofano emphasized that the Council would be in control of the mill levy. Councilman Rinehart said she thought it was a necessity to charter out, to raise taxes and get improvements and maintenance accomplished. Councilman Hodes objected to raising ad valorem taxes for additional revenue. He suggested looking at attracting business that would generate sales tax. Councilman Hess said if the separate fund were established, there would not be as much concern about keeping the budget down.

Mayor Crippin explained he thought general operating funds should be under the tax lid, but these funds were capital improvements and public works with the exception of the greenway maintenance. He said without this fund, the City would be forced to issue bonds for capital improvements. He suggested passage of the charter ordinance and that the Council keep in mind that these monies would be for capital improvements and maintenance of the greenway. If the Council ignored capital improvements, those improvements would cost taxpayers more in the future. Councilman Hodes acknowledged that the City had needs but he thought the money could be found within the tax lid. Councilman Ink said the Council voted for the capital improvements program and the greenway proposal; to be consistent it must support them with funds.
June 7, 1982

Motion to pass the ordinance on an emergency basis carried, Councilmen Hess and Hodes opposed. Charter Ordinance No. 14 was adopted by roll call vote, Councilmen Hess and Hodes voting no.

Acceptance of Archeological Survey - Greenway: Mr. Garofano referred to a letter from the State Archeologist's office. He reviewed that the survey was a requirement for receiving the grant for development of the greenway. A comprehensive report had been received, 13 prehistoric archeological sites had been found but they had been disturbed many times before, so clearance was given for improvements to the greenway. The cost of the survey was $3,047.20. On motion by Councilman Hess, seconded by Councilman Wise, the archeological survey was accepted.

Authorization to Apply for Bridge Replacement Funds: Mr. Garofano stated the City had received notification from the State regarding the availability of money on a matching basis for bridge replacement. Staff proposed replacing the bridge on 86th Street between Cherokee and Belinder; the updated cost estimate was $134,000. Application deadline for the funding was June 15. The City's share of the funds would come from a bond issue; the City Attorney was studying financing alternatives. Mr. Bieszczat said part of the roadway was being washed out because of the small bridge. Mr. Garofano explained the State had a grant of $10,000,000 from the Federal government, the State could not match it, so it was being loaned to cities and counties on an advance basis to be taken out of future city and county allocations. Councilman Rinehart moved that the Council authorize application to receive the matching funds and that for the time being the City's match be taken from the Special Highway Fund with the plan that bonds be issued; seconded by Councilman Lacy. Motion carried, Councilman Hess opposed.

Ordinance Relating to the Property Maintenance Code (First Reading): Councilman Wise moved that the ordinance be placed on first reading; seconded by Councilman Hess. Councilman Wise commented that it seemed unreasonable to require that all driveways be kept free from cracks; she wondered if that could be made more explicit. Mayor Crippin suggested that the ordinance be discussed at a work session. There was discussion regarding the storm drainage section. Motion carried, Councilman Ink opposed. Mayor Crippin stated the provisions would be discussed at a work session before the ordinance came up for second reading.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 444, in the amount of $353,888.58, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Wise, seconded by Councilman Hess. The cost of elections
was discussed, including the possibility of holding city elections on the same date as county elections. The City Attorney and City Clerk will check the statutes. Councilman Hodes urged that the city newsletter, recreation newsletter, and the fourth of July mailing be condensed into one.

#650 Work Session: A work session with the Budget and Finance Committee was scheduled for Monday, June 14, to begin review of long term problems and an ordinance regulating drilling for oil.

#658 Executive Session: The Council went into executive session at 10:30 p.m. to discuss real property acquisition.

The Council returned to regular session at 10:45 p.m. On motion duly made and seconded, the Council gave staff authorization to negotiate an option towards the purchase of a tract of land that lies just east of the Public Works garage, between 10346 State Line Road and the Public Works building, to be used for eventual expansion of the Public Works facility, the option price not to exceed $2,500.00.

The meeting was adjourned to Monday, June 21, 1982, 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 called to order by Councilman Wise at 7:30 p.m. on Monday, June 21, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas. Since Mayor Crippin was absent and the arrival of the designated presiding officer, Councilman Hodes, had been delayed, Councilman Ink moved that Councilman Jacob be elected temporary chairman. The motion was seconded and carried unanimously. Councilman Jacob took the chair. Roll call was answered by Councilmen Jacob, Rinehart, Wise, Lacy, Ink. Councilman Hodes arrived at 7:58 p.m.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, Tom Bieszczat, Julie Baer, Jinny Oberlander, and June Lile. City Attorney Winn arrived at 8:15 p.m.

APPROVAL OF AGENDA

At the request of City Administrator Garofano, Councilman Ink moved that a revised ordinance relating to issuance of industrial revenue bonds be added to the agenda. Motion was seconded and carried unanimously. On motion by Councilman Rinehart, seconded by Councilman Lacy, the agenda was approved as amended.

PRESENTATION OF HONORARY CITIZENSHIP

Councilman Jacob read and presented to Paivi Ojaniemi, an exchange student from Finland, a proclamation signed by Mayor Crippin conferring upon her the title of Honorary Citizen.

CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Rinehart, the Consent Agenda was approved, including minutes of public hearing of June 7; minutes of Council meeting of June 7; departmental reports; Contractor's Estimate No. 10, James Branch sanitary sewer renovation project; Contractor's Estimate, College and Roe intersection improvement; Engineer's Estimate, College and Roe roadway improvement; and Engineer's Estimate, College and Roe street light and traffic signal improvement.

Discussion Regarding Creek Bank Erosion: Councilman Rinehart reported the Public Works Committee had considered the list referred to it for policy recommendation regarding creek bank erosion, had changed the order somewhat, and added the suggestion that the City pay ten percent of the total project cost; in addition, the Committee presented criteria for
determining whether or not property would be eligible for help on creek bank erosion projects. Mr. Garofano stated after much discussion the Committee felt the benefit district approach was the most workable; the City would initially have to pay the preliminary engineering costs but those costs would be charged to the project if the homeowners elected to pursue it; therefore, an amount would be allocated each year for preliminary engineering costs. Councilman Wise moved for approval and adoption of the recommendation regarding creek bank erosion; seconded by Councilman Lacy. Motion carried with four aye votes. Mr. Garofano pointed out that monies allocated for engineering in 1982 had been spent, so probably nothing could be done until 1983.

CITY ADMINISTRATOR'S REPORT

Mr. Garofano reported that by the time inquiry was made regarding bridge replacement funds to be distributed by the State, all of the money had been spoken for.

OLD BUSINESS

Ordinance Relating to Property Maintenance Code (Second Reading): Mr. Garofano stated the section dealing with driveways and parking areas had been stricken from the ordinance based upon discussion regarding enforcement. Mr. Bieszczat said he was in the process of formulating standards regarding material, construction, etc. to be incorporated by ordinance. Councilman Wise moved that the ordinance be placed on second reading with Section PM-302.6, Driveways and Parking Areas, deleted; seconded by Councilman Rinehart. Motion failed on a vote of four ayes, one nay. Councilman Jacob explained he thought the Council was in sympathy with what Mr. Sanders was trying to do but understood that Mr. Bieszczat was going to come back with some proposals regarding driveways.

NEW BUSINESS

Authorization to Purchase Radar: Chief Cox recommended the purchase of K-15 radar sets from MPH Industries, the unit cost being $895.00 each or a total of $1,790.00; he added the bidder had indicated it would replace a defective set owned by the department, so the City would be getting three sets for the price of two; $4,000.00 had been budgeted. Chief Cox said all bidders were given equal opportunity to take the third unit in trade. On motion by Councilman Lacy, seconded by Councilman Wise, the bid of MPH Industries for three K-15 radar sets for a total cost of $1,790.00 was approved.

Authorization for Police Logger-Recorder Overhaul: Chief Cox explained that the logger-recorder tape-recorded all telephone and radio traffic of the department; the machine had deteriorated and needed overhaul or replacement. There were three options, a complete overhaul at a cost of $2,600;
POLICY RECOMMENDATION

"SUB DISTRICT" IMPROVEMENTS FINANCED BY BENEFIT DISTRICT

APPROACH:

- City places limit on the amount of bonded debt to be used drainage benefit districts and establishes a minimum amount issuance of bonds.
- City places a limitation on the amount to be spent on preliminary engineering costs in any given year.
- Property owner(s) request assistance.
- Staff evaluates against general criteria.
- Staff determines project feasibility and extent of "sub district".
- Approval of 51% of homeowners in the sub district obtained.
- City Council authorizes project.
- Preliminary engineering to determine extent, type, and estimated costs of improvements.
- Properties added or deleted to "sub district" (if required).
- Property owners make final determination to undertake improvements.
- If property owners reject the formation of a benefit district at this point, the City will absorb the preliminary engineering cost; if benefit district is formed, preliminary engineering cost will be a part of the project cost.
- Condemnation for unwilling property owners; the cost of condemnation will be a part of the project cost.
- Proceed with final engineering.
- Obtain construction bids.
- City Council awards bids and authorizes financing.
- As a matter of equity and incentive, the City will pay 10% of the total project costs; property owners in "sub district" will pay the remaining costs of engineering and construction.
CRITERIA FOR
CONSIDERATION OF
CREEK BANK EROSION PROJECTS

1. Improvements for only aesthetic reasons will not be considered.

2. Projects on individual properties will not be considered without determining the effect on adjoining properties.

3. In order to form a benefit district, as determined by the City, the applicant will be responsible for obtaining signatures of 51% of affected property owners.

4. The City must be guaranteed access to all properties necessary for construction. Property restoration costs will be charged to the benefit district.

5. Property owners must agree to maintain improvements after completion of project and to hold City harmless regarding liability and ongoing maintenance.

6. Property owners must agree to the type and extent of improvements as determined by the City.
a minor overhaul at $1,600; or minimum maintenance at $60 per hour plus parts, budgeting for a new machine in 1984. With major overhaul, replacement would not be contemplated for at least five years. Chief Cox said the machine would last as long with a minor overhaul but the quality of the recording would not be as desirable. A service contract would cost $668 per year.

Councilman Hodes entered the meeting.

Councilman Lacy moved for approval of an amount not to exceed $2,600 to overhaul the logger-recorder with the suggestion that Chief Cox thoroughly investigate the minor overhaul; seconded by Councilman Rinehart. Motion carried unanimously.

Ordinance No. 746 - Relating to Issuance of Industrial Revenue Bonds (First and Second Readings): Mr. Garofano explained bond counsel for the City was requesting amendment of the ordinance passed authorizing issuance of industrial revenue bonds to substitute the platted legal description for the metes and bounds description originally used and to ratify the fact that the bonds were issued on June 15 as opposed to on or before June 1. Councilman Ink moved for approval of the ordinance on an emergency basis; seconded by Councilman Lacy. Ordinance No. 746 was adopted unanimously by roll call vote.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 445, in the amount of $332,991.12, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Wise. Councilman Ink requested a summary of all associations, subscriptions, seminars, and dues paid by the City. Councilman Rinehart suggested that in the future insecticides be bid.

There was discussion that 84 signatures would be needed to require a special election to increase the property tax. Mr. Garofano said he would talk with The Sun reporter regarding inaccuracies in an article which appeared concerning Leawood being the first city to pass a charter ordinance establishing a separate fund for capital improvements and maintenance. There was discussion that if there were a referendum, the City could not budget outside the tax lid for the next year. The matter was discussed.

At 8:23 p.m., on motion by Councilman Wise, seconded by Councilman Rinehart, the meeting was adjourned to Tuesday, July 6, 1982, 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, July 6, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Jacob, Rinehart, Hodes, Lacy, Ink, Hess. Councilman Wise arrived at 9:01 p.m.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Ink, the agenda was approved as written.

PRESENTATION OF CERTIFICATE OF RECOGNITION TO JIM HAMIL

Mayor Crippin presented to Jim Hamil a certificate of recognition for participating in the Summer Art Fun program. Leawood Arts Council Chairman George Lund introduced members of the Council present. Mr. Hamil had three paintings from which the Arts Council was to choose one which he would present to the City. Several of the students were present and art work from the workshop was displayed. The teacher, Pam Place, was introduced.

PRESENTATION OF RESOLUTION AND CERTIFICATE OF RECOGNITION TO JOURDAN A. TOMAN

Mayor Crippin presented Resolution No. 592 and a certificate of recognition to Jourdan A. Toman for twenty years of uninterrupted service to the Leawood Fire Department. A copy of the resolution is attached hereto as part of the record.

CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Ink, the Consent Agenda was approved, including minutes of June 21, 1982; Contractor's Estimate No. 14, Dykes Branch sanitary sewer renovation project; first reading of ordinance accepting deed for street purposes from Ranch Mart, Inc. (northwest corner, 95th and Mission Road); first reading of ordinance accepting deeds for park purposes (Hall and County); and first reading of ordinance relating to BOCA Basic Fire Prevention Code, 1981 Edition.

PLAN COMMISSION:

Ordinance Adopting Current Edition of Johnson County Sanitary
Code, September, 1979 (First Reading): Mr. Sanders requested that the first reading be deferred to the next Council meeting.

Ordinance Amending One and Two Family Dwelling Code (First Reading): Mr. Sanders explained the ordinance covered abandonment of sewage disposal facilities. Councilman Rinehart moved that the ordinance be placed on first reading; seconded by Councilman Ink. Motion carried unanimously.

Proposed Parking Regulations: Mr. Sanders referred to material distributed, and recommended adoption of proposed parking regulations which were presented in draft form. He said presently parking lots were generally only fifty to seventy percent full, and most cities around the country and the area were reducing their parking requirements. He said it would mean that more building space could be provided. Councilman Ink wondered if there might be a way to provide different parking ratios for office and retail use. During discussion, Mr. Sanders said the property owner would have to be the enforcer regarding use of the spaces designated for small cars. Councilman Hodes asked for information on how many spaces were provided presently at Metcalf South and Ranch Mart, and how many spaces would be allowed under the proposed regulations. Mr. Bieszczat emphasized that the parking ratio was the minimum that could be provided, many developers would provide more spaces; the ordinance would eliminate the unnecessary sea of asphalt. Councilman Ink said he could support reducing the amount of parking for office buildings, but did not feel it would be advisable to reduce parking requirements for retail areas. Councilman Rinehart wondered if building space might be added to established shopping centers if the parking ratio were reduced. There was discussion that the regulations did not address distribution of parking. Mayor Crippin stated there was nothing unusual about the proposed minimum parking ratio. It was suggested that the inter-relationship of all ordinances referring to parking be studied and that the matter be presented at a work session. City Attorney Winn suggested that a provision be added giving flexibility to deal with special parking situations.

Ordinance Relating to Fence Regulations (First Reading): Draft regulations to replace Section 15-2203, recommended by the Plan Commission and Board of Zoning Appeals, had been distributed. There was no reference to fence materials. Mr. Sanders said the proposed regulations would not change the concept of fences; probably the biggest change was that no permit would be required for fences four feet or less in height. Copies of a letter from the Chairman of the Board of Zoning Appeals was distributed. The letter requested that the purpose and intent of the new regulations be spelled out; if it be the will of the Council that the greenway concept be retained and that the fence regulations represented exceptions to such concept, that should be so stated. The concept of fences in the City was
Some councilmen questioned the advisability of not requiring a permit for fences less than four feet in height. Mr. Sanders said as a matter of courtesy, applicants for permits were advised to check their deed restrictions concerning fences. Councilman Ink moved that the ordinance be placed on first reading; seconded by Councilman Jacob. Motion carried unanimously.

Resolution No. 593 - Approving Replat of Tomahawk Farms: Mr. Sanders explained the reason for the replat was to change the building setback lines for one lot to a 35-foot building line on Mission Road and a 30-foot building line on the cul de sac. On motion by Councilman Hess, seconded by Councilman Jacob, Resolution No. 593, approving the replat of Tomahawk Farms, was unanimously approved. A copy is attached hereto as part of the record.

CITY ADMINISTRATOR'S REPORT

Public Hearing on Proposed Use of 1983 Revenue Sharing Funds: Mr. Garofano reported there would be a public hearing on proposed use of 1983 Revenue Sharing funds on Monday, July 12, 1982, at 7:00 p.m.

MAYOR'S REPORT

American Revolution Tricentennial Fund: Mayor Crippin reported that the present balance in the American Revolution Tricentennial Fund was $1,591.91.

Resignation of Councilman Jen Funk: Mayor Crippin read a letter of resignation from Councilman Jen Funk citing personal time restraints as the reason for the resignation. Mayor Crippin reviewed that the committee to recommend a replacement would include Councilman Jacob as the other councilman from Ward 2, the Presiding Officer, and the Mayor. Since Councilman Jacob would also be the Presiding Officer, Councilman Hodes was designated to serve in that capacity. Mayor Crippin expressed appreciation for Mrs. Funk's service to the City. He suggested that the August newsletter carry an article concerning the vacancy and that the selection process not begin until after that newsletter was published.

NEW BUSINESS

Discussion Regarding Establishment of Construction and Maintenance Fund: Mr. Garofano announced that the Budget and Finance Committee would meet on July 7 to begin review of the 1983 budget. Councilmen were invited. Mr. Garofano reviewed that the Council had passed an ordinance to establish a construction and maintenance fund, the purpose of which was to allow the City to address some deferred maintenance and capital improvement items; the ordinance was subject to a referendum if a petition were filed by August 16; the Budget and Finance Committee would be
reviewing a proposed construction and maintenance fund and making recommendation. Without the fund, the 1983 budget would have no funds to address capital improvements or increased maintenance efforts. Mr. Garofano said the City would not be able to certify a budget including the construction and maintenance fund without having the question of being able to levy for that fund settled prior to filing of the 1983 budget. The matter was discussed. Mayor Crippin commented that in 1977, when the citizens voted to abolish the intangibles tax, they also voted to charter out of the tax lid for 7 mills for a period of eight years.

Councilman Wise entered the meeting.

Mayor Crippin pointed out that the City's assessed valuation dropped two years ago because automobiles were taken off the tax rolls. Mr. Garofano stated it had been discovered that the City had chartered out of the lid completely in 1968. It was not known whether or not that was still valid. The City Attorney will research the matter.

Schedule of Work Session Regarding Sanitary Sewer Study: A work session to discuss sanitary sewer problems was scheduled immediately following the Council meeting.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 446, in the amount of $139,840.36, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Hodes, seconded by Councilman Jacob.

Mayor Crippin recognized the Scout Master and Boy Scouts in the audience from Troop 10, Leawood South.

At 9:28 p.m., on motion by Councilman Hess, seconded by Councilman Lacy, the meeting was adjourned to Monday, July 19, 1982, 7:30 p.m.
Minutes of Public Hearing on Proposed Use of 1983 Federal Revenue Sharing Funds of the City of Leawood, Kansas.

In attendance were Mayor Crippin, Councilmembers Ink and Rinehart, and City Administrator Dick Garofano, and Julie Baer, Administrative Assistant.

The 1983 Proposed Use Hearing on Federal Revenue Sharing Fund was held at 7:00 P.M., July 12, 1982, in the Council Chamber, 9615 Lee Boulevard.

The purpose of the Hearing was to obtain oral and written comments and suggestions from the public regarding the possible use of the anticipated $52,908 in Federal Revenue Sharing available for 1983.

No oral or written comments were received; the Hearing was closed at 7:15 P.M.

Mayor

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 19, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Jacob, Rinehart, Hodes, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Donald Jarrett, Tom Bieszczat, Bob Senders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hess, request for permission to keep three dogs at 9718 Overbrook Road was added to the agenda. On motion by Councilman Ink, seconded by Councilman Lacy, the agenda was approved as amended.

PRESENTATIONS

Certificate of Recognition - Captain Abney Benoit: A certificate was presented to Captain Benoit for twenty years’ service to the Leawood Fire Department.

Certificates of Completion - Lifeguard Training Program: Certificates of completion of lifeguard training were presented to: Kathy Glatter, Donna Field, Kelly Orr, Chris Cunningham, Traci Hopkins, and Teresa DeMarco.

Resolution and Police Department Distinguished Service Award: Mayor Crippin presented distinguished service awards to Sergeant Craig Hill and Detective David Slade for their service on the Mayor's Task Force on Crime. Mayor Crippin read the resolution expressing appreciation to Sergeant Hill and Detective Slade for their efforts. A copy of the resolution is attached hereto as part of the record.

CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hodes, the Consent Agenda was approved, including minutes of meeting of July 6, 1982; minutes of public hearing of July 12, 1982; departmental reports; first reading of ordinance conveying property to County; engineer's estimates, College and Roe lights/signal and roadway improvement; and contractor's estimates, College and Roe lights/signal and roadway improvement.
PLAN COMMISSION:

Ordinance Adopting Johnson County Sanitary Code, September, 1979 Edition (First Reading): Councilman Hess moved that the ordinance be placed on first reading; seconded by Councilman Ink. Motion carried unanimously.

Ordinance No. 747 - Relating to Property Maintenance Code (Second Reading): Mr. Sanders explained sections of the ordinance questioned at the first reading had been deleted. On motion by Councilman Hess, duly seconded, Ordinance No. 747 was unanimously adopted by roll call vote.

Ordinance No. 748 - Amending One and Two Family Dwelling Code (Second Reading): Councilman Ink moved that the ordinance be placed on second reading; seconded by Councilman Hess. Mr. Sanders explained the ordinance dealt with taking care of abandoned septic tanks. Councilman Lacy was concerned that residents of Leawood Meadows be informed of the requirements. Ordinance No. 748 was adopted unanimously by roll call vote.

Ordinance No. 749 - Relating to Fence and Wall Regulations (Second Reading): Councilman Rinehart moved that the ordinance be placed on second reading; seconded by Councilman Hess. Following discussion, Ordinance No. 749 was unanimously adopted by roll call vote.

MAYOR'S REPORT

Discussion Concerning Tax Lid and Charter Ordinance No. 14: Mayor Crippin commented that the persons serving on the Budget and Finance Committee were well qualified. He explained the aggregate tax levy lid was $530,436; with building being on a downhill slide, the tax lid did not increase but inflation and service demands in the City kept moving up. In 1977, the City had voted to repeal the intangibles tax and authorized a levy of seven mills on property in Leawood for a period of eight years which effectively increased the tax lid by seven mills and increased the aggregate tax levy lid to $746,672; in 1983, the City’s budget would be only $17,000 away from that lid. He said the Budget and Finance Committee on July 11th had recommended that the City budget three mills for public works and maintenance activities, or about $155,000, for small "brick and mortar" projects. Mayor Crippin responded to a fact sheet which had been circulated in the community regarding Charter Ordinance No. 14. He said it covered eight items, six of which were technically correct, but from the standpoint of reality they were off-base because of assumptions made. He said the philosophy behind the Council's action to adopt Charter Ordinance No. 14 was not to do anything unless it had to; therefore, the timing was down to the wire on the budget. Mayor Crippin addressed each of the points in the fact sheet. He said the philosophy of the Council was to do public
improvement projects on a city at large basis as opposed to benefit district. He concluded that the matter of $155,000 had created such a turmoil that he thought the risk was too great to go ahead with it. He warned that in the budget year 1985, the City would either have to charter out of the tax lid or budget without the seven mills because the authorization would have expired.

Mayor Crippin said the Capital Improvements Committee had recommended $2.9 million in capital improvement projects. The Budget and Finance and Capital Improvements Committees would make the decision on how to fund those capital improvements (setting aside monies each year, or issuing bonds). Mayor Crippin recommended to the Council that it forget the $155,000 and proceed to plan the capital improvements program and take care of the levy authorization loss in two years. He emphasized that there was not time to bring the charter ordinance matter to a vote before certifying the 1983 budget.

During discussion, Mayor Crippin said there was no across the board cost-of-living increase, every increase would be on the basis of performance appraisal; the maximum would be six percent. Councilman Hodes wondered if the timing of passage of Charter Ordinance No. 14 plus the failure of the Council to establish a dollar limit caused part of the public concern. He wondered if the charter ordinance might be amended by placing a limit. Mayor Crippin stated by passage of the budget including the three mills for construction and maintenance, the Council would be establishing a limit. Councilman Hodes asked Frank Lawler if the three mill limit would satisfy the problems he had with the charter ordinance. Mr. Lawler said his main objection was to the fact that there were no limitations whatsoever; had a mill levy limit been established, he thought it would have been acceptable. Regardless of whether or not the Council would use it, the authority was there. Beyond the initial sixty-day protest period, the ordinance did not specifically provide for hearings or opportunities for protest, or any kind of a limit. He felt opportunities for the people to be heard should be written into it. Mayor Crippin asked if a resolution providing those opportunities would be satisfactory. Mr. Lawler thought the only way would be to repeal the ordinance and draw another one. Councilman Jacob thought the best approach now, because of the sentiment of residents, would be to scrap the $155,000 and go at capital improvements full bore.

Bill Judd said he felt there should be a limitation put upon the charter ordinance, or the people should vote on it. Mayor Crippin said there was never any intent not to put a limit on it.

Councilman Hodes asked Frank Lawler if the three mill limit in the certified budget would satisfy his concerns for this year in order to stop the petition drive for a referendum. Mr. Lawler said for him to speak for the people who had
already signed the petition was assuming more authority than he had at this point. There was discussion that the budget was made up including the three mills but it could not be certified until it was known whether or not a protest was going to be filed. Herbert Heyde asked if there might be some way the petition could be answered by the Mayor so the people would be satisfied and not file it. Mayor Crippin said he would meet with anybody. Mayor Crippin explained the Committee had proposed three projects to meet the three mill criteria: the paving of Mission Road, $50,000; another entrance into the park from the sewage treatment plant to lessen the traffic on Lee Boulevard, $35,000; and $70,000 for various street resurfacing projects.

Bob Anderson said he thought the people who circulated the petition really did not understand the situation and thought they were obligated to undo what they had done. Mr. Lawler emphasized that the petition was not passing on the Council's motives but referred to what the ordinance actually stated. He said the petition was factual as it went out, the facts had changed since the petition was started. He said personally the three mill levy was satisfactory with him, but he did not feel inclined to go back to each one who signed the petition. He preferred a meeting with the people. Mayor Crippin suggested the charter ordinance could be repealed if the committee recommended a bond issue.

Mr. Judd said he would be willing to retrace his steps on the petition. Mayor Crippin suggested that those who passed the petition get in touch with Mr. Garofano for any assistance they needed on procedure. The Council agreed to proceed with the Budget Committee on the basis of the three mills.

OLD BUSINESS

#215 Ordinance No. 750 - Accepting Deed for Street Purposes - Regnier (Second Reading): Councilman Rinehart moved that the ordinance be placed on second reading; duly seconded. Ordinance No. 750 was unanimously adopted by roll call vote. (Councilman Hodes was absent from the council table.)

#220 Ordinance No. 751 - Accepting Deeds for Park Purposes - Hall and Johnson County (Second Reading): Councilman Rinehart moved that the ordinance be placed on second reading; seconded by Councilman Jacob. Ordinance No. 751 was adopted unanimously by roll call vote (Councilman Hodes was absent from the council table.)

#223 Ordinance No. 752 - Relating to BOCA Fire Prevention Code, 1981 Edition (Second Reading): Councilman Ink moved that the ordinance be placed on second reading; seconded by Councilman Hess. Ordinance No. 752 was adopted unanimously by roll call vote (Councilman Hodes was absent from the council table).
NEW BUSINESS

Ordinance No. 753 - Establishing Sewer Use Charge System:
Mr. Garofano reviewed that as part of accepting a grant from EPA for the sewer renovation project, the City agreed to implement a sewer use charge, as set out in Resolution No. 544 adopted on August 16, 1980. (Councilman Hodes returned to the council table.) Mr. Garofano explained the new user charge system was based upon water consumption as opposed to a flat charge. Meter reading data would be obtained from the Water District for three winter months, to which a rate would be applied to determine the charge. Whether the user charge system would be implemented in January, 1983, or January, 1984, was being discussed with EPA. Councilman Lacy moved that the ordinance be adopted on an emergency basis; duly seconded. Staff stated it had been recommended by the State of Kansas to EPA that they release $140,000 being held. It had previously been understood that the $140,000 would not be paid until a user charge ordinance had been adopted. Ordinance No. 753 was unanimously adopted by roll call vote.

Resolution No. 594 - Relating to Renewal of Temporary Notes (Sanitary Sewer Renovation): Mr. Gerofano stated temporary financing of the sanitary sewer renovation project needed to be renewed to carry through the auditing phase, construction was essentially complete. He recommended that the $500,000 temporary financing be renewed to October 10. On motion by Councilman Hodes, seconded by Councilman Hess, the $500,000 temporary financing was renewed to October 10.

Approval of Budget Hearing Notice: Mayor Crippin stated the budget hearing notice should be approved although some decreases in the budget would be recommended to the Budget and Finance Committee on July 20. On motion by Councilman Ink, seconded by Councilman Rinehart, the budget hearing notice was unanimously approved. The hearing would be held on August 2, 1982, at 7:00 p.m.

Request for Permission to Keep Three Dogs - 9718 Overbrook Road: Councilman Ink moved that the request for permission to keep three dogs at 9718 Overbrook Road be approved; seconded by Councilman Hess. Motion carried unanimously.

Schedule of Executive Session: An executive session of approximately thirty minutes was scheduled immediately following the Council meeting to discuss litigation against the City.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 447, in the amount of $236,574.33, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Hodes, seconded by Councilman Ink.
At 9:35 p.m., the Council went into executive session to discuss litigation, returning to regular session at 9:55 p.m.

The meeting was adjourned to Monday, August 2, 1982, 7:30 p.m.

[Signatures]

Mayor

Council Reporter

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

A public hearing in connection with the proposed 1983 City Budget (including the Federal Revenue Sharing Fund) was held at 7:00 p.m. on Monday, August 2, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Councilmen Rinehart, Wise, Lacy, Ink, and Hess were present. Also in attendance were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, Tom Bieszczat, Julie Baer, Jinny Oberlander, and June Lile. City Attorney Winn arrived at 7:40 p.m. Several taxpayers were present.

City Administrator Garofano stated the proposed budget had been thoroughly discussed and reviewed, and notice of this hearing on proposed 1983 expenditures had been published. He reviewed twelve funds included in the budget. A new fund proposed was a Construction and Maintenance Fund to be used for street construction, storm drainage repair, sidewalk repair, sidewalk replacement, etc. In 1982, total expenditures budgeted were $4,751,349, compared with 1983 proposed total of $4,685,151. Because the sewer renovation project was virtually complete, expenditures would drop in the sewer fund.

One gentleman commented that the Special Highway and the Construction and Maintenance Funds seemed to be for the same function. Mr. Garofano explained the Construction and Maintenance Fund would be project oriented. Two gentlemen noted the increase in employee benefits. Mr. Garofano said a large part of the increase was in the Kansas Police and Fire Retirement Program. One of the men commented that the taxpayers could not stand such an increase every year; he suggested that the Council get some business in the City to help pay for it. There were questions about development of the greenway. Mr. Garofano explained the City's share of matching funds came from value of land donated to the City. Jack Giesch wondered how many dollars had been spent on the greenway. Mr. Garofano said costs which were not grant eligible probably totaled $35,000, but the City had acquired $1.5 million worth of land. Mr. Giesch thought the maintenance figure would continue to go up and would equal the value of the land in a few years. He wondered what percentage of the people would use the greenway. Mayor Crippin said 70 to 80 percent of the residents would have some enjoyment out of it over the period of their lives. Mayor Crippin mentioned the increased value of homes and amenities being planned in Bradford Place because of the greenway, and that the greenway would be the buffer between residential and business properties, and with better access, the City could offer better protection for the surrounding area. The Mayor clarified that the $155,000 budgeted for construction
August 2, 1982

and maintenance had nothing to do with the greenway; it would be used for three projects, $35,000 for another access road to the park, $50,000 for the improvement of the surface of Mission Road, and $70,000 for general street maintenance. Mayor Crippin said he understood referendum petitions had been filed, so the $155,000 would be stricken from the budget.

George Raupp wondered if an increase in utility taxes had been budgeted. Mayor Crippin said with increased utility expense, the City was breaking even or a little less.

A lady thought some of the street repair projects might come in under budget because of the economy. Mr. Giesch asked the amount of increase in the mill levy in recent years. Mayor Crippin said it was substantial because the City had been catching up. Mr. Garofano said without the three mills for construction and maintenance, the mill levy would be 26 mills or so, which would increase an individual homeowner's property tax by $20 to $30 per year. A man wondered if the number of employees would increase in 1983. Mayor Crippin assured him it would not.

Mr. Garofano pointed out there was a problem in that real property tax was providing 41 percent of the total revenue of the City.

Side 2

A lady wondered why the $35,000 spent on the greenway had not been used for maintenance of roads.

Mayor Crippin pointed out personnel which had been cut, including a code enforcement officer; he said he thought the people wanted the ordinances and felt they should be enforced. A gentleman wondered if enforcement of recreational vehicle and real estate sign ordinances was a good use of police time. Another gentleman related ordinance violations by a neighbor. Mr. Giesch commended the Mayor for the articles written last year regarding keeping the City clean; he said he would like to see the ordinance on trash bags enforced. Councilman Wise said the citizens would be given an opportunity to vote on what kind of services they wanted. In response to an inquiry about keeping the citizens informed, Mayor Crippin referred to the newsletter and the bulletin boards.

There being no further comments, the hearing was declared closed at 8:20 p.m.

[Signatures]

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 called to order by Mayor Kent E. Crippin at 8:28 p.m. on Monday, August 2, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas. Roll call was answered by Councilmen Rinehart, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

At the request of Mayor Crippin, Councilman Ink moved that the agenda be amended by striking the first reading of Charter Ordinance No. 15; seconded by Councilman Hess. Mayor Crippin stated city officials had made a good faith effort to correct the situation that had been objected to--proposed Charter Ordinance 15 established a lid on the construction and maintenance fund for 1983 and provided that after December 31, 1983, Charter Ordinance 14 would no longer be valid--due to the petitions being filed it now was a moot point. Motion carried unanimously. On motion by Councilman Rinehart, seconded by Councilman Hess, the agenda was approved as amended.

PRESENTATION OF TROPHY - MAYOR'S SOFTBALL TOURNAMENT

Mayor Crippin presented the Mayor's softball tournament trophy to the Public Works Department. Ron Sayre, Eugene Green and Bill Dedrick were present to receive it.

CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Wise, the Consent Agenda was approved, including minutes of July 19, 1982, report regarding occupation licenses, and Contractor's Estimate No. 15 on the Dykes Branch sanitary sewer renovation.

OLD BUSINESS

Ordinance No. 754 - Conveying Property to Board of County Commissioners (Second Reading): Councilman Ink moved that the ordinance be placed on second reading; seconded by Councilman Hess. Ordinance No. 754 was adopted unanimously by roll call vote.

Ordinance No. 755 - Relating to Adoption of JOHNSON COUNTY SANITARY CODE, SEPTEMBER, 1979 (Second Reading): Councilman Rinehart moved that the ordinance be placed on second reading;
August 2, 1982

seconded by Councilman Hess. Ordinance No. 755 was unanimously adopted by roll call vote.

NEW BUSINESS

Discussion of 1982 Street Maintenance Program: Mr. Bieszczat referred to his memorandum listing the streets proposed to be resurfaced with the $123,600 in the Special Highway Fund. He stated the list did not cover all the streets that needed resurfacing. During discussion, Mr. Bieszczat stated a new, less expensive process for repairing curb and gutter was being tried this year. Bids were anticipated on August 12. On motion by Councilman Rinehart, seconded by Councilman Ink, the 1982 street resurfacing program was unanimously approved. Mr. Bieszczat commented that the figures were estimated, and said the Somerset project came in $3,000 under the estimate so he anticipated that $3,000 would be added to the slurry seal program.

Ordinance Regulating Truck Traffic (First Reading): Mr. Garofano stated recently an overlay had been placed on 119th Street between Mission and Roe, although not to arterial street standards; that section of road was being used quite a bit by heavy construction equipment and trucks and the asphalt was being lost; the only way to hold onto the surface was to prohibit trucks exceeding four tons. He said Section 14-204(b) of the proposed ordinance should be amended by adding Roe Avenue as an excepted street. Councilman Ink moved that the ordinance be placed on first reading; seconded by Councilman Hess. Motion carried unanimously.

Application for Retail Liquor Occupation License - Mertz Liquor Store: Mr. Garofano recommended approval of the application of Mertz Liquor Store, 2519 Somerset, for a retail liquor occupation license. On motion by Councilman Ink, seconded by Councilman Lacy, the application was unanimously approved.

Schedule of Executive Session Regarding Sign Ordinance Litigation: On motion by Councilman Rinehart, duly seconded, an executive session not to exceed fifteen minutes to discuss sign ordinance litigation was scheduled following approval of the appropriation ordinance.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 448, in the amount of $206,264.33, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Ink, seconded by Councilman Wise.

Mr. Giesch suggested that the City investigate a participation plan in addition to present coverage whereby City employees might increase their health insurance.
August 2, 1982

Mr. Giesch added that he was appalled that Leawood had a councilwoman who was quoted in the paper as speaking out against the real estate sign ordinance because it conflicted with her occupational income. He asked the procedure for a recall and was referred to the City Clerk.

The Council went into executive session at 8:55 p.m. and returned to regular session at 9:10 p.m. The meeting was adjourned to Monday, August 16, 1982, 7:30 p.m.

Signatures:

Jane Little
Council Reporter

Attest:

Johnny Casper
City Clerk

3113
Minutes of an adjourned meeting of the City Council of the City of Leawood, Kansas.

An adjourned meeting of the City Council was held at 7:30 p.m. on Monday, August 16, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Rinehart, Hodes, Wise, Lacy, Ink, Hess. Councilman Jacob arrived immediately after the roll call.

Others present were City Administrator Garofano, Fire Chief Toman, Police Captain Sharp, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Ink, seconded by Councilman Hess, the agenda was amended by adding a discussion of capital improvements. At the request of Mayor Crippin, Councilman Hess moved that the agenda be amended to add a report on flood damage; seconded by Councilman Ink. Motion carried. On motion by Councilman Rinehart, seconded by Councilman Hess, the agenda was approved as amended.

CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Jacob, the Consent Agenda was approved, including minutes of budget hearing of August 2, 1982, minutes of Council meeting of August 2, 1982, departmental reports, and College and Roe Improvement--Engineer's and Contractor's estimates on lights and signalization, and Contractor's estimate on the roadway.

PLAN COMMISSION:

Resolution No. 595 - Approving Final Plat of Hunter's Ridge, Third Plat: Mr. Sanders stated the Plan Commission had recommended approval. The developer, Saul Ellis, was present. Resolution No. 595 was unanimously approved on motion by Councilman Hess, seconded by Councilman Lacy. A copy is attached hereto as part of the record.

OLD BUSINESS

Ordinance No. 756 - Regulating Truck Traffic (Second Reading): On motion by Councilman Ink, seconded by Councilman Hess, Ordinance No. 756 was unanimously adopted by roll call vote.

Approval of 1983 Budget: Mayor Crippin noted the construction and maintenance fund did not appear on the budget, consequently the 1983 mill levy would be 26.427, an increase of 2.077 mills over the 1982 budget. On motion by Councilman Ink, seconded by Councilman Rinehart, the 1983 budget was approved.
Consideration of Industrial Revenue Bonds - Limited Office District, 81st and State Line - Charles Stratford: Mr. Stratford reviewed that the City had approved his plans for four office buildings at 81st and State Line; he said the original intent was to sell the buildings, but high interest rate figures he was receiving would not make it a viable project. Therefore, he asked the Council to consider industrial revenue bonds for the project. He said at the present time the City received approximately $360 in taxes on the property; assuming that the buildings were built, the City would receive $26,000 in taxes, in addition to employment for potential residents of the City. Mr. Stratford said with the industrial revenue bonds, they would plan to lease the buildings. City Attorney Winn stated there was a problem in that the City did not have industrial revenue bond guidelines. The matter was discussed. The Council agreed that it should establish some guidelines as soon as possible and then Mr. Stratford could put together a proposal. Proposed guidelines will be discussed at the next work session.

Report on Flood Damage in the City - Including 86th and Cherokee Area: Mr. Bieszczat stated there had been major private property damage at several locations and considerable public damage ($5,000 material and $2,500 labor) from the flood on August 12. Several persons were present concerning the damage. Mr. Bieszczat circulated pictures showing some of it. In some areas, the flood damage was worse than in 1977. There was considerable sod damage to the sewer renovation project. Mr. Bieszczat said Public Works could repair the bridges, and explained the major part of the damage was not to the structures themselves but to the surrounding area within the public right-of-way and the street pavement. In discussing the bridge at 86th and Cherokee, Mr. Bieszczat said there were three choices (1) rebuild it to adequate size, (2) remove it, or (3) leave it alone. He said debris blocked the flow because of the center pier and caused the water to build up. Residents agreed that development of The Cloisters increased the problem at the bridge. There was discussion that the bridge was one of the priorities of the Capital Improvements Committee. For the time being, Public Works would put asphalt back on the street and backfill on the downstream side and it would be safe, disregarding storm drainage.

Robert Foster, resident adjacent to the bridge at 86th and Cherokee, said each year they suffered this type of damage; on their home alone it would be in the neighborhood of $20,000; several homes were affected. He said the eight or nine foot center pier was causing the problem. He suggested that the Council consider removing the bridge; only the homes on the west side would be affected, there was access to the area from three other ways. He thought removing the bridge would be beneficial from the standpoint
of traffic safety because it was used as a shortcut between Prairie Village and Ward Parkway. He asked that rebuilding of the bridge not be included in a $2 or $3 million package. Chief Toman said the emergency vehicle response time would not be appreciably different with the bridge removed. He said he had never been unable to get through at 86th and Overhill. Mr. Bieszczat said he thought removing the bridge was a viable solution until it could be replaced. Estimates to rebuild the structure ranged from $85,000 to $130,000.

Kirby Deeter said he felt if the choices were only to leave the bridge as is or to take it out, he would prefer to take it out, but he was not sure that was a wise decision on the City's part—to spend $10,000 to remove the bridge only to find out later it was needed. He was mostly concerned because that route was used a lot during school time; he was not familiar with the bus route. He could see two potential problems, increased traffic through The Cloisters and increased hazard in taking school children to Corinth. He suggested looking at a third alternative of putting a new bridge in there.

Mr. Foster said he believed removing the bridge would diminish traffic through The Cloisters; he did not think the inconvenience of the people taking children to school compared with his inconvenience in cleaning the crud out of his basement. At the suggestion of Mayor Crippin, Councilman Ink moved that the matter be referred to the Public Works Committee for review and report to the Council on September 7; seconded by Councilman Hess.

Joe Herring said there had been an increased flow down the creek in the last several years from increased development north, he wondered if the City of Leawood would be able to get Prairie Village to participate in storm drainage improvements. Mayor Crippin said property owners in another city could be assessed, but a city could not force another to make storm drainage improvements.

Councilman Hodes suggested a deflector on the pier to cause the debris to go on one side or the other. Dr. McHugh was concerned about a health hazard from stagnant water. Another man said not everyone was in favor of closing the bridge.

Sam Klein, 9621 Manor Road, said near him water was channeled from Overland Park, there were no storm sewers on that city's streets in the area. He said storm inlets on the northwest and northeast corners of 95th Street and Manor Road were covered by asphalt and overgrowth. He wondered if the process of cold planing might be used to prevent the build up of asphalt on the streets.

Motion carried unanimously. Mayor Crippin suggested that interested persons call City Hall for the date and time of the Public Works Committee meeting.

Discussion continued concerning the bridge at 86th and Cherokee. Councilman Wise objected to responding on a crisis basis on the
bridge, she thought the whole capital improvements issue should be addressed. Mr. Bieszczat said the asphalt had been replaced and there was no crisis as far as traversing the bridge was concerned, the bridge itself was structurally sound but the capacity was not adequate. City Attorney Winn suggested that if a public facility were causing a private problem, the Committee should meet on it. Following discussion concerning direction for the Committee, Councilman Jacob moved that the Council direct the Public Works Committee to study the advisability and feasibility of removing the bridge as opposed to replacing it; seconded by Councilman Ink. Motion carried. Councilman Rinehart stated the Public Works Committee would meet on August 18 at 7:00 a.m. at the bridge at 86th and Cherokee. Mayor Crippin requested that the persons who had appeared before the Council on the matter be advised of the meeting.

#332 Establishment of Annual Assessment - Leawood Sanitary Sewer System: Mr. Garofano stated staff was in the process of determining any long-term debt the City may have to incur for the financing of the renovation project; that would impact the sanitary sewer user charge in 1983. It was already known there would be an increase because of operating expense. Annual assessments have to be certified to the County by August 25. Mr. Garofano suggested a short regular Council meeting on August 23 to act on the sewer use charge, followed by a work session. Councilman Hess moved that the Council hold a short special session on August 23 to discuss and determine the annual assessment for the Leawood sanitary sewer system; seconded by Councilman Wise. Motion carried unanimously.

#344 Discussion Regarding Septic Tank Area in the Vicinity of 83rd and Lee Boulevard: Mr. Bieszczat referred to his memorandum and an engineering report requested by the Capital Improvements Committee concerning a septic tank area in the vicinity of 83rd and Lee Boulevard. He recommended that the Public Works Committee meet on the project and make recommendations to the Council. He explained part of the area was served by a lateral sewer district including inadequate and semi-adequate lines. The Committee should consider whether it would recommend that new sewer lines be built, how it would be financed, what the time frame might be, who would be assessed. Councilman Ink recommended that the matter be held because there were other engineering studies authorized as a result of the capital improvements report, then the whole picture could be studied. Mr. Bieszczat stated the main question concerned the funding; the engineer had recommended two or three possible funding alternatives, all involving benefit districts. The matter was deferred.

#409 Award of Bid for Renovation of Indian Creek Bridge - 109th Terrace and Old Mission Road: Mr. Bieszczat presented a tabulation of bids on Mission Road Bridge improvements. Ken Vaughn of Larkin & Associates explained that the engineer's
estimate was low because replacement of all of the stringer beams on the bridge ($5,594) and a new timber deck ($7,776) had been added after the estimate was made. He recommended that the stringer beams be replaced. Mr. Bieszczat said at present the bridge carried a great deal of traffic; the plan was that Mission Road would go southerly to College Boulevard which would eliminate the major traffic load on the bridge. Councilman Wise questioned whether or not the bridge should be improved; she said when Longwood Forest was platted the intent was that the road would be vacated. Mr. Bieszczat said his opinion was that the bridge should be brought back to its four-ton limit and should remain intact because it was an esthetic landmark and it connected the Leawood and Overland Park greenway systems and would be utilized as a foot traffic bridge for the greenway. Councilman Rinehart thought the original idea of bringing it up to standard would be proper, but she objected to all the stringers being replaced and a new timber deck. Mr. Vaughn stated the timber deck could be left out, but he recommended replacing the stringer beams. Councilman Hodes recalled another bridge on which Larkin & Associates had underestimated the cost. Mayor Crippin thought the bridge should remain open as long as the road was open and being used as much as it was at present. Councilman Lacy moved that the Council accept the low bid of Taylor Construction Company, Inc. in an amount not to exceed $17,500.00, and recommend that Mr. Bieszczat research ways to cut the cost that were reasonable within engineering terms to make the bridge safe and viable, contingent upon Overland Park's acceptance; seconded by Councilman Rinehart. Motion carried, Councilman Ink voting nay.

Award of Bid for 1982 Street Resurfacing Program: A bid tabulation had been distributed. Mr. Bieszczat noted that Musselman & Hall Contractors, Inc. and Ballou Construction Co. of Salina jointly bid $0.764 per square yard for slurry seal and $0.97 per square yard for Ralumac. He explained Ralumac had the advantages of setting up in about an hour and had vast leveling abilities; Ballou Construction Company had one of three machines in the Country to put the product down; he would like to use the product on a few heavily traveled streets that needed leveling. Total budget was $121,000. Mr. Bieszczat said there were only three bidders because only a limited number used slurry seal. Councilman Ink moved for acceptance of the bid of Musselman & Hall Contractors, Inc. and Ballou Construction Company in an amount not to exceed $95,000; seconded by Councilman Lacy. Motion carried unanimously.

Discussion Concerning Capital Improvements: Councilman Ink stated he believed the Council needed to have an extensive work session to discuss and form a consensus opinion on the capital improvements program—the projects and the funding. Mayor Crippin said there would be three meetings, one with a facilitator, one with the Budget and Finance Committee, and one with the Capital Improvements Committee. The purpose
of the facilitator meeting was discussed. Mr. Garofano said he thought the Council should establish some goals. Mayor Crippin emphasized that the seven mill/eight year issue should be discussed as well as the overall philosophy of obtaining more revenue. Councilman Wise suggested that each councilman prepare a list of what should be incorporated in the agenda. The Council agreed that the facilitator would serve as a disinterested third-party moderator, and agreed to go ahead with the meeting on August 30th.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 449, in the amount of $362,301.87, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Hodes, duly seconded.

At 10:10 p.m., the meeting was adjourned to Monday, August 23, 1982, 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, August 23, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas. Roll call was answered by Councilmen Jacob, Hodes, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Lacy, seconded by Councilman Wise, the agenda was approved as written.

NEW BUSINESS

Establishment of Sanitary Sewer Use Charge for 1983: Mr. Garofano referred to his memorandum and said the sewer use charge needed to be certified to the County by August 25. EPA had indicated the City would not be required to initiate the sewer use charge based upon water consumption until 1984, so 1983 would be the last year for a flat rate per connection. The present fee was $65.00 per connection; over the last few years the user charge alone had not been sufficient to cover operating expenses--interest on money invested had been used also. It would take $86.78 for the operating expense portion. The City's share of the renovation project would be $1,121,450 of which approximately $190,000 needed to be financed. Mr. Garofano presented two options, Option No. 1 was to levy a one-time annual charge of $34.80 per connection to eliminate the need for long-term financing; adding the $86.78 and the $34.80 would make a total charge per connection in 1983 of $121.58. Option No. 2 was to sell bonds which would result in debt service of $5.99 per year for ten years to add to the operating cost for a total assessment of $92.77. Using the EPA formula would have resulted in a charge of $95.22 in 1983, assuming an average usage. EPA required that in 1984 the user charge be based upon water consumption, required that a reserve of 12 per cent of operating costs be built up over two years and maintained at that level, and required that capital financing costs be kept separated from operating costs.

Councilman Ink moved that the Council approve Option No. 1 and make a one-time charge; seconded by Councilman Hess. Mayor Crippin questioned the charge of $22,250 for additional engineering. Mr. Bieszczat explained the fee was established in 1979, since that time it had been determined that hourly rates had exceeded the amount by $22,250. The matter was discussed. City Attorney Winn recalled that the City paid some engineering fees earlier out of pocket because several
false starts were made. Councilman Ink moved to amend his motion to exclude the additional engineering fees of $22,250; seconded by Councilman Hess. During discussion, Mr. Bieszczat said it should be understood that the $121.58 was an estimated figure. Mr. Garofano said the City's share of the project would not be known until EPA audited the books. Mr. Bieszczat said a top dollar assessment amount would have to be reported by Wednesday.

Replacement of sod damaged by the flood was discussed. Mr. Bieszczat said $20,000 worth of sod was lost. Mr. Garofano stated the contract read that the contractor was responsible for the sod for 20 days after it was laid. Mr. Bieszczat suggested a change in the grant could be requested, and the City Clerk was looking into insurance covering it. City Attorney Winn recommended that the City apply for a modified grant and budget its portion (25%). Mr. Garofano thought the user charge should build in some sort of contingency because the exact amount of the contract was not known and the question of sod replacement. Mayor Crippin thought there was some investigation to do on the sod, some people had said the sod was being laid on areas with a lot of rock.

The amendment carried and the motion as amended carried unanimously (Councilman Ink was out of the room).

One gentleman in the audience asked when Lee Boulevard would be repaired at approximately 86th Street. Another gentleman complained about a large ditch dug by Southwestern Bell in his yard and left open for three or four weeks. Mayor Crippin agreed to write a letter but did not guarantee that the telephone company would take care of it immediately.

At 8:15 p.m., the meeting was adjourned to Tuesday, September 7, 1982, 7:30 p.m., and the Council entered into a work session.

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 called to order by Mayor Kent E. Crippin at 7:37 p.m. on Tuesday, September 7, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas. Roll call was answered by Councilmen Jacob, Rinehart, Hodes, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Hess, seconded by Councilman Lacy, the agenda was approved as written.

PRESENTATION OF RESOLUTION OF COMMENDATION

Resolution No. 596, commending Howard Kipfer for his contributions to the successful completion of the major renovation of the Dykes Branch and James Branch systems of the Leawood Sewer System, was unanimously adopted on motion by Councilman Rinehart, seconded by Councilman Hess. Mayor Crippin presented the resolution and a Certificate of Recognition to Mr. Kipfer.

CONSENT AGENDA

On motion by Councilman Lacy, seconded by Councilman Hess, the Consent Agenda was approved, including minutes of Council meetings of August 16 and August 23, 1982, and Contractor's Estimate No. 16 on the Dykes Branch Sewer Renovation Project.

PUBLIC WORKS REPORT

86th Street Bridge: Councilman Rinehart read from the report of the Public Works Committee which the Council had seen at a work session, recommending (1) that the City actively pursue the establishment of a countywide storm drainage district, (2) that the 86th Street bridge not be demolished and removed, (3) that construction of a deflector not be pursued, and (4) that replacement of the 86th Street bridge be undertaken on an immediate funding basis as opposed to awaiting inclusion in a capital improvements program package. The Committee found that funding for the bridge replacement could be accomplished through the issuance of general obligation bonds; bank stabilization improvement would be financed on a benefit district basis in accordance with the creek bank stabilization policy. The Committee recommended that the impact of the improvement on a downstream structure at Lee Boulevard be investigated, and, if necessary, that it be replaced in
conjunction with the 86th Street bridge. The estimated cost of replacement of the 86th Street bridge was in the area of $135,000. Councilman Rinehart moved that the City of Leawood actively pursue the establishment of a countywide storm drainage district; seconded by Councilman Ink. Mr. Sanders reported there had been a great deal of interest in such an approach related to undeveloped land. Councilman Rinehart suggested that it be pursued through the Council of Mayors. Motion carried unanimously.

The recommendation that replacement of the 86th Street bridge be undertaken on an immediate funding basis was discussed. There was discussion that doing some of the projects on a piecemeal basis might erode support for the capital improvements program. A motion to remove the bridge, close the street area, and leave the funding of the new bridge in the capital improvements program died for lack of a second. Mayor Crippin stated residents in the area wanted some assurance that a new bridge would be built; he said the problem had worsened in recent years because of what had happened upstream. Councilman Hodes said he would not be in favor of putting in a new bridge or removing the bridge until a report had been obtained from an engineer or architect indicating what would happen at the Lee Boulevard bridge. Mr. Fent, 8707 High Drive, said he would like to know what would happen at 87th and Lee Boulevard. Mr. Bieszczat said the Lee Boulevard bridge was undersized but the water could overflow Lee Boulevard without causing property damage to homes. He did not believe replacing the bridge at 86th and Cherokee would increase the flow at Lee Boulevard but would deliver it there more quickly. Councilman Ink moved that an engineering study be authorized to determine the impact of replacing the 86th and Cherokee bridge; seconded by Councilman Hodes. Mayor Crippin said the study would consist of the engineer walking the property and reviewing the previous storm drainage plan prepared for the City. Motion carried, Councilmen Rinehart and Hess opposed. Mayor Crippin requested that Mr. Bieszczat get together with Shafer, Kline & Warren and report at the second meeting in October.

Resolution No. 597

Councilman Jacob moved that the Council adopt a resolution setting forth its commitment, if the City was not able to begin work on replacement of the 86th Street bridge by spring as a part of the capital improvements program, to pull that project out and seek independent funding in order to expedite it; seconded by Councilman Hess. During discussion, Mayor Crippin explained the City could schedule capital improvements over a period of years and each year sell bonds to finance that particular program, rather than going out for everything all at once, and that would not require voter approval. There was discussion that a suitable benefit district should be formed by the City or the property owners for improvements to the creek bank at the time the bridge was replaced. Resolution No. 597 was adopted, Councilman Hodes voting nay.
MAYOR'S REPORT

Selection of Councilman, Ward 2: Mayor Crippin reported the eleven persons who had applied for the Ward 2 Council position had been interviewed; the person selected would probably be sworn in at the next Council meeting.

Lawsuits Against the City: Mayor Crippin distributed news articles regarding lawsuits. He stated only a limited number of lawsuits were pending against the City.

OLD BUSINESS

Resolution No. 598 - Establishing a Policy for Considering and Issuing Industrial Revenue Bonds: Mr. Garofano reviewed some minor changes which had been made to the proposed industrial revenue bond policy discussed at the work session. Councilman Hess moved for approval of the resolution establishing a policy for considering and issuing industrial revenue bonds; duly seconded. Resolution No. 598 was unanimously adopted. A copy is attached hereto as part of the record.

NEW BUSINESS

Schedule of Work Session - September 13: Mayor Crippin said he hoped at a work session on September 13 there could be further review by the staff on financial concerns coming before the City, as well as capital improvements. Councilman Rinehart suggested that the meeting begin at 7:00 p.m. and end at 10:00 p.m.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 450, in the amount of $234,442.07, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Hess. Councilman Hodes suggested the next time a staff member was at the county offices that a spot check be made of the properties to see whether the City had been paid for mowing of weeds and grass.

Report on Sod Loss: Mr. Bieszczat reported EPA did not feel it could fund the sod loss; the City's insurance would not cover it as a whole but would cover liability; the contract freed the contractor from responsibility. The City's responsibility for sod replacement will be discussed at the next work session. City Attorney Winn reviewed progress on a claim for flood damage. Letters from property owners along the creeks were discussed. Mr. Fent, 8707 High Drive, said he had a four-foot rock-and-concrete wall between his driveway and the creek, he was considering building the wall eighteen inches higher because he had about forty-eight inches of water in his house during the last flood. Mayor Crippin said the City could do the storm drainage improvements.
September 7, 1982

necessary and finance ten percent of it if the people would unite and request a benefit district. He said the amount Mr. Fent was contemplating to spend on the wall might finance his portion of the total storm drainage improvements. Drainage along Lee Boulevard was discussed.

At 9:00 p.m., the meeting was adjourned to Monday, September 20, 1982, 7:30 p.m.

[Signature]
Mayor

[Signature]
Council Reporter

[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 called to order by Mayor Kent E. Crippin at 7:40 p.m. on Monday, September 20, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas. Roll call was answered by Councilmen Jacob, Rinehart, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hess, the agenda was approved as written.

APPOINTMENT OF COUNCILMAN, WARD 2

Mayor Crippin reported that the nominating committee composed of the Mayor and Councilmen Hodes and Jacob were recommending to the Council the appointment of Don Brain to fill the unexpired term of Mrs. Funk. On motion by Councilman Rinehart, seconded by Councilman Hess, the appointment of Don Brain was unanimously approved. The City Clerk administered the Oath of Office to Mr. Brain as Councilman, Ward 2, and he took his place at the Council table.

CONSENT AGENDA

Mayor Crippin requested that the contractors' estimates and engineer's estimate on College and Roe intersection improvement be placed on the agenda under New Business. On motion by Councilman Lacy, seconded by Councilman Hess, the Consent Agenda was approved as amended, including minutes of September 7, 1982, and departmental reports.

CITY ADMINISTRATOR'S REPORT

Report on Greenway: Mr. Garofano reported the State had approved all of the acquisition documents and the City's request for the first part of the grant, $196,000, which he anticipated would be received within three or four weeks; the next step would be approval of the plans, then authorization to go out for bids.

MAYOR'S REPORT

Appointments to Leawood Arts Council: Mayor Crippin proposed the appointment of Mary Ann Unruh and Arch Unruh to the Leawood Arts Council. On motion by Councilman Jacob, seconded by Councilman Hess, the appointments were unanimously approved.
September 20, 1982

OLD BUSINESS

#657 Flood Damage to Sod: Mr. Bieszczat referred to the memoranda presented and reviewed that the damage was due to an Act of God; it was up to the Council as to how the item should be treated. He said if City crews were to replace the sod, it would place an extra burden upon them. Councilman Lacy said he was disappointed by the response of the insurance companies. Mr. Bieszczat stated the contractor had taken responsibility for a great deal more than he really had to. Seeding the areas was discussed. Councilman Ink moved that the Council accept the recommendation to replace the dirt and seed the areas disturbed as outlined in Mr. Bieszczat's memorandum; seconded by Councilman Lacy. Councilman Hess was concerned that doing the seeding might get the City in trouble if the seeding did not work. City Attorney Winn suggested that City representatives carry a consent to go back onto the property and a release; the Council agreed to give staff flexibility to handle the matter of the consent and release. Motion carried unanimously.

NEW BUSINESS

#739 College and Roe Intersection Improvement - Engineer's Estimate for Staking, Lights, and Signals: Mayor Crippin relayed a recommendation by Councilman Hodes (who was absent) that a retainage or the invoice be held because the signal and lights were not installed. Mr. Bieszczat said the contract did not provide for a retainage; the fact that the signal heads were not in was no fault of the engineer. Councilman Ink moved that the invoice be approved; seconded by Councilman Rinehart. Motion carried unanimously.

#751 College and Roe Intersection Improvement - Contractors' Estimates for Roadway and Street Lights and Signals: Mayor Crippin relayed the objection of Councilman Hodes that the City would have paid $87,000 out of a $111,000 total bid to Delana Construction Co., yet none of the lights were hooked up and traffic signals were not installed. Mr. Bieszczat said the contractor had performed the work billed. Councilman Ink moved for approval of the Contractors' estimates; seconded by Councilman Lacy. Motion carried unanimously.

Councilman Rinehart commented that it seemed a dangerous precedent to conduct business in absentia.

#765 Ordinance No. 757 - Relating to Speed Limits (First Reading): Chief Cox explained the current ordinance specified that the speed limit for school zones was in effect from 8:00 to 9:00 a.m., 11:00 a.m. to 1:00 p.m., and 3:00 to 4:00 p.m. The Shawnee Mission District school hours had been changed so that elementary schools began at 8:15 a.m.; therefore, the hours for the reduced speed needed to be changed. Chief Cox proposed a provision that the speed limit be twenty miles per hour during those hours when children were going to and from school, and that the Chief of Police have the authority to determine what those times were. He said a correction
should be made in the fifth line on page 3 of the proposed ordinance to change "Mission Road" to "Roe Avenue". Councilman Ink moved that the ordinance be adopted on an emergency basis; seconded by Councilman Hess. Ordinance No. 757 was unanimously adopted by roll call vote.

Agreement with Services for Seniors: Mr. Garofano had submitted a memorandum recommending that Leawood enter into an agreement with Services for Seniors to provide $500 for home maintenance and repair services to elderly citizens who meet certain income guidelines. Councilman Rinehart pointed out that administrative costs were about one-fifth of the allocation. The matter was continued to the next meeting so that the figures might be checked.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 451, in the amount of $275,243.22, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Rinehart, duly seconded.

Sign Ordinance Litigation: There was discussion that an executive session was planned following the next Council meeting for an update on sign ordinance litigation. Councilman Ink said he felt uncomfortable with the City Attorney discussing the ramifications and procedure in the case with Councilman Wise present since she was involved on both sides of the case.

Planning Seminar: Mr. Sanders had distributed information concerning a planning and zoning seminar for plan commissions and councils sponsored by four cities and the County.

At 8:20 p.m., the meeting was adjourned to Monday, October 4, 1982, 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, October 4, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Brain, Jacob, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszzctat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

Councilman Rinehart requested that a report by Councilman Jacob be added to the agenda. Councilman Hodes suggested that a discussion concerning prohibition of sale of unsealed drugs be added. On motion by Councilman Ink, seconded by Councilman Hess, the agenda was approved as amended.

Mayor Crippin recognized Webelos from Cub Scout Pack 3197.

CONSENT AGENDA

Councilman Hodes noted that the minutes of the last meeting reflected a statement that it seemed a dangerous precedent to conduct business in absentia. The matter was discussed. It was agreed that absent members might submit comments to Mr. Garofano who would make copies for Council members. On motion by Councilman Ink, seconded by Councilman Rinehart, the Consent Agenda was approved, including minutes of September 20, 1982, Contractor's Estimate No. 17 on the Dykes Branch Sewer Renovation Project, and first reading of ordinance vacating a portion of 115th Street for Leawood Greenway and Parks.

Report by Councilman Jacob - Recognition of Mayor Crippin's Election as President of the Kansas League of Municipalities: Councilman Jacob stated Mayor Crippin's election as president of the Kansas League of Municipalities and his serving on the Small Cities Advisory Committee of the National League had brought statewide and national recognition to the City of Leawood. He said as a result of Mayor Crippin's work locally, residents were proud of the City, as evidenced by the fact that there were so many applicants for the recent council vacancy.

CITY ADMINISTRATOR'S REPORT

Codification of City Ordinances: Mr. Garofano reported the preliminary draft of a portion of the codification of
October 4, 1982

City ordinances would be received by November 11; copies will be given to councilmen.

MAYOR'S REPORT

Comments by Curtis Chavers: Mr. Chavers said he came to the meeting to thank Mr. Bieszczat and Mr. Gray for furnishing expertise and some rocks for self-help improvement along the ditch on his property. He said while the recent flood was worse than the one several years ago, he had no damage to his home. He believed part of the flood problems could be cured if the self-help program were advertised and pursued. He said residents threw everything into the ditch and he had observed personnel of another city throwing debris in it. Mayor Crippin commented it had been proposed that City crews take out debris during the winter while the ground was frozen, but property owners approached did not want to give clearance for the crews to cross their property.

OLD BUSINESS

#942 Agreement with Services for Seniors: Mayor Crippin reviewed that this matter had been deferred pending investigation of the percentage for administrative costs. Mr. Garofano had written a memorandum setting out the list of items included in administrative expenses as provided by the Project Director. On motion by Councilman Ink, seconded by Councilman Lacy, the agreement with Services for Seniors was unanimously approved. Mayor Crippin asked Mr. Garofano to indicate to Services for Seniors that the City still questioned the twenty percent administrative fee and hoped it might be reduced next year.

#953 Report Regarding the 86th Street Bridge: Mr. Bieszczat had handed councilmen copies of a report concerning the downstream effect of the proposed construction of a bridge at 86th Street and Cherokee Lane. The report concluded that properties downstream from the proposed project would not be adversely affected by the improvement; the report added, however, that extreme care must be exercised on the channel in the future.

NEW BUSINESS

Application for Cereal Malt Beverage License - Coco's, 8800 State Line: Mr. Garofano reported those involved in the application had been checked by the Police Department; the application appeared to be in order. On motion by Councilman Hodes, duly seconded, the application of Coco's, 8800 State Line, for cereal malt beverage license was approved.

#970 Discussion Concerning Prohibition of Sale of Unsealed Drugs: Councilman Hodes wondered if there was any interest in enacting a local ordinance prohibiting the sale of unsealed
October 4, 1982

non-prescription drugs. The matter was discussed. Mayor Crippin asked Mr. Garofano to investigate the matter for the next meeting.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 452, in the amount of $115,562.42, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Hodes, duly seconded. Councilman Hodes requested that the matter of the Jefferson Insurance Company of New York deductible on a liability claim be discussed in executive session. Councilman Ink commented that overtime wages in the Police Department and the Street Department were over budget.

Schedule of Executive Session: Councilman Wise said she noticed in her absence there had been discussion of concern about her involvement in the matter of the sign ordinance litigation. She was concerned about a quote of the City Attorney in the newspaper that her involvement was an obvious conflict of interest. City Attorney Winn said from her involvement as he had seen it, there were certain things he would not discuss in an executive session with Councilman Wise present (strategy, research, etc.). Councilman Wise said she felt statements that had been made put her in a position of admitting guilt if she left the executive session. She said she had spoken with an attorney for the Kansas Public Disclosure Committee concerning a legal conflict of interest; his opinion in her case was that there was no conflict of interest. City Attorney Winn said since she was not a party to the lawsuit, there was no "conflict of interest", but he wondered if her contribution to the litigation fund of the other side might be construed as conflict of interest. Councilman Wise said she would like to be present for part of the executive session.

Councilman Hess moved that the Council go into executive session for no longer than one hour to discuss the Jefferson Insurance Company of New York deductible liability claim and litigation regarding the real estate sign ordinance; seconded by Councilman Ink. Motion carried unanimously.

The Council went into executive session at 8:25 p.m. At 9:25 p.m., the Council returned to regular session and the meeting was adjourned to Monday, October 18, 1982, 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, October 18, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Jacob, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

Others present were Fire Chief Toman, Police Captain Sharp, City Attorney Winn, Tom Bieszczat, Julie Baer, Martha Heizer, and June Lile. Bob Sanders arrived at 7:40 p.m.

APPROVAL OF AGENDA

On motion by Councilman Ink, seconded by Councilman Rinehart, the agenda was approved as written.

CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Hess, the Consent Agenda was approved, including minutes of October 4, 1982, departmental reports, and engineer's estimates on Dykes Branch, Step 3, and James Branch, Step 4, of the sewer renovation project.

Since Mr. Sanders had not arrived, Plan Commission items were deferred on the agenda.

MAYOR'S REPORT

Mayor Crippin reported: (1) The City had received a check in the amount of $196,000 for the greenway, a ground breaking ceremony would be held in the next few weeks; (2) the traffic signals at College Boulevard and Roe Avenue were operating; (3) the Indian Creek bridge would be closed for thirty days beginning October 19; and (4) the second performance of the Leawood Arts Council's Touring Arts Program would be held on Sunday, October 24, at 3:00 p.m., at the Leawood Baptist Church.

Report on 1982 Street Program: Mr. Bieszczat reported the entire slurry seal program would be completed shortly; he was pleased with the results and the dollar value received.

OLD BUSINESS

Ordinance Vacating a Portion of 115th Street for Leawood Greenway and Parks (Second Reading): At the suggestion of Mr. Bieszczat, second reading of the ordinance was continued until the area concerned was officially platted and recorded.

College and Roe Intersection Improvements - Final Engineer's Estimates for Roadway Design and Staking and Inspection of
Street Lights, and Final Contractor's Estimate for Roadway Construction: Mr. Bieszczat referred to his letter to Overland Park officials indicating the cost of the entire project had increased $34,500 primarily due to overrun in asphalt. He said the project had been accepted as of October 7. There was discussion that the bid was on a unit price for asphalt. Councilman Hodes questioned whether any additional engineering fees were incurred because of having to use more asphalt, but the engineers received an additional amount. Mr. Bieszczat said the contract provided that the engineers receive a percentage based on the final contract price; he had reviewed all the additional costs and it was his opinion that the contractor and the engineer were entitled to receive the amounts indicated. Councilman Hodes said he would like the City to review the contract and in the future tie engineering costs to a given dollar figure. On motion by Councilman Ink, duly seconded, the final engineer's estimates for roadway design and street light staking and inspection, and contractor's estimate for roadway construction was approved, Councilman Hodes opposed. Councilman Ink explained he did not think payment should be withheld, perhaps future contracts could be drawn differently.

College and Roe Intersection Improvement - Contractor's Estimate - Street Lights and Traffic Signals: Mr. Bieszczat said the amount for street lights and traffic signals was an interim payment. On motion by Councilman Rinehart, seconded by Councilman Ink, Contractor's estimate for street lights and traffic signals was approved.

Resolution No. 599 - Approving Hunter's Ridge, Fourth Plat: Mr. Sanders explained the plat consisted of 22 single family lots. Recommended conditions of approval included that Pembroke Lane be constructed before issuance of building permits on this plat and that no building permits be issued until sanitary sewers were complete and approved. Phil Kline stated the sewer plans were complete and had been submitted for review; he said they had to prepare legal descriptions and submit to Mr. Ellis so that the new plat would conform to the new sewer district. On motion by Councilman Wise, seconded by Councilman Hess, Resolution No. 599, approving Hunter's Ridge, Fourth Plat, was adopted unanimously. A copy is attached hereto as part of the record.

Resolution No. 600 - Approving Leawood Greenway and Parks Plat: Mr. Sanders said the resolution involved the actual platting of the land encompassing the greenway and included the existing city park and a small park included in the Longwood Forest subdivision. He said a small part of the land was in Overland Park and that city had also been asked to approve the plat. On motion by Councilman Wise, seconded by Councilman Rinehart, Resolution No. 600,
approving the Leawood Greenway and Parks plat was adopted unanimously. A copy is attached hereto as part of the record.

#225 Resolution No. 601 - Extending Temporary Notes (Dykes Branch, Sanitary Sewer Renovation Project): A memorandum from Mr. Garofano indicated that because of cash flow temporary notes in the amount of $300,000 needed to be renewed on the sewer renovation project. On motion by Councilman Wise, duly seconded, Resolution No. 601, extending temporary notes, was unanimously adopted. A copy is attached hereto as part of the record.

#232 Approval of Agreement with Overland Park for Operation and Maintenance of Traffic Signals - College and Roe Intersection: Following discussion, Councilman Hodes moved that the agreement with Overland Park for operation and maintenance of traffic signals at the intersection of College Boulevard and Roe Avenue be approved; seconded by Councilman Hess. Motion carried unanimously.

#263 Approval of Agreement with Overland Park for Operation and Maintenance of Street Lighting - College and Roe Intersection: On motion by Councilman Rinehart, duly seconded, the agreement with Overland Park for operation and maintenance of street lighting at the intersection of College Boulevard and Roe Avenue was approved unanimously.

#265 Appropriation Ordinance No. 453, in the amount of $453,793.81, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Ink, seconded by Councilman Hess. Mr. Bieszczat was asked to check the amount of a warrant to Shafer, Kline & Warren for preliminary plan and report on 83rd and Lee sewer.

#330 There was discussion that the traffic signal at 95th and Mission Road would be updated without adding any pavement and would be placed so that it would not have to be moved when final construction takes place.

#335 City Attorney Winn stated action on issuing bonds on the College and Roe intersection and 119th Street improvements should be taken at the next two meetings to take advantage of a good bond market and because laws on issuance of bonds would change as of the first of the year.

At 8:15 p.m., the meeting was adjourned to Monday, November 1, 1982, 7:30 p.m.  

[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, November 1, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Brain, Jacob, Rinehart, Hodes, Wise, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, Attorney Jim Orr, Tom Bieszczat, Bob Sanders, Julie Baer, Martha Heizer, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, seconded by Councilman Wise, the agenda was approved as written.

CONSENT AGENDA

On motion by Councilman Wise, seconded by Councilman Rinehart, the Consent Agenda was approved, consisting of the minutes of October 18, 1982.

RECREATION COMMISSION:

Status Report and Request for Tree Planting: Julie Baer referred to the report submitted and said the good recreational season was due in large part to the hard work of Recreation Commission members who were in the audience. There was a balance in the account of over $11,000. Miss Baer requested approval of the bid of Inside Out Services in an amount not to exceed $5,000 for the purchase of Scotch pines to be planted along the right-of-way at the City Park. The concessions arrangement was discussed. Councilman Rinehart commented that it was helpful to have someone at City Hall all the time to oversee the operation. There was discussion that sandblasting the pool had been deferred on advice of the firm that designed the pool, and that the policy on pool furniture was being discussed by the Recreation Commission. Miss Baer said it was anticipated that the proposed part-time Recreation Director would be full-time program manager in the summer and part-time throughout the fall and winter, working with scheduling of fields and other programming to increase revenue. Councilman Rinehart moved that the Council accept the bid of Inside Out Services for Scotch pines in an amount not to exceed $5,000, contingent upon State approval (because the planting would be on highway right-of-way); duly seconded. Motion carried unanimously.

MAYOR'S REPORT

Mayor Crippin stated the ground-breaking for the greenway would be held on November 14.
OLD BUSINESS

Final Payment to Lamm Construction Co. - Dykes Branch Sanitary Sewer Renovation: Mr. Garofano referred to Letter of Acceptance of the project and final billing from the contractor. There was discussion that citizen complaints had been minimal. Councilman Ink moved for approval of final payment to Lamm Construction Co. in the amount of $28,304.88; seconded by Councilman Wise. Motion carried unanimously. Mr. Bieszczat stated the seeding was about sixty percent complete on property whose owners signed the consent form.

NEW BUSINESS

Resolution No. 602 - Authorizing Issuance of General Obligation Bonds: Mr. Garofano summarized information concerning issuance of bonds in the amount of $349,500 for the College and Roe intersection plus improvements to 119th Street from Mission to Roe. Changes made in the documentation had been highlighted on copies handed to councilmen. Mr. Garofano reviewed the proposal for purchase of bonds to be dated December 15, 1982, the official statement of the City, and the resolution authorizing the sale of general obligation bonds. Councilman Hess moved for approval of the resolution authorizing the sale of general obligation bonds in the amount of $349,500 to pay the costs of improvements of 119th Street between Mission and Roe and improvements at the intersection of College and Roe; seconded by Councilman Brain. Motion carried unanimously. A copy of Resolution No. 602 is attached hereto as part of the record.

Resolution No. 603 - Pertaining to the Opening of Bids for Sale of General Obligation Bonds: Mr. Garofano said the notice of bond sale was included in a separate resolution. Following discussion, the bid opening was changed to Monday, December 6, at 7:30 p.m. Councilman Ink moved that the resolution pertaining to opening of bids be approved with the date and time changed to Monday, December 6, 1982, at 7:30 p.m.; seconded by Councilman Hess. Motion carried unanimously. A copy of Resolution No. 603 is attached hereto as part of the record.

Contract for Supplemental Engineering for James Branch Sanitary Sewer Renovation: Mr. Bieszczat stated it was necessary to revise the James Branch portion of the sanitary sewer renovation project to connect to Kansas City's Indian Creek Interceptor, requiring additional engineering. He recommended that the Mayor be authorized to execute a contract for engineering services in an amount not to exceed $6,500 (Leawood's share would be twenty-five percent). Construction cost to the City of Leawood would be twenty-five percent of an estimated $1,250. Mr. Bieszczat said there was adequate elevation differential to make the connection. Councilman Wise moved that the Council authorize a contract for supplemental engineering fees for James Branch sanitary sewer renovation in an amount not to exceed $6,500; seconded by Councilman Jacob. Motion carried, Councilman Ink opposed.
Discussion Concerning Intersection of State Line and Highway 150: Councilman Hess stated she had asked that this matter be placed on the agenda because a lot of people asked when something was going to be done about the intersection. Mr. Bieszczat said he had contacted Kansas City, Missouri, Johnson County, Missouri Highway Department, Kansas Department of Transportation, and Herb Johnson. George Satterlee had stated the intersection did not have the warrant for a traffic signal at this time. There was discussion that if a local government signalized the intersection without the warrant, that agency would be liable for any accident. The Council agreed that Mr. Bieszczat should continue to investigate the matter and report as soon as possible. Mayor Crippin suggested that a petition by the residents on both sides of the state line may be necessary to get the states to act. Mr. Bieszczat said traffic counts should be obtained. Letters will be written to the governmental units involved.

Applications for Cereal Malt Beverage License - Ranch Mart Bar-B-Q and Pumpernik's: On motion by Councilman Wise, duly seconded, the applications of Ranch Mart Bar-B-Q and Pumpernik's for cereal malt beverage licenses were unanimously approved.

Application for Retail Liquor Occupation License - Ranch Mart Liquor Store: On motion by Councilman Ink, duly seconded, the application of Ranch Mart Liquor Store for retail liquor occupation license was unanimously approved.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 454, in the amount of $215,426.23, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Wise, seconded by Councilman Rinehart.

Mayor Crippin announced a work session on Monday, November 8, 1982, at 7:30 p.m.

At 8:38 p.m., the meeting was adjourned to Monday, November 15, 1982, 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, November 15, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Brain, Jacob, Rinehart, Hodes, Wise, Lacy, Ink, Hess.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

APPROVAL OF AGENDA

On motion by Councilman Rinehart, duly seconded, the agenda was approved as written.

CONSENT AGENDA

On motion by Councilmen Rinehart, seconded by Councilman Lacy, the Consent Agenda was approved, including minutes of November 1, 1982, departmental reports, first reading of ordinance relating to acceptance of easement for storm drainage purposes (from Capital Funds, Inc.), first reading of ordinance relating to acceptance of deed for street purposes (from Capital Funds, Inc.), first reading of ordinance conveying easement for sewer purposes (to Kansas City, Missouri), and contractor's estimate on College and Roe intersection improvement (traffic signal).

CITY ADMINISTRATOR'S REPORT

Mr. Garofano reported the City had been informed by Overland Park that a work order had been issued for interim traffic signal improvements at 95th and Mission Road to provide left turn signals on the north and south legs of the intersection and pedestrian actuated signals; Leawood's share of the project was to be $8,000.

MAYOR'S REPORT

Work Session: Mayor Crippin reminded councilmen of the work session on personnel matters to be held on Monday, November 22, at 7:30 p.m.

Arts Council Program: Mayor Crippin announced the Arts Council would present the Susan Warden Dancers on December 5 at the Leawood Middle School.

OLD BUSINESS

Ordinance No. 758 - Vacating Portion of 115th Street for Leawood Greenway and Parks (Second Reading): Mr. Bieszczat
reported the County would prefer that the City vacate the property before the plat was recorded. Councilman Rinehart moved that the ordinance be adopted; duly seconded. Ordinance No. 758, vacating a portion of 115th Street for Leawood Greenway and Parks, was unanimously adopted by roll call vote.

NEW BUSINESS

Discussion Regarding Sanitary Sewer Assessments in Southern Leawood: Mr. Garofano reported the City had received many requests for information from residents in the southern part of the City regarding a number of new assessments and increased old assessments of the Johnson County Wastewater District. Mr. Bieszczat had researched the matter and submitted a memorandum. He emphasized that the City had no control over the assessments levied by the Johnson County Sewer District. He said the main reason for the excessive assessments was that the sewer district in the beginning chose not to tax the district as a whole, only the sub-districts, for their improvements; in the past, development had occurred so rapidly that no one had worried about the assessments. He explained some of the terminology used on the sewer bills. In one instance, treatment had not been charged for in the past but was added this year. In one district, a combined assessed valuation and land valuation was used. Assessment for Tomahawk Sewer No. 1 was for trunk main construction which on one property was $250 and would probably double next year. In another area, the developer had elected to have the lateral lines built as a public system; Mr. Bieszczat stated those who chose not to merely increased the price of the lot to cover the fee. He pointed out two districts where the assessments would be minimal because their lines flowed directly to Kansas City, Missouri, and the developer paid for the main construction. Mr. Bieszczat said he could attempt to get an average cost in each sewer district.

During discussion, Cathy Simmons asked if there was any way such assessments could have been foreseen. Councilman Wise and Mr. Bieszczat explained that the sewer district had done as well as anyone could have done, but costs had escalated and development had slowed down; as more homes are built, the individual assessments would go down. City Attorney Winn explained that under present-day policy, every subdivision was entitled to a sewer line and a regular sewer treatment plant, rather than septic tanks and package plants used in the past. Councilman Hess said she thought the suggestion that Mr. Bieszczat ask for the average assessment in each district might be helpful. The matter was discussed. Mr. Bieszczat said there would be a public hearing on November 30 on a proposed one-time assessment for properties south of 123rd Street and east of Mission Road for the connecting main from the old treatment plant to Tomahawk Creek main sewer lines. Councilman Hodes questioned whether or not the City should take on the responsibility of explaining
to people why their sewer tax bills were what they were. Councilman Ink moved that Mr. Bieszczat be directed to work with the Wastewater District to determine the average assessment for each sewer subdistrict; seconded by Councilman Hess. Mr. Bieszczat stated Leawood's comprehensive plan had locked in the assessment area of Blue River Sewer Subdistricts No. 5 and No. 6. Councilman Brain said he would not support the City staff spending any time explaining to people why their sewer bills were what they are, but thought the information would be helpful to the Council for budget purposes. Councilman Hodes said the City's budget was based on the needs of the City, not what people could afford; he thought all the calls should be referred to the County. Mr. Bieszczat said he thought the City needed the information for its own budgetary purposes and thought it would be helpful to give citizens an explanation of the meaning of the terminology used on the tax bills. Motion carried with two nay votes.

Resolution No. 604 - Renewing Temporary Note - College and Roe Intersection Improvement and 119th Street, Mission to Roe: Mr. Garofano explained it was necessary to renew the temporary note until the bonds were sold and the money received; the bank had agreed to a rate of 7 percent through December 31, 1982. On motion duly made and seconded, Resolution No. 604, renewing the temporary note, was adopted unanimously. A copy is attached hereto as part of the record.

Application for Cereal Malt Beverage License - Atchity's Finer Foods: On motion by Councilman Ink, seconded by Councilman Hess, the application of Atchity's Finer Foods for a cereal malt beverage license was unanimously approved.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 455, in the amount of $162,314.85, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Lacy, seconded by Councilman Hess. Councilman Hodes requested that an investigation be made as to whether recent police car carburetor problems were covered under warranty. Councilman Ink mentioned a program of Kansas City, Missouri, whereby they did their own police car maintenance and perhaps would be in a position to do other maintenance.

At 8:30 p.m., the meeting was adjourned to Monday, December 6, 1982, 7:30 p.m.

Attest:

[Signatures]

City Clerk

3140
Minutes of a regular meeting of the City Council of the City of Leawood, Kansas.

A regular meeting of the City Council was held at 7:30 p.m. on Monday, December 6, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Brain, Rinehart, Hodes, Wise, Lacy, Hess. Councilman Ink arrived at 7:40 p.m.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Bob Sanders, Julie Baer, Jinny Oberlander, and June Lile.

Opening of Bids for General Obligation Bonds to Provide Funds to Pay Construction Costs of Improvement of 119th Street Between Mission Road and Roe Avenue and of Intersection of College Boulevard and Roe Avenue: Bids were opened, as follows:

- Stern Brothers & Co., net interest cost $94,120.14, average annual net interest rate 7.39049 percent;
- George K. Baum & Company in association with Zahner and Company, net interest cost $96,472.56, average annual net interest rate 7.575189 percent;
- United Missouri Bank, net interest cost $92,542.80, average annual net interest rate 7.266618 percent;
- Commerce Bank, net interest cost $94,690.56, average annual net interest rate 7.43563 percent.

City Attorney Winn stated the basis for accepting the bids was the net interest rate to the City; it appeared that United Missouri Bank was the low bidder. Councilman Rinehart moved that the bid of United Missouri Bank, average annual net interest rate 7.266618 percent, be accepted; seconded by Councilman Hess. Motion carried unanimously.

Ordinance No. 759 - Authorizing the Issuance of General Obligation Bonds in the Principal Amount of $349,500 for the Purpose of Providing Funds to Pay the Construction Costs of the Improvement of 119th Street between Mission Road and Roe Avenue and of the Intersection of College Boulevard and Roe Avenue: Councilman Rinehart moved that the ordinance authorizing issuance of general obligation bonds in the amount of $349,500 be approved on an emergency basis; seconded by Councilman Lacy. Ordinance No. 759 was unanimously adopted by roll call vote.

APPROVAL OF AGENDA

On motion by Councilman Wise, seconded by Councilman Brain, the agenda was approved as written. Councilman Ink commented
he was concerned about the Plan Commission resolution being put before the Council; he said the Council had taken a position to wait until it had some data on oil and gas drilling regulations from the City Architect.

CONSENT AGENDA

On motion by Councilman Rinehart, seconded by Councilman Wise, the Consent Agenda was approved, including minutes of November 15, 1982, and final contractor's estimate for College and Roe intersection improvement.

PLAN COMMISSION:

Oil and Gas Drilling Regulations: Mr. Sanders referred to his memorandum concerning discussion at a Plan Commission work session on November 23 resulting in a resolution that the City Council declare a moratorium until action may be taken either to prevent hydrocarbon drilling or regulations adopted governing such activities. Mr. Sanders said he was prepared to bring draft regulations to the Plan Commission for public hearing in January. There was discussion that the City had encouraged Hallmark to proceed with drilling; it would seem unfair to shut down the operations without having regulations. City Attorney Winn said operations that had already started would have to be grandfathered in whether there was a moratorium or an ordinance was enacted. He commented that the ramifications of drilling went substantially beyond a negative visual impact. It was the consensus of the Council that the matter be continued until the regulations were ready to be discussed.

COMMITTEE ASSIGNMENTS:

Public Safety: Mr. Garofano reviewed his memorandum that purchase of a telescopic water tower for one of the pumper trucks, which was included in the 1982 budget, should be discussed by the Public Safety Committee. Councilman Ink moved that the Public Safety Committee meet to discuss the bid on the appropriation of $65,000 for a telescopic water tower; seconded by Councilman Hess. Staff will request an extension of the bid expiring December 16. Councilman Hodes wondered if other matters relative to public safety might be discussed at the meeting. Mayor Crippin said items could be discussed but no action could be taken by a committee unless the item was assigned to the committee, except items of an emergency nature. Councilman Hodes said he had some concerns which he would like to have the privilege of discussing in committee. The motion was amended to add that the Public Safety Committee discuss shift changes in the Police Department, dispatching in the Police Department, and the volunteers on the Fire Department, and report to the Council on December 20. Motion as amended carried unanimously.

Policy on Contributions to the City: Mayor Crippin said the City was fortunate to have organizations making contri-
butions to the City of equipment and monies for the improve-
ment of city operations; generally the recipient had been
public safety operations. He suggested that the City should
have a policy regarding contributions. Following discussion,
Councilman Ink moved that Mr. Garofano draft a policy
regarding gifts to the City, to be submitted to the Council
in a work session; seconded by Councilman Hess. Motion
carried, Councilman Hodes opposed.

Public Works and Public Safety: Mayor Crippin referred to
his memorandum concerning the work sessions on capital
improvements costs, possible increased mill levies, bond
votes, and appropriations with regard to capital improve-
ments. Staff had been working on a projection of operational
costs for the City. Councilman Wise moved that City com-
mittees, Public Works and Public Safety specifically, study
in detail projections of operational costs prepared by Mr.
Garofano and the respective department heads, and report to
the Council at the first meeting in April; duly seconded.
Motion carried unanimously. Mayor Crippin stated Mr.
Garofano would have an overview of the information at the
next work session.

RECREATION COMMISSION:

Status Report: Miss Baer reported that the planting of trees
along I-435 would be completed by the weekend. She said the
Recreation Commission was working on the salary structure for
next season and that hiring would begin soon. The Commission
had decided to combine the positions of program manager and
recreation director and to hire Bob Lane. A young lady was
also being hired on a part-time basis to assist Mr. Lane.
They would create programs that would generate revenue. The
recreation office would be open six to ten hours per week
during the off season and on a full-time basis during the
spring and summer months.

CITY ADMINISTRATOR'S REPORT

Mr. Garofano reported that the first installment of the
codification of ordinances of the City had been received
and was being reviewed. Copies were available for councilmen.

MAYOR'S REPORT

Work Sessions: Mayor Crippin reminded councilmen of a work
session on Monday, December 13, for discussion of the func-
tions and operations of the City in connection with the
capital improvements program and discussion concerning
adoption of the State standard traffic ordinance. Council-
man Wise requested that discussion of the committee system
of the City be put on the agenda of that session or the
following one. It was agreed that a work session be held
following this Council meeting to discuss zoning at 123rd
Street and State Line.
OLD BUSINESS

#558 Ordinance No. 760 - Relating to Acceptance of Easement for Storm Drainage Purposes - Capital Funds, Inc. (Second Reading): On motion by Councilman Hodes, seconded by Councilman Rinehart, Ordinance No. 760 was unanimously adopted by roll call vote.

#560 Ordinance No. 761 - Relating to Acceptance of Deed for Street Purposes - Capital Funds, Inc. (Second Reading): On motion by Councilman Ink, seconded by Councilman Brain, Ordinance No. 761 was unanimously adopted by roll call vote.

#564 Ordinance No. 762 - Conveying Easement to Kansas City, Missouri, for Sewer Purposes (Second Reading): On motion by Councilman Rinehart, seconded by Councilman Wise, Ordinance No. 762 was unanimously adopted by roll call vote.

NEW BUSINESS

#567 Discussion of Utility Assistance Program: Diane Powell, coordinator of programs at United Community Services, and Ann Rhodes, former Board member and Leawood resident, were present. At the suggestion of Mayor Crippin, the staff had researched possible participation by the City in utility assistance for Leawood residents. The County Office of Human Resources had agreed to provide services on one of two different levels. There was discussion as to whether or not it was appropriate for a city government to get involved in such a program, and that the balance in the contingency fund was low. Diane Powell described procedures for screening requests. Councilman Wise moved that a fund be set up at City Hall for the purpose of receiving private donations to be used for assistance on utility bills for Leawood residents, to be handled as outlined in Section (1) of the City Administrator's memorandum, and that it be publicized; seconded by Councilman Brain. Motion carried unanimously.

#685 Allocation of 1983 Alcohol Tax Funds: Councilman Hodes moved that the Council approve the recommendations of the Drug and Alcoholism Council for expenditure of 1983 special alcohol funds; seconded by Councilman Rinehart. The recommendations were discussed, particularly the Shawnee Mission School District allocation. Motion carried unanimously.

#751 Acceptance of Bid - 1983 Patrol Cars: Councilman Ink moved that the low bid of Weinberg Dodge in the amount of $36,686.50 for 1983 patrol cars be accepted; seconded by Councilman Wise. Councilman Hodes said he had a problem in approving bids for Chrysler products when the City had spent over $1,000 on carburetors and no adjustment had been made. Chief Cox said the defects were not in manufacturing or workmanship that were subject to warranty but were mistakes made by the City's mechanic. Motion carried. Councilman Ink requested that the difference between the amount budgeted and the bid price of the patrol cars not be spent.
Adoption of 1983 Salary Plan: On motion by Councilman Ink, seconded by Councilman Hess, the 1983 salary plan discussed at a work session was approved, Councilman Hodes opposed.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 456, in the amount of $125,659.11, providing for payment of certain claims against the City and the Leswood Sewer System, was submitted, discussed, and unanimously approved by roll call vote, on motion by Councilman Ink, seconded by Councilman Lacy.

At 9:36 p.m., the meeting was adjourned to Monday, December 20, 1982, 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 20, 1982, in the Council Building, 9615 Lee Boulevard, Leawood, Kansas, with Mayor Kent E. Crippin presiding. Roll call was answered by Councilmen Brain, Jacob, Wise, Lacy, Ink, Hess. Councilmen Rinehart and Hodes entered the meeting during presentation of certificates of appreciation.

Others present were City Administrator Garofano, Fire Chief Toman, Police Chief Cox, City Attorney Winn, Tom Bieszczat, Bob Sanders, Julie Baer, and Jinny Oberlander.

APPROVAL OF AGENDA

City Clerk Jinny Oberlander requested that application for cereal malt beverage license for Gates Barbeque be added to the agenda. On motion duly made and seconded, the agenda was approved as amended.

PRESENTATION OF CERTIFICATES OF APPRECIATION TO RON SAYRE AND DAN TURNER

Mayor Crippin reviewed that Ron Sayre and Dan Turner were rodding a sewer on December 3 in the area where it had been reported two years earlier that a valuable necklace had been dropped into the drain. They found the necklace and returned it to the owner. The Mayor said the incident demonstrated the honesty, intensity and integrity of employees of the City of Leawood. He presented certificates of appreciation to Ron Sayre and Dan Turner.

CONSENT AGENDA

Councilman Rinehart requested that first reading of the ordinance relating to alarm systems be removed from the Consent Agenda and placed under Old Business. On motion duly made and seconded, the Consent Agenda was approved as amended, including minutes of meeting of December 6, 1982, departmental reports, first reading of ordinance granting easement for utility purposes (Leawood Fountain Plaza), and request for renewal of permit to keep horse on premises (2026 West 95th Street).

PUBLIC SAFETY COMMITTEE REPORT TO COUNCIL

Councilman Ink reported the Public Safety Committee voted to recommend that the Fire Department be authorized to purchase a telescopic water tower. Shift changes and the 24-hour dispatch program had been discussed. No action was recommended regarding shift changes. Chief Cox would analyze effectiveness of the 24-hour dispatch program and report to the committee which, in turn, would report to the
CITY ADMINISTRATOR'S REPORT

Update on Greenway: Mr. Garofano reported State approval of construction plans, drawings and specifications had been received, and the City was in the process of advertising for bids to be received on January 12.

Oil and Gas Drilling Regulations: Mr. Garofano reported that a public hearing on oil and gas drilling regulations would be held by the Plan Commission on January 25, 1983; the regulations would probably be before the Council at the first meeting in March.

Work on Old Mission Road Bridge: Mr. Garofano reported repairs to the bridge had been completed, final cost to Leawood was $14,961.

Information on Sewer Assessments in Southern Leawood: Mr. Garofano announced information was available on sewer assessments in the southern part of the City and a map was displayed of the different sewer districts and assessments.

Heat Fund: Mr. Garofano reported five contributions had been received for the fund totalling $120 plus contributions in the amount of $350 to defray printing costs for the notice in the newsletter.

OLD BUSINESS

Consideration of Zoning - Drive-In Property, 123rd and State Line: A memorandum had been presented to the Council concerning the zoning. Councilman Hess moved that the ordinance rezoning approximately 27 acres at the northwest corner of 123rd and State Line Road to RP-4, Cluster Residential, be placed on first reading; seconded by Councilman Wise. Councilman Ink was concerned that the surrounding homes associations be advised that this rezoning may not be a final action regarding the site. Motion carried unanimously.

Report Regarding Traffic Safety - State Line at K-150: Mr. Bieszczat reported he had distributed to councilmen a diagram of traffic at State Line and K-150; he said accidents in the area had not been as heavy as many had supposed, with a total of eleven accidents in the last three years; however, traffic volume was higher than anticipated. Councilman Wise moved that the Council authorize Mr. Bieszczat to begin discussions with Kansas City, Missouri, with regard to improving the intersection of State Line and K-150 Highway; seconded by Councilman Hess. Mr. Bieszczat said he would have to retain a traffic engineer, probably Herb Johnson, for preparation of the required documents. Councilman Hodes suggested that the City attempt to get an indication as to whether there would be any funding available for the project before
Ordinance Relating to Alarm Systems (First Reading): Councilman Rinehart asked that the sentence in 30-104(a), "Permits will be non-expiring unless user or alarm service changes hands", be clarified, and that the requirement in 30-104(e) concerning address numbers be extended to every residence in the City. Councilman Wise suggested that some thought be given to publicizing the ordinance. During discussion, Mayor Crippin emphasized that the ordinance was aimed at repetitive malfunctions or false alarms. He wondered if the ordinance might be simplified. City Attorney Winn suggested that such an ordinance was needed, that the Council address the ordinance carefully and perhaps provide for a delay between second reading and publication of the ordinance in order to publicize it; he felt it would significantly reduce the number of false alarms. Councilman Ink moved that the Council refer the ordinance back to the Chief of Police for review including determination as to whether or not an ordinance might be written to place more emphasis on the constant violator; seconded by Councilman Hess. Motion carried unanimously.

NEW BUSINESS

Ordinance No. 763 - Adopting the Standard Traffic Ordinance (Emergency Basis): Councilman Hodes moved that the Standard Traffic Ordinance be adopted on an emergency basis; seconded by Councilman Ink. The ordinance had been discussed at a work session. Chief Cox stated the Standard Traffic Ordinance was being adopted by reference with local changes added. Ordinance No. 763 was adopted unanimously by roll call vote.

Resolution No. 605 - Relating to Speed Limits in the City: There was discussion concerning consistency of the speed limits provided on 119th Street, Mission Road, and 123rd Street. A lady in the audience wondered if stakes might be placed along 119th Street from Mission to Roe to indicate the edge of the roadway when there was snow. A gentleman concurred. Mayor Crippin requested that Mr. Bieszczat investigate a means by which the roadway could be marked. On motion duly made and seconded, Resolution No. 605 was adopted unanimously as written. A copy is attached hereto as part of the record.

Authorization of Traffic Count Update: Mr. Garofano stated the last traffic count update was in 1978. He felt the update would help in determination of projects in the capital improvements program. City Architect Sanders recommended that Johnson, Brickell, Mulcahy & Associates update the traffic counts at a maximum cost of $2,700. Councilman Hodes objected to taking the counts at 60 locations; he thought the present counts were sufficient. Councilman Wise moved for approval of the recommendation; duly seconded. Motion carried.
Authorization to Repair Asphalt Roller: Councilman Ink was concerned about a preventive maintenance program for Public Works since repairs for the roller were estimated at $2,786. Mr. Bieszczat said there was now such a program, this was an older piece of equipment that had not been maintained properly in the past. He had been assured it would last through 1991 if repaired. Councilman Ink moved that funds be appropriated to repair the asphalt roller as recommended; seconded by Councilman Lacy. Motion carried unanimously.

Bid Award - Telescopic Water Tower: Councilman Ink reported the consensus of the Public Safety Committee was that the telescopic water tower was needed and that it should be purchased now. Chief Toman added that it was also a ladder. He said with the many wood shingle roofs, homes with three stories at the back, and office buildings, it was important to be able to get the water above the fire. Councilman Hodes said he would vote against it because the City had mutual aid pacts with adjoining cities, the unit would have to be stored at the south fire station, and with the possibility of consolidation of a number of departments, he did not feel comfortable spending the money on a piece of equipment he did not see the need for today. Chief Toman said the apparatus would be available to all commercial buildings within the City within a ten-minute response time. Councilman Ink moved that the bid for a telescopic water tower in the amount of $62,869.00 be accepted; seconded by Councilman Hess. Motion carried, Councilman Hodes opposed.

Application for Cereal Malt Beverage License - Gates Barbeque: Chief Cox said a check had been made and no record found. On motion by Councilman Hess, seconded by Councilman Rinehart, the application of Gates Barbeque for cereal malt beverage license was approved.

APPROVAL OF APPROPRIATION ORDINANCE

Appropriation Ordinance No. 457, in the amount of $113,207.18, providing for payment of certain claims against the City and the Leawood Sewer System, was submitted and unanimously approved by roll call vote, on motion by Councilman Rinehart, seconded by Councilman Wise.

The meeting was adjourned to Monday, January 3, 1983, 7:30 p.m.

The meeting was adjourned to Monday, January 3, 1983, 7:30 p.m.